



# **ORDINARY MEETING**

## **AGENDA**

**3 DECEMBER 2019**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 3 December 2019 commencing at 9.00am for transaction of the enclosed business.*

**CHIEF EXECUTIVE OFFICER**  
2 December 2019

Next Meeting Date: 21.01.20

**Please note:**

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

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## 1 OPENING

### Acknowledgement of Country

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

## 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

### Officers 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  
Mrs Belinda Housman – Acting Chief Human Resources Officer

### **3 LEAVE OF ABSENCE / APOLOGIES**

Nil

#### **4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Minutes of the Ordinary Meeting held 19 November 2019.

Minutes of the Special Meeting held 28 November 2019.

## **5      DECLARATION OF INTEREST IN MATTERS ON THE AGENDA**

**6 PUBLIC FORUMS/DEPUTATIONS**

Nil

## **7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

### **7.1 LIFTING MATTERS LAYING ON THE TABLE**

**File No:** GV13.4.1

**Attachments:**

**Responsible Officer:** Chris Murdoch - Chief Executive Officer

**Author:** Lucy Walker - Executive Support Officer

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#### **SUMMARY**

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

#### **OFFICER'S RECOMMENDATION**

THAT the following matter/s, that Council resolved to 'Lay on the Table' at the Ordinary Council meeting held on 20 June 2019, be lifted from the table to be dealt with later in the meeting:

- Intermittent Sealing of Unsealed Rural Roads Policy (V3)

#### **PREVIOUS DECISIONS**

These matters were presented to a previous Council meeting at which Council resolved to have the matters lay on the table for the reasons contained within the minutes.

#### **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**

That the matters are to be lifted from the table and dealt with.

## 8 PRESENTATION OF PETITIONS

### 8.1 PETITION REQUESTING IMPLEMENTATION OF TRAFFIC SAFETY MEASURES ON PACIFIC HEIGHTS ROAD, PACIFIC HEIGHTS

**File No:** GV13.4.1

**Attachments:** 1. Letter from Alan Bristow [↓](#)  
2. Copy of Petition [↓](#)

**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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#### SUMMARY

Council has received the following petition from Mr Alan Bristow and residents of Pacific Heights requesting the implementation of traffic safety measures on Pacific Heights Road, Pacific Heights.

#### RECOMMENDATION

THAT the petition requesting the implementation of traffic safety measures on Pacific Heights Road, Pacific Heights Road be received.

#### 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.

## **8.1 - PETITION REQUESTING IMPLEMENTATION OF TRAFFIC SAFETY MEASURES ON PACIFIC HEIGHTS ROAD, PACIFIC HEIGHTS**

**Letter from Alan Bristow**

**Meeting Date: 3 December 2019**

**Attachment No: 1**



**PHR GROUP**

c/- 97 Pacific Heights Road  
 Pacific Heights QLD 4703  
 ph: 0407 736 057 e: brk49@outlook.com

28 November, 2019

Mayor, Livingstone Shire Council,  
 Lagoon Place, Yeppoon.

cc: **Pacific Heights Traffic Safety**  
 attn: Mayor Bill Ludwig.  
 cc: Queensland Ombudsman,  
 Queensland Police Service, Yeppoon.  
 Councillor Nigel Hutton, Deputy Mayor;  
 Councillor Adam Belot;  
 Councillor Tom Wyatt;  
 Senator the Hon Matthew Canavan, Yeppoon  
 Hon Michelle Landry, MP, Yeppoon  
 Brittany Lauga, MP, Yeppoon  
 Principal, St Benedicts School, Pacific Heights.

Councillor Glenda Mather;  
 Councillor Pat Eastwood;  
 Councillor Jan Kelly.

**To Whom It May Concern**

The accompanying Petition to Livingstone Shire Council has been precipitated by the absence of responsible action on matters of concern raised in previous correspondence with Livingstone Shire Council and representations in person to Council officers and Councillors in general over a period in excess of a decade. Councillors Mather and Belot have attended meetings on site to observe the issues first hand and with follow-up correspondence and both acknowledge the severity of the subject issues, however nothing has happened in real terms, except that the safety issues increase with the growth of the population and the school community.

A great proportion of the matters of concern result from unacceptable traffic planning and engineering design, and from failure of Council officers Messrs Prior and Toon to acknowledge, comprehend or accept the outcomes of that planning. Council officers have refused requests to meet on-site to personally experience the concerns, and in the alternative choose to be dismissive in their written responses and to perpetuate matters which could readily result in serious injury or death. Quality of life for the affected residents has been and is continuing to be adversely impacted by these safety and Council's inaction.

This Petition is also being forwarded to the Queensland Ombudsman as directed by Mr Toon (ref: DT:kg:CR 507656 - 12 June 2019):

*"Please be advised that if you are not satisfied with Council's decision you may contact the Queensland Ombudsman on 1800 068 908 to seek an external review."*

What value does Livingstone Shire Council place on human life, whether young or old?

Yours Sincerely,

*Alan Bristow*

Dip Arch (QIT final)  
 Reg Architect No 1388  
 BEERS Pro v4.3 Lic  
 Email: [bristowarchitect@outlook.com](mailto:bristowarchitect@outlook.com)  
 or: [ank@outlook.com](mailto:ank@outlook.com)  
 Mobile: 0407 736057




Please consider the environment before printing this document

# **8.1 - PETITION REQUESTING IMPLEMENTATION OF TRAFFIC SAFETY MEASURES ON PACIFIC HEIGHTS ROAD, PACIFIC HEIGHTS**

## **Copy of Petition**

**Meeting Date: 3 December 2019**

**Attachment No: 2**

## Petition to Livingstone Shire Council Form

Office of the Mayor &amp; CEO

Enquiries: 07 4913 5000 / 1300 790 919 Email: [enquiries@livingstone.qld.gov.au](mailto:enquiries@livingstone.qld.gov.au)

Address: PO Box 2292 YEPPOON QLD 4703

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

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

## Principal Petitioner Details

Name\*

Address\*

Alan Bristol

87 Pacific Heights Road, Pacific Heights

Daytime Phone Number\*

Email

Signature\*

0407 736 057

brk49@outlook.com

## Petition Request

We the undersigned request that Council give consideration to\*:

Traffic safety measures in Pacific Heights Road, Pacific Heights as per the attached document

## Petitioner Details and Signatures

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

Date*	Name*	Address*	Signature*
9-11-2019	ALAN BRISTOW	87 Pacific Heights Rd Pacific Heights	
9-11-19	MARILYN BRISTOW	87 PACIFIC HTS RD, PACIFIC HTS	
9/11/19	KEV DOWNING	101 PACIFIC HEIGHTS RD P.H.	
9-11-19	MELANIE DOWNING	101 PACIFIC HEIGHTS RD PACIFIC HEIGHTS	
14-11-19	GAVIN KIME	117 PACIFIC HEIGHTS RD	
17-11-19	KEVIN POYNTER	109 Pacific Heights Rd	
17-11-19	Panel Poynter	109 Pacific Heights Rd	
17-11-19	DENIS MALONE	20 PRIORS POCKET	
17-11-19	DEBRA MALONE	20 PRIORS POCKET	
17-11-19	DENISE JONES	102 PACIFIC HTS RD YEPPOON	
17-11-19	BARRY JONES	102 PACIFIC HTS YEPPOON	
18-11-19	BRENT WARWICK	105 PACIFIC HTS RD YEPPOON	
21-11-19	RICHARD ZIMMERMAN	1 SAMPSON ST YEPPOON	
22-11-19	BARBARA ZIMMERMAN	1 SAMPSON ST YEPPOON	
22-11-19	ANNA HIMBUS	3 SAMPSON ST YEPPOON	
22-11-19	LINDSAY SAVAGE	3 SAMPSON ST YEPPOON	
22-11-19	Lois Ramsay	17 SAMPSON ST YEPPOON	
22-11-19	Michael Ramsay	17 SAMPSON ST YEPPOON	
23-11-19	Lyne Lane	25 SAMPSON ST Pacific Heights	
23-11-19	Lyne Lane	25 SAMPSON ST PACIFIC HEIGHTS	

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Version 1, approved 18 February 2017



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## Principal Petitioner Details

Name\*

Alan Bristow

Address\*

97 Pacific Heights Road, Pacific Heights

Daytime Phone Number\*

0407 736 057

Email

brik49@outlook.com

Signature\*

## Petition Request

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## Petitioner Details and Signatures

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Date*	Name*	Address*	Signature*
9-11-19	GARY KERSHAW	100 Pacific Heights Road	
9-11-19	DANNIE KERSHAW	100 PACIFIC HEIGHTS ROAD	
22-11-19	Roselyn Winter	9 Samoa St	
22-11-19	KENNETH WINTER	9 SAMOA ST	
23-11-19	Adrian Evans	6 Tonga Close, Pacific Heights	
24-11-19	Amanda Withall	2 Tonga Close Pacific Heights	
24-11-19	JUDITH HENDERSON	2 YEARSLEY CR. PACIFIC HEIGHTS	
24-11-19	COLLEEN STRELOW	1 CRAYKE CRT PAC HTS	
24-11-19	ROSS STRELOW	1 CRAYKE CRT PAC HTS	
24-11-19	OLIVIA MCCOY	2 CRAYKE CRT PAC HTS	
24-11-19	TONY BURNS	1 YEARSLEY GROVE	
24-11-19	Nade Harper	3 Leitchford Ct Pac Heights	
24-11-19	Loren Mattha	5 Leitchford Ct. Pac. Heights	
24-11-19	Janie Blackburn	2 Mavis Close Pac Heights	
24-11-19	R COVILL	6 MAVIS CR PACIFIC HEIGHTS	
24-11-19	J COVILL	6 MAVIS CR PACIFIC HEIGHTS	
24-11-19	Meg Blackburn	2 Mavis Cr Pacific Heights	
24-11-19	JUTHA GODWIN	25 PACIFIC DRIVE	
24-11-19	KAY SOUTER	23 " "	
24-11-19	GRAHAM SOUTER	23 " "	

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## Principal Petitioner Details

Name*	Address*		
Alan Bristow	97 Pacific Heights Road, Pacific Heights		
Daytime Phone Number*	Email	Signature*	
0407 736 057	brk49@outlook.com		

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Date*	Name*	Address*	Signature*
18-11-19	EDWARD MERRITT	79 Pacific Heights Rd Yeppoon	
18-11-19	Judie Meredith	99 Pacific Heights Rd. Yeppoon	
18-11-19	Tina Meredith	12 Pacific Drive Yeppoon	
23/11/19	LENE M. MIA	98 Pacific Heights Rd Yeppoon	
23/11/19	Jack D. M. Mia	98 Pacific Heights Rd Yeppoon	
23/11/19	LEIGH SMITH	98 Pacific Heights Rd Yeppoon	
23/11/19	ANDREW CRAIG	2 Setu Drive Pacific Heights	
23/11/19	MAISIE CRAIG	2 Setu Drive, Pacific Heights	
23/11/19	Josh Porter	1 Setu Drive, Pacific Heights	
23/11/19	CHARLES MARSHALL	90 PACIFIC HEIGHTS RD	
23/11/19	KES PENDINGTON	88 PACIFIC HEIGHTS RD	
23/11/19	ROSS HARLEHURST	85 PACIFIC HEIGHTS RD	
23/11/19	MOUSSA HARLEHURST	85 PACIFIC HEIGHTS RD	
23/11/19	Libby Howlett	87 Pacific Heights Rd	
23/11/19	Patricia Pearce	91 Pacific Heights Rd.	
23/11/19	Brian Pearce	" " " "	
23/11/19	Steven Pearce	" " " "	
23/11/19	DARREN M DONELL	93 PACIFIC HEIGHTS RD	
23/11/19	Shirley McDonnell	" " " "	
24/11/19	Dwayne HARRIS	3 LETHBRIDGE COURT	

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## Principal Petitioner Details

Name\*

Alan Bristow

Address\*

97 Pacific Heights Road, Pacific Heights

Daytime Phone Number\*

0407 736 057

Email

brk49@outlook.com

Signature\*

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## Petitioner Details and Signatures

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Date*	Name*	Address*	Signature*
24.11.19	Rebekah Eyre	1 Letchford CT,	
24.11.19	R. Eyre	"	
24.11.19	L. Whitford	7 " " "	
24.11.19	S. Whitford	7 " " "	
24.11.19	C. Walker	1 MAVIS CLOSE	
24/11/19	M. O'LEARY	3 MAVIS CLOSE	
24/11/19	L. Pollard	7 Mavis Close	
24/11/19	M. Lokur	11 Pacific Drive	
24/11/19	D. VANDERHAVER	9 Pacific Drive	
24/11/19	M. Carsons	9 Pacific Drive	
✓	T. HARTE	12 Macaulay way	
✓	P. HARTE	12 Macaulay way	
✓	L. Barnett	112 Pacific Heights Rd Pacific Heights	
✓	L. Macfarlane	112 Pacific Heights Rd Pacific Heights	
24/11/19	S. Martensen	116 Pacific Heights Rd	
25/11/19	S. VASCHINA	7 SETU DRIVE	
25-11-19	DJ Vaschina	7 setu Drive	
25.11.19	RAY THOMPSON	9 SETU DRIVE, PACIFIC HEIGHTS	
25.11.19	RAY HARTY	11 SETU DRIVE PACIFIC HEIGHTS	
25-11-19	J. LATTER	11 SETU DR PACIFIC HEIGHTS	

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

## Principal Petitioner Details

Name\*

Alan Bristow

Address\*

97 Pacific Heights Road, Pacific Heights

Daytime Phone Number\*

0407 736 057

Email

brik49@outlook.com

Signature\*

## Petition Request

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Traffic safety measures in Pacific Heights Road, Pacific Heights as per the attached document

## Petitioner Details and Signatures

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

Date*	Name*	Address*	Signature*
24/11/19	Daniel Walker	25 Pacific Drive Pacific Heights	D.W.
24-11-19	Carole Elliott	1 Pacific Dr, Pacific Hts	CElliott
24-11-19	Bob Elliott	" " "	RElliott
24-11-19	Valerie Kerr	5 Pacific Drive	valerie
24-11-19	David Kerr	5 Pacific Drive	dkerr
24-11-19	Jo M'Lennan	7 Pacific Drive	Yepoon
24-11-19	R. Baire	Pacific Drive	Pacific Heights
24-11-19	Roxanne Smith	4 Macaulay Drive	RS
24-11-19	MALCOLM WELLS	10 MACAULAY WAY	Malcolm Wells
24-11-19	Rob Cree	113 Pacific Heights Road	Rob Cree
24-11-19	DALE BOCKLE	23 Samoa St. Pacific Hts	dale
24-11-19	Tracey Murphy	23 Samoa St Pacific Hts	Tracey
24-11-19	Eddy Schraummack	4 Tonga Close Pacific Hts	Eddy
24-11-19	Clarissa Schraummack	4 Tonga Close	Clarissa
26/11/19	Linda Kerr	9 Priors Pk Pacific Heights	Linda Kerr
26/11/19	RAY POWELL	3 PRIORS PKT PACIFIC HEIGHTS	Ray Powell
26/11/19	ANDREA POWELL	3 PRIORS PKT PACIFIC HEIGHTS	A. Powell
26/11/19	ANDREW CRAG	6 PRIORS PKT PACIFIC HEIGHTS	Andrew Crag
26/11/19	Mark Kruger	10 PRIORS PKT PACIFIC HEIGHTS	Mark Kruger

Please include number of pages

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Name\*

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Address\*

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Daytime Phone Number\*

0407 736 057

Email

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Signature\*

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

Date*	Name*	Address*	Signature*
25/11/19	KELSEY SWEET	10 SETU DR P.H.	K.L. Sweet
24/11/19	Callan Lynch	12 SETU DR P.H.	Callan
24/11/19	LOLA BARKER	16 SETU DR P.H.	Lola
25/11/19	LEONA SHEPPARD	20 SETU DR P.H.	Leona Sheppard
25-11-19	ROSS SHEPPARD	20 SETU DR P.H.	Ross Sheppard
25-11-19	Ije Schafar	22 SETU DR P.H.	Ije Schafar
25-11-19	Katie Reed	22 SETU DR P.H.	Katie Reed
25.11.19	Janelle Hermann	19 SETU DR P.H.	Janelle Hermann
25-11-19	HENRY H. WILKINSON	15 SETU DR P.H.	Henry Wilkinson
25/11/19	Roy De Nij	27 Armstrong Rd P.H.	Roy De Nij
25/11/19	Sidney Hurford	2 Miami Cres. P.H.	Sidney Hurford
25/11/19	Shelley Grogan-Quinn	29 Armstrong Rd P.H.	Shelley Grogan-Quinn
25/11/19	Barbara Holden	30 Armstrong Rd P.H.	Barbara Holden
25/11/19	KYLEE HORTON	30 ARMSTRONG RD P.H.	Kylee Horton
25/11/19	Dave Kidd	39 ARMSTRONG RD P.H.	Dave Kidd
25/11/19	Katie White	41 Armstrong Rd	Katie White
25/11/19	Frank Palmer	114 Pacific Heights Rd	Frank Palmer
25/11/19	Tom Sheppard	106 Pacific heights Rd	Tom Sheppard
25/11/19	MARLE OLSON	96 PACIFIC HEIGHTS RD.	Marle Olson

Please include number of pages

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Version 1, approved 10 February 2017



**PETITION TO LIVINGSTONE SHIRE COUNCIL**  
**TRAFFIC SAFETY MATTERS - PACIFIC HEIGHTS ROAD**

attn:

**Office of the Mayor & CEO;**

cc:

**Office of the Queensland Ombudsman;  
 Queensland Policer Service, Traffic Command, Yeppoon;  
 Senator the Hon Matthew Canavan;  
 Hon Michelle Landry, MP, Yeppoon;  
 Brittany Lauga, MP, Yeppoon;  
 The Principal, St Benedicts School, Pacific Heights, Yeppoon.**

**PREAMBLE:**

Please refer to previous correspondence (03/18, 07/18, 10/18, 04/19 & 05/19) with Council Officers of Livingstone Shire Council (LSC) & discussions with Councillors. Note: not all of the following identified risks affect all Pacific Heights residents equally or at the same time, however all risks centre on the current use/s of Pacific Heights Road (PHR) as imposed on the infrastructure by Council decisions. The traffic safety matters create a serious risk of physical injury or death to all road users. Quality of life of residents and property values are also adversely impacted, severely in some cases.

**SUMMARY OF PRIMARY OBJECTIVES:**

- **Improve pedestrian safety & cyclist safety:** No continuous paved footpath as required under Capricorn Municipal Development Guidelines to get pedestrians off the road pavement & PHR is too narrow to incorporate a dedicated bicycle lane for its length from Farnborough Road to Lacey's Road (preferably to Panorama Drive)
- **Reduce vehicle speed: & traffic volume:** Road is 'not fit for purpose' - inadequate width and unsafe at 7.75m - PHR is too narrow to incorporate two (2) dedicated traffic lanes + two (2) dedicated on-street parking lanes (10.2m req'd & 11.0m required where a bus service exists)
- **Install correct signage:** Current speed signage is non-compliant with MUTCD and ineffective

7/18

- **Reduce vehicle noise:** Due to excess speed and inappropriate pavement
- **Reduce unnecessary traffic:** Road is 'not fit for purpose' - excess speed and volume at peak times & deter 'rat runners' to/from Barlows Hill and restrict use of PHR by large commercial vehicles including 50 passenger buses (but not 24-30 seat buses)

#### DETAILS OF PRIMARY OBJECTIVES:

	IDENTIFIED SAFETY CONCERN	LSC RESPONSE TO DATE	ACTION REQUIRED
1	Risk of injury to pedestrians forced to walk on road pavement (no paved footpath / unsuitable grassed verges).	A footpath is to be constructed in the 2020-2021 budget year <b>subject to finance</b> .	Expedite construction / completion of shared 2.5m wide concrete footpath <b>now</b> and reduce traffic speed <b>now</b> irrespective of Council finances in view of the significant safety issues.
2	Risk of injury to cyclists (insufficient road width for traffic lanes parking lanes cycle lanes as the road is 'not fit for purpose').	The above footpath is to be 2.5m wide as a shared pedestrian / cyclist path.	Expedite construction of shared 2.5m wide concrete footpath <b>now</b> and reduce traffic speed <b>now</b> - refer Primary Objectives
3	Risk of single vehicle or multiple vehicle accident/s (due to excess vehicle speed by a substantial number of motorists as the road is 'not fit for purpose').	Traffic 'counts' have previously revealed " <b>substantial compliance</b> " with speed limit but fails to identify actual % of compliance or the actual speeds recorded.	Reduce speed limit to 40kmh & enforce lower speed by construction of 5 (minimum) engineered traffic calming devices, ie. chicanes at the intersections with PHR at Armstrong Rd, Setu Dve, Samoa St & Macaulay Way + a roundabout at Roberts Rd ∴ increase use of Farnborough Rd.
4	Insufficient and ineffective speed signage (and not in accordance with MUTCD).	'OK' as is, but 'may' be further monitored by LSC if they deem it appropriate.	Install 'new' speed signage in accordance with MUTCD Table 10.1.6.

2/12

5	Excess traffic volume / Pacific Heights Road is 'not fit for purpose' (ie. as a Minor Urban Collector Road - 7.75m wide is insufficient to allow for 2 lanes of on-street parking + 2 traffic lanes including a bus route) and therefore is "not fit for purpose".	PHR 'meets' requirements of Capricorn Municipal Development Guidelines - therefore no action required.	Reduce traffic speed and volume - refer item #3 above. Livingstone Shire is one (1) of only two (2) Municipal areas out of seven (7) areas covered by the Capricorn Municipal Development Guidelines that 'accepts' a width for a 'Minor Urban Collector Road' less than 10.0m wide (to include two traffic lanes + 2no parking lanes).
6	Excess traffic noise (combination of excess vehicle speed and inappropriate road pavement).	No comment	Reduce traffic speed as above item #3, and refurbish pavement with 20mm asphaltic cement surface on completion of re-profiling, maintenance & construction of chicanes as per item #3 above.
7	Excess traffic congestion at intersections of 'minor urban collector road' & all 'urban access streets', particularly at PHR / St Benedicts roundabout (excess volume, speed).	No comment other than clear sight distances are ok.	Reduce traffic volume as per item #3 above and also as per items #9 & #10 below. (It is noted that the clear sight distances may be adequate if traffic moved at the regulated speed or less).
8	Excess traffic congestion at roundabout at entrance to St Benedicts School daily during school start and finish times impacting on traffic movement past the school and accessing / egressing Armstrong Dve, and Priors Pocket.	No comment re congestion but construction of footpath works 'may' include removal of pedestrian safety 'fences' at roundabout. (Why?)	Close the existing vehicle entrance to the school - the new vehicle entrance and exit to be located north along Lacey's Road (ideally north of mid distance) - this will allow vehicle queueing inside the school property for student drop-off, and for vehicle queueing to re-enter Lacey's Road + items 1 & 3 above for public safety. Traffic volume attending the school will increase in the future with the growth of the school and expanding population + LSC has also approved a local shopping facility in Lacey's Road - exacerbating the problems and risks.

C / 1/22

9	Use of PHR by commercial traffic between Panorama Drive and Farnborough Road	'No comment'	Large commercial and industry vehicles to be deterred from resorting to PHR by the construction of chicanes as per item #3 above. This includes the 50-passenger buses, but does not include the use of 24-30 passenger buses as these are small enough to negotiate the traffic calming devices to be constructed. Provision of a scheduled bus service is mandated under CMDG.
10	Use of PHR as a 'short cut' for access / egress to / from Barlows Hill via Pacific Heights to Panorama Drive	'Not supposed to happen but LSC will not prevent or deter traffic 'rat running' between areas' (by construction of deterrent devices in Olympia Avenue).	Chicanes are also to be constructed in Olympia Avenue at Bradford Park, Barlows Hill to encourage lower speed and volume with additional like traffic calming devices constructed in Olympia Avenue as required to 'encourage' use of Farnborough Road. Apply speed regime as per #3 above.

**NOTES RE ABOVE ITEMS:**

- Design & documentation of footpaths is reported by LSC as being in hand - construction possibly scheduled for 20/21 budget year subject to funding - but what price does LSC put on potential saving lives?
- Notes as per #1 above.
- The chicanes and roundabout as proposed will ensure a slower passage of all vehicles using PHR. LSC state that previous traffic surveys revealed 'substantial compliance' with the current speed limit however this statement did not reveal the percentages or the highest range of speed recorded, but the LSC statement can be read as indicating quasi-acceptance or approval of excess speeds recorded - this position is the direct opposite to the Qld Police Service message that "Every K over is a killer" - LSC position is irresponsible and unacceptable. Even the 50 seat scheduled bus service has been recorded at speeds over 70kmh.
- Existing speed signage does not meet the criteria set down in the MUTCD (Manual of Uniform Traffic Control Devices). With a new reduced speed limit, appropriate signage must be installed in compliance with the MUTCD.
- 7.5m width as accepted by LSC does not permit for 2n designated traffic lanes (2 x 3.0m) + 2 designated on-street parking lanes

(2 x 2.1m) - yet the vehicles using the carriageway are the same as those in other municipalities adopting 10.0m wide standard for Minor Urban Collector Roads.

- 6 No periodic pavement rehabilitation or upgrade has been conducted on PHR for the life of the infrastructure and there is visible evidence of deterioration of the existing pavement, therefore it will be an appropriate time to re-profile and resurface PHR (Farnborough Road to Lacey's Road) in association with the overdue maintenance and the construction of the speed reduction / traffic calming devices.
- 7 The chicanes and the new speed reduction regime as proposed, will force the slower passage of all vehicles using PHR, and is likely to deter through traffic using PHR - like traffic calming devices to be applied to Olympia Avenue from Barlows Hill.
- 8 The proposed / relocated school exit location will encourage more vehicles to travel via Farnborough Road in lieu of PHR.
- 9 The use of the 50-passenger buses is inappropriate as a large percentage of trips carry at best 'single figure' passenger numbers, often zero. 24-30 non seat capacity mini buses would adequately service the area and would readily negotiate the chicanes to be installed. Whilst this is outside Council's jurisdiction, the operating bus company would soon change the transport mode as a direct result of the construction of the chicanes or like engineered devices.
- 10 "LOCAL TRAFFIC ONLY" signs referring to PHR to be erected at the intersections of PHR and Farnborough Rd, and at the intersection of Lacey's Rd or PHR and Panorama Dve.
- 11 Thru access only to be permitted for emergency vehicles. "LOCAL TRAFFIC ONLY" signs referring to PHR to be erected at the intersections of PHR and Farnborough Rd, and at the intersection of Lacey's Rd or PHR and Panorama Dve as above. Emergency vehicles would be exempt from compliance with this road signage irrespective of signage.

**PHOTOGRAPHIC SUPPORT** (all photos shown have been taken in Pacific Heights Road - identities of persons protected).

Photographs on the following pages taken to indicate / show everyday conditions obviously the speed issues and noise issues cannot be simply photographed but must be the subject of specific on-site studies. Notwithstanding this situation, Councillors Mather and Belot who have taken the time to experience the problems first hand and who readily acknowledge the serious nature of the problems.

There is absolutely no situation or argument can be raised of 'elitism' or sensationalism - only problems which must be addressed before serious injury or death occurs.



**PHOTO 1** - 'no choice' but to ride the mobility vehicle on the road pavement - build the concrete footpath



**PHOTO 3** - On-street parking is unsafe as PHR is too narrow

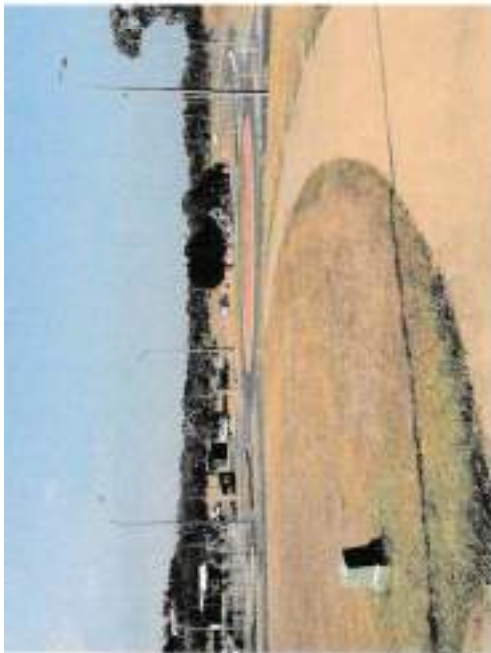


**PHOTO 2** - 'no choice' but to ride the scooters on the road pavement - build the concrete footpath



**PHOTO 4** - as #3 on-street parking is unsafe





**PHOTO 5** - entrance to St Benedict's School - pre drop-off & pick-up mayhem; intersection of PHR & Lacey's Road



**PHOTO 6** - traffic building & queuing onto the roundabout but not clearing the lanes of traffic



**PHOTOS 7 & 8** - As queuing builds, driver frustration builds with vehicles driving across the footpath in order to turn left at the roundabout - poor traffic movement design - road intersection / school entrance juxtaposition.





**PHOTO 9** - stagnant queuing - driver of the blue car turns out of Armstrong Dve, drives down the 'wrong' side of PHR, then & in 'wrong' direction on the roundabout, to turn right.



**PHOTO 11** - 50p bus service added to traffic stagnation & completely blocks PHR



**PHOTO 10** - traffic stagnated at maximum build for 10 - 15 minutes (nom) - morning and afternoon.



**PHOTO 12** - a couple of students southbound - 2 on rough footpath and 1 on the road and nearing the crest





PHOTOS 13 & 14 - This obstacle on PHR east side of footpath should have been rectified by land developer due to LSC error / failed to apply appropriate conditions (build a footpath as per CMDG) and or apply 'headworks' charges for infrastructure



PHOTO 15 - As #13 & #14



PHOTO 16 - West footpath proposal not feasible as suggested by LSC infrastructure section Director / Manager



PHOTO 17 - Example of insufficient clear sight distance when regulated or higher speed (as is frequent) is encountered



PHOTO 18 - PHR is reduced to bare 2 car lanes when any minor on-street obstacle is encountered



PHOTO 19 - Add a 50p bus to a minor on-street obstacle and there is no width available for another vehicle lane



PHOTO 20 - PHR is not fit for purpose' as per #19 - cars only, no large commercial vehicles





**PHOTO 21** - Large commercial vehicles add to traffic volume, congestion and noise factors



**PHOTO 22** - Damage to armco safety rail and adjacent safety handrail - unrepaired 4 months after accident due to speed.



**PHOTO 23 & 24** - No concrete footpath between Yearsley Grove & Crayke Court - also lack of pavement maintenance @ #23



17/10



PHOTO 26 - Example of poor maintenance practice in PHR



PHOTO 28 - Questionable 'patching' at a 'second' driveway



PHOTO 25 - 900w footpath between Crayke Crt & Farnborough Rd - there is no footpath in this part of Farnborough Rd



PHOTO 27 - Poor 'clear sight entering PHR from Samoa Dve

**9 MAYORAL MINUTE**

Nil

## **10 COUNCILLOR/DELEGATE REPORTS**

Nil

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

Nil

## 12 REPORTS

### 12.1 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 10 OCTOBER 2019

**File No:** GV13.4.2  
**Attachments:** Nil  
**Responsible Officer:** Rodney Chapman - Coordinator Governance  
Andrea Ellis - Chief Financial Officer  
**Author:** Tanya Callaghan - Support Services Officer

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The Audit, Risk and Business Improvement Committee met on 10 October 2019 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 ARaBIC and Councillor Portals.

#### OFFICER'S RECOMMENDATION

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee held on 10 October 2019 be received and the following recommendations contained within those minutes be adopted.

#### 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 27 August 2019 be taken as read and adopted as a correct record.

#### 7.1 COMMITTEE WORK PROGRAM STATUS

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

#### 7.2 CFO Assurance Statement 2018-19

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

#### 7.3 CFO UPDATE

THAT the Committee receive the Chief Financial Officer's update.

#### 7.4 2018-19 GENERAL PURPOSE FINANCIAL STATEMENTS

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

1. The revised unaudited 2018-19 General Purpose Financial Statements be received;
2. Written notification of the differences between the attached 2018-19 unaudited General Purpose Financial Statements and the draft 2018-19 General Purpose Financial Statements as previously presented to the Audit, Risk and Business Improvement Committee on 27 August 2019 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 2018-219 audited General Purpose Financial Statements when completed; and
4. Any material change in the final 2018-19 audited General Purpose Financial Statements be reported to Council and the Audit, Risk and Business Improvement Committee.

#### 7.5 QAO'S PROPOSED STRATEGIC AUDIT PLAN

THAT the Committee receive the QAO Proposed Strategic Audit Plan 2020-23.

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**7.6 EXTERNAL AUDIT UPDATE**

THAT the Committee receive the update from the External Auditors.

**7.7 EXTERNAL AUDITOR'S UPDATE**

THAT the Committee receive the 2018-19 external audit closing report and management representation letter from the Council's external auditors.

**7.8 INTERNAL AUDIT UPDATE**

THAT the Committee receive the report on Internal Audit.

**7.9 INTERNAL AUDIT REPORT – REVIEW OF OVERDUE RATES MANAGEMENT**

THAT the Committee receive the Internal Audit Report for Review of Overdue Rates Management.

**7.10 INTERNAL AUDIT REPORT – DATA ANALYTICS**

THAT the Committee receive this internal Audit report on Data Analytics.

**7.11 INTERNAL AUDIT REPORT – FOOTPATH MAINTENANCE**

THAT the Committee receive the Internal Audit report on Footpath Maintenance.

**7.12 INTERNAL AUDIT REPORT – PLANNING SCHEME OPERATIONS**

THAT the Committee receive the Internal Audit Report on Planning Scheme Operations.

**7.13 BUSINESS CONTINUITY PLANNING**

THAT the Committee receive this report.

**7.14 RISK MANAGEMENT UPDATE**

THAT the Committee receive the Risk Management Report for information.

**7.15 REVIEW OF OPERATIONAL RISK REGISTER – INFRASTRUCTURE**

This report has been carried over to the Audit, Risk and Business Improvement Committee meeting scheduled for 2 December 2019.

**7.16 BUSINESS TRANSFORMATION TEAM WORKS PROGRAMME HIGHLIGHTS AND UPDATES**

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

**7.17 COMMITTEE SELF ASSESSMENT**

THAT the Committee note the proposed approach and timetable for its self-assessment process.

**7.18 REVIEW DEBT WRITE-OFF REPORT**

THAT Council note that the Review of Debt Write-Off report is endorsed by the Audit, Risk and Business Improvement Committee.

**7.19 REPORTABLE LOSSES**

THAT the Audit, Risk and Business Improvement Committee receive the report on reportable losses.

**7.20 LEGISLATIVE COMPLIANCE OVERVIEW**

THAT the Committee receive the report on legislative compliance overview.

**7.21 ANNUAL OPERATIONAL PLAN UPDATE**

THAT the 2018-19 Annual Operational Plan report be received and;

THAT the 2019-20 Operational Plan be noted.

**7.22 PROCUREMENT AND TRANSFORMATION PROGRAM UPDATE**

THAT the Audit, Risk and Business Improvement Committee receive the update on the Procurement Transformation Program.

**7.23 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE**

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

**7.24 CEO UPDATE ON EMERGING ISSUES**

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

**7.25 CONFIRM WHETHER MEMBER'S BRIEFING SESSION IS REQUIRED**

THAT the recommendation was dismissed as the Committee agreed that no briefing session was required.

**L1 STATUS OF OPEN AGREED AUDIT ACTIONS**

THAT the Committee receive this update on the status of open agreed audit actions

**L2 DRAFT CONTENT FOR THE 2019 ANNUAL REPORT – ARABIC COMMITTEE**

THAT the Audit, Risk and Business Improvement Committee receive this report containing proposed content for the Annual Report on the Committee.

**BACKGROUND**

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

**COMMENTARY**

Not applicable.

**PREVIOUS DECISIONS**

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

**BUDGET IMPLICATIONS**

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

**LEGISLATIVE CONTEXT**

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

**LEGAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

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

**RISK ASSESSMENT**

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

**CORPORATE/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.

**12.2 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2019****File No:** FM12.14.1**Attachments:** 1. **Monthly Finance Report - October 2019** [↓](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Damien Cross - Coordinator - Accounting Services  
Rachel Jackson - Coordinator Procurement  
Priscilla Graham - Coordinator Revenue

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**SUMMARY**

*Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 31 October 2019.*

**RECOMMENDATION**

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 October 2019 be received..

**BACKGROUND**

The attached Financial Report is collated financial data 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 the year-to-date position of Council's financial performance to the 31 October 2019. Commitments are excluded from the reported operating & capital expenditures.

All variances are reported against the 2019-20 Quarter 1 (20Q1) Revised Budget as adopted by Council on the 22 October 2019. Budgets have been developed on a monthly basis. The attached report shows the business activities (water, sewerage & waste) segregated revenue and expenditure statements. Council finance officers have been simplifying the presentation of this report over recent months to enhance the readability and relevance of the information contained within. A number of new graphs in relation to investments, borrowings and capital expenditure have been included in Attachment 1 to this report.

**COMMENTARY**

The Financial Report compares actual performance to date with Council's 20Q1 revised 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.

## Financial Performance

The operating performance for the financial year to 31 October 2019 shows an operating surplus of approximately \$10.9m compared to a budgeted YTD operating surplus of approximately \$7.6m.

Total operational expenditure is \$2.2m below the YTD budget due in part to the non-accrual of wages and all materials and services expenditure on a monthly basis. Operational revenue is ahead of the YTD budget.

Financial Performance Summary to 31 October 2019					
	20Q1YTD Revised Budget (\$m)	Actuals (\$m)	Variance (\$m)	Variance %	Status
Operating Revenue	\$37.4	\$38.5	\$1.1	3%	✓
Operating Expense	(\$29.8)	(\$27.6)	\$2.3	(8%)	✓
<i>Net Operating Result</i>	\$7.6	\$10.9	\$3.4	45%	✓
Capital Grants	\$3.5	\$3.6	\$0.1	2%	✓
Capital Expenditure	(\$13.2)	(\$7.6)	(\$5.5)	(42%)	✓

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 ahead the YTD 20Q1 revised budget position mostly due to budget timing variances in regards to the monthly budget phasing of General Rates and Utility Charges revenue as mentioned above. All other operational revenue budget items are in close proximity to budget.

Interest revenue is below budget after four months of the financial year given three recent decreases in the Reserve Bank of Australia underlying cash rate, which has decreased the interest rate Council earns on its cash invested with the Queensland Treasury Corporation. Interest revenue will be reviewed as part of the 20Q2 revised budget.

Table A in the Monthly Financial Report (Attachment 1) shows operating revenue by major category of actuals to budget variances by line item.

## Operating Expenditure

Year to date operating expenditure is below the YTD 20Q1 revised budget, which excludes \$13.7m in committed expenditure.

Table A in the Monthly Financial Report (Attachment 1) reports operating expenditure by major category of actuals to budget variances by line item.

Employee benefits are reported as below budget as the wages accrual for the fortnight ending Sunday 3 November 2019 includes approximately \$1m of wages which relate to the month of October. A change to incorporate the monthly accrual of wages and salaries is anticipated to occur over coming months.

Below is a snapshot of the expenditure on the rural and urban roads maintenance programs in comparison to the 20Q1 Revised Budget.

	YTD Actuals (\$000's)	20Q1 YTD Budget (\$000's)	Full Year 20Q1 Revised Budget (\$000's)	% Full Year 20Q1 Revised Budget Spent (\$000's)
Rural Maintenance	\$1,844	\$943	\$3,551	26.6%
Urban Maintenance	\$646	\$764	\$2,206	34.6%

Note: Actual results exclude purchase order commitments.

### Capital Revenue

Total capital grants and contributions are in close proximity to budget.

The 20Q1 Revised capital revenue budget for developer contributions is \$1.5M. Total year to date developer's contributions are \$736k. The monthly budget phasing of developers contributions is difficult to predict given a number of factors determine the timing of the receipt of the contributions. Developer contributions are a factor in determining the funding mix of Council's capital works programme requiring Council officers to monitor the total funding received as the financial year progresses. Developer contributions are evaluated as part of quarterly budget reviews.

### Capital Expenditure

Capital expenditure incurred is summarised in Table D.1 and D.2 in Attachment 1. The 2019-20 full year 20Q1 budgeted capital expenditure is approximately \$40.6 million with actuals of approximately \$7.7m. There is approximately \$6 million of capital expenditure commitments raised at month end that predominately relates to work to be undertaken.

Table D.3 highlights the significant capital works projects with 20Q1 revised budget expenditure budget greater than \$800,000 and includes the YTD actuals and project life-to-date costs in comparison to budget.

Total capital expenditure incurred to month end on a project-by-project basis as outlined in Attachment 2.

### Statement of Financial Position

A detailed balance sheet as provided in Table B in Attachment 1 at month end.

### Statement of Cash Flows

The statement of cash flows provided in Table C in Attachment 1 shows Council's cash flows YTD to the end of October in comparison to the YTD budget. The cash position remains sound with cash totalling approximately \$45.6 million.

### Investments and Borrowings

Information in relation to year to date interest revenue earnings and borrowings are outlined in Table E.3 of Attachment 1. The next quarterly repayment on Council's loan portfolio held with the Queensland Treasury Corporation is scheduled to occur in December. Council has not accessed the approved working capital facility.

### Outstanding Rates and Trade Debtors

Information in relation to outstanding rates and trade debtors are outlined in Table E.4 of Attachment 1. First quarter 2019-20 water consumption notices were issued on 30 October 2019 and are due for payment on 4 December 2019. Table E.4 also outlines aged rates and trade debtor's balances.

### Debt Management Statistics

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 eligible for collection (excluding the current levy) are \$4.6m, which is 12.9% of rates levied. (October 2018 13%, October 2017 15%, October 2016 15%)

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 charge 7% per annum on overdue rates and utility charges in 2019-20, applied monthly, on all overdue balances, including those under a formal payment agreement.

- 29% of overdue balances are under management; this reflects 855 assessments out of all 17,558 rateable assessments (4.9%).
- There are 456 current proposals to pay (September: 280) in place totalling \$588,105. The quantity and value of proposals to pay is quite similar to October 2018 (467, \$483,379).
- There are 112 assessments (September: 110) under long-term arrangements (agreements to pay) with a total of \$468,206 with varying settlement periods.
- Council's debt collection agency is currently managing 287 assessments (September: 301), representing \$1,339,396 (September: \$1,415,650). Compared to October 2018, there are 356 less assessments under a debt management arrangement with a decrease in the total value under management by \$431,961. New referrals to Council's collection agency during November 2019 will likely result in an increase in the total number of assessments being managed.
- 20 properties with outstanding balances to the sum of approximately \$484,000 have been identified as eligible for sale of land proceedings. Correspondence has been issued to both the property owner and mortgagee (where applicable) advising of the consequences involved should the accounts remain unpaid. This is a courtesy reminder and encourages property owners to contact council as a matter of urgency.

## **Procurement**

### **Local Content**

Council strongly supports locally owned and operated businesses, including those with an office or branch in our region. Table E.4 of Attachment 1 outlines the total YTD spend (inclusive of both operational and capital expenditure) with businesses located both within and outside of Council's boundaries. A second graph is included outlining the historical spend since 1 January 2014.

### **Current Tenders**

The summary of current tenders facilitates oversight of the progress by Councillors. Council applies best practice with tender evaluation undertaken at officer level by way of membership on an evaluation panel and with Councillors not being involved in the tender evaluation process.

Status Legend:

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

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

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

Contract – contract issued by letter of award.

Summary of current tenders:

Open	
1027T	ITT - Provision of Animal Husbandry
1030E	EOI - Integrated Business Solution
Evaluation	
1007T	ITT - RPQS Real Estate Agency Services
1019T	ITT - RPQS Trade Services
1026T	ITT - PSA Provision of Compliance & WHS Training
1031T	ITT - Management Agreement - Keppel Sands Caravan Park
Contract Award	
1028T	ITT - Low Loader
Contract	
1024T	ITT - PSA Provision of Security Services

EOI – Expression of Interest

ITT - Invitation to Tender

RPQS – Register of Pre-qualified Suppliers

PSA – Preferred Supply Arrangement

## PREVIOUS DECISIONS

Council adopted the 2019-20 Adopted Budget on 11 July 2019 and the 20Q1 revised budget on 22 October 2019.

## BUDGET IMPLICATIONS

The Monthly Financial Report shows Council's financial position in relation to the 20Q1 Revised 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 anticipated legal implications because of this report.

## STAFFING IMPLICATIONS

There are no staffing implications because of this report.

## RISK ASSESSMENT

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

## CORPORATE/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.

## 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 financial report provides information about Council's financial performance and position for the month ending 31 October 2019.

## **12.2 - MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2019**

### **Monthly Finance Report - October 2019**

**Meeting Date: 3 December 2019**

**Attachment No: 1**



**Livingstone**  
SHIRE COUNCIL

**Monthly Financial Report  
for period ending  
31/10/2019**

**Contents**

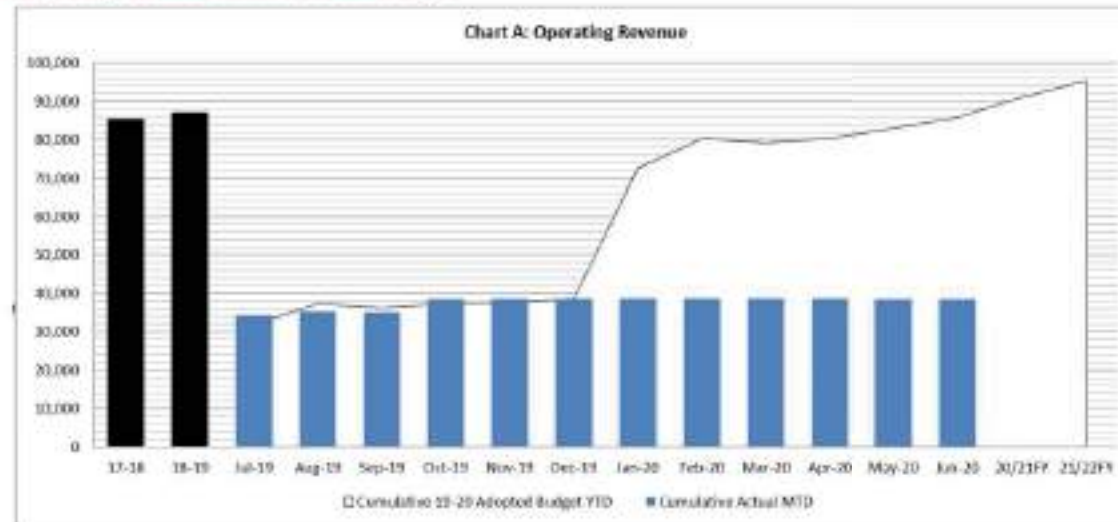
**Financial Health Indicators**

- Key strategic financial indicators
- Summary financial statements

**Attachments: Detailed financial statements**

## Financial Health Indicators

Key strategic financial indicators: trend analysis



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Key strategic financial indicators as at: 31/10/2019					
Operating performance					
	Target Benchmark	1020 Q1 Budget	YTD Actual	Status	Commentary
<b>Operating surplus ratio</b> Operating surplus/operating revenue	0-10%	-3.6%	28.4%	✓	The operating surplus and operating efficiency ratios are well above the target range as the first 10 annual General Rates and Utility Charges notices have been recorded as revenue during July. Both of these ratios have moved closer to the respective 2019-20 adopted budget positions during October. It is expected that both ratios will continue to move closer towards their respective budgeted position as operational expenditure is incurred during the months of November to December until the next general rates notices are issued later in the financial year.
<b>Operating efficiency ratio</b> Operating revenue/operating expense	110%	97.5%	130.7%	✓	
Fiscal feasibility					
	Target Benchmark	1020 Q1 Budget	YTD Actual		Commentary
<b>Net financial liabilities ratio</b> (Total liabilities - current assets) / operating revenue	<60%	61.5%	62.9%	*	The Net Financial Liabilities Ratio is above the revised budgeted position and target benchmark. It has decreased from Sep position of 65.50% due to the passage of another month's operating expenditure (which resulted in a decrease in cash) with general rates operational income having already been recognised in July. The own-source operating revenue ratio is well ahead of the target benchmark as general rates and utility charges have been recorded as revenue in July relative to other sources of operational revenue received YTD.
<b>Own-source operating revenue ratio</b> Own source/operating revenue	<50%	52.3%	54.7%	✓	
<b>Interest cover ratio</b> Net Interest Expense / Total Operating Revenue	0% - 5%	4.8%	3.5%	✓	
The interest cover ratio is within the lower end of the target range of 0% - 5%, mostly due to the recognition of General Rates and Utility Charges revenue in July.					
Liquidity					
	Target Benchmark	1020 Q1 Budget	YTD Actual		Commentary
<b>Cash balances - Cash capacity in months</b> Cash at bank/cash operating expense	3.0	1.3	9.7	✓	The YTD cash expense cover indicates that Council has sufficient cash to meet current cash operating expenses for approximately 9.7 months. This is above the target benchmark as Council's closing cash position at 31 October is well ahead of the budgeted position at this same date. The current ratio is above the target benchmark of 2.0 also due to the same reasoning above.
<b>Ability to pay our bills - Current Ratio (times)</b> Current assets/current liabilities	2.0	2.0	5.1	✓	
Asset sustainability					
	Target Benchmark	1020 Q1 Budget	YTD Actual		Commentary
<b>Asset Sustainability Ratio</b> Renewal expenditure/depreciation	80%	93.8%	-22%	*	The asset sustainability ratio will stay lower than the 80% target benchmark due to the large proportion of new assets not requiring renewal at this stage. At this early stage of the 2019-20 financial year the capital work program is gaining momentum.
Status Legend					
KPI target (budget) achieved or exceeded		✓	KPI target (budget) not achieved		*



## Summary financial statements for the year to date ending 31/10/2019

### A. Summary of financial results

A. Income statements					
	Year-to-date 2019-20 Q1		Variance		Comments
	Budget	Actual	\$	%	
	(\$m)	(\$m)			
Own-source Revenues	35.09	36.47	1.38	3.9%	✓
Total Revenues	37.38	38.51	1.13	3.0%	✓
Employee Expenses	(11.13)	(9.48)	1.65	-15%	✓
Total Expenses	(29.32)	(27.56)	2.26	-8%	✓
Operating Result	7.55	10.95	3.40	45%	Employee benefits are reported as below budget mostly due to the non accrual of employee wages for the fortnight ending Sunday 3 November at approximately \$1m. A change to incorporate the monthly accrual of wages and salaries is anticipated to occur over coming months.

B. Balance Sheet					
	Year-to-date 2019-20 Q1		Variance		Comments
	Budget	Actual	\$	%	
	(\$m)	(\$m)			
Cash and Cash Equivalents	32.99	45.64	12.65	39%	✓
Current Assets	40.35	67.75	27.37	69%	✓
Current Liabilities	14.25	13.31	(0.94)	-7%	✓
Non-Current assets	583.83	376.45	(207.38)	-36%	✗
Borrowings	80.64	79.63	(1.01)	-1.2%	✓
Non-Current Liabilities	67.82	38.37	(29.45)	-43%	✓
Net Assets	929.14	944.92	22.38	2%	Cash balances and total current assets are well ahead of the budgeted position at the end of October mostly due to YTD underspend in capital expenditure. All other balance sheet items are in close proximity to the YTD 2020 budgeted position.

C. Cash flows					
	Year-to-date 2019-20 Q1		Variance		Comments
	Budget	Actual	\$	%	
	(\$m)	(\$m)			
Net Operating	15.81	15.47	(0.34)	-2%	✓
Net Investing	(8.59)	(9.54)	(1.07)	-13%	✗
Net Financing	(1.25)	(1.22)	0.03	2%	✓
Closing Cash Balance	32.99	45.64	12.65	39%	Net Operating Cash Flows are ahead of budget mostly due to reported underspend YTD in materials and services expenditure. Budgeting phasing will also be reviewed as part of the 2020 quarterly budget review. Net Investing Cash Flows are reported as over budget as a number of large capital expenditure items were incurred in July which were accrued back to the 2019-18 financial year.

D. Capital program					
	Year-to-date 2019-20 Q1		Variance		Comments
	Budget	Actual	\$	%	
	(\$m)	(\$m)			
Renewal	3.21	1.81	(1.40)	-44%	✗
New/Upgrade	9.97	6.05	(3.92)	-39%	✗
Total Capital Program	13.18	7.86	(5.32)	-40%	At this still relatively early stage of the 2019-20 financial year the capital work program is gaining momentum.

#### Status Legend:

Above budgeted revenue or under budgeted expenditure  
 Below budgeted revenue or over budgeted expenditure -10%  
 Below budgeted revenue or over budgeted expenditure -50%



## Attachments

## A. Monthly Summary revenue and expenditure report (by line item)

	2019 Q1 Budget	Year-to-date			Full year 2019-20 Q1 Budget
		Actual	Variance	Variance	
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
<b>Revenues</b>					
Rates & Utility Charges	33,031	34,382	1,351	4%	73,528
User Fees & Charges	1,722	1,730	8	0%	4,556
Operating Grants	1,291	1,181	(110)	-9%	5,000
Interest	348	218	(127)	-37%	1,006
Sales Revenue	852	845	(7)	-1%	(398)
Other	337	375	38	11%	541
<b>Total operating revenue</b>	<b>37,579</b>	<b>38,511</b>	<b>1,133</b>	<b>3%</b>	<b>86,581</b>
<b>Expenses</b>					
Employee Benefits	(11,127)	(9,442)	1,685	-15%	(30,269)
Materials & Services	(9,573)	(8,981)	592	-6%	(26,556)
Depreciation	(7,421)	(7,297)	124	-2%	(22,263)
Interest	(1,331)	(1,364)	(33)	2%	(3,996)
Other	(372)	(456)	(84)	22%	(1,215)
<b>Less: Total operating expenses</b>	<b>(29,824)</b>	<b>(27,550)</b>	<b>2,274</b>	<b>-8%</b>	<b>(88,298)</b>
<b>Net operating result</b>	<b>7,754</b>	<b>10,961</b>	<b>3,397</b>	<b>43%</b>	<b>(2,718)</b>
<b>Capital Income</b>					
Capital Grants	3,536	3,197	(339)	-10%	18,607
Developer Contributions	300	736	236	42%	1,500
Other Capital Income	0	243	243	0%	6
<b>Less: Restoration Provision Capital Expense</b>	<b>(43)</b>	<b>0</b>	<b>43</b>	<b>-100%</b>	<b>(148)</b>
<b>Net Capital Income</b>	<b>3,893</b>	<b>4,179</b>	<b>186</b>	<b>5%</b>	<b>11,867</b>
<b>Total comprehensive income</b>	<b>11,647</b>	<b>15,140</b>	<b>3,593</b>	<b>31%</b>	<b>6,743</b>

## B. Monthly summary of assets and liabilities report

	2019 Q1 Budget	Year-to-date			Full year 2019-20 Q1 Budget
		Actual	Variance	Variance	
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
<b>Assets</b>					
Cash and cash equivalents	32,932	45,639	12,647	38%	25,051
Inventory	620	445	(175)	-28%	4,294
Receivables					
Trade & Other Receivables	6,455	7,568	1,105	17%	8,354
Land - for resale	13,784	17,815	4,129	30%	3,812
Infrastructure:					
PP&E	970,648	938,889	(31,759)	-3%	967,677
Capital WIP	-	33,858	33,858	0%	-
Other assets	319	4	(306)	-99%	1,031
<b>Total Assets</b>	<b>1,024,212</b>	<b>1,344,261</b>	<b>19,209</b>	<b>2%</b>	<b>1,044,909</b>
<b>Liabilities</b>					
Employee benefits	8,255	8,578	723	9%	3,011
Trade creditors and accounts	722	497	(225)	-31%	5,354
Borrowings:					
Short-term	5,279	4,263	(1,007)	-19%	5,270
Long-term	75,370	75,370	0	0%	70,090
Other liabilities	12,452	10,444	(2,008)	-16%	12,452
<b>Total Liabilities</b>	<b>100,099</b>	<b>99,662</b>	<b>(437)</b>	<b>-0%</b>	<b>96,247</b>
<b>Current assets</b>	<b>42,377</b>	<b>67,752</b>	<b>27,375</b>	<b>62%</b>	<b>43,320</b>
<b>Current liabilities</b>	<b>24,247</b>	<b>12,500</b>	<b>(3,083)</b>	<b>-7%</b>	<b>73,333</b>
<b>Non-current assets</b>	<b>983,834</b>	<b>976,489</b>	<b>(7,345)</b>	<b>-1%</b>	<b>1,001,489</b>
<b>Non-current liabilities</b>	<b>87,852</b>	<b>87,162</b>	<b>(690)</b>	<b>-1%</b>	<b>82,714</b>
<b>Net community assets</b>	<b>622,142</b>	<b>944,519</b>	<b>29,376</b>	<b>5%</b>	<b>948,582</b>

## C: Monthly summary cash flow report

	1920 Q1 Budget	Year-to-date			Full year 2019-20 Q1 Budget
		Actual	Variance	Variance %	
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
<b>Operating Cashflows</b>					
Cash inflows from operations:					
Rates & utility charges	34,601	32,782	(1,819)	-5%	35,316
User fees and charges	2,000	2,385	385	20%	5,018
Operating grants	1,578	1,145	(433)	-27%	5,867
Interest	370	218	(152)	-41%	1,006
Other	891	1,256	365	41%	0
Proceeds from sale of land inventory	0	0	0	0%	8,606
<b>Total operating cash inflows</b>	<b>39,440</b>	<b>37,797</b>	<b>(1,643)</b>	<b>-4%</b>	<b>67,832</b>
Cash outflows from operations:					
Employee entitlements	(10,383)	(9,438)	947	-9%	(37,819)
Payments to suppliers	(11,917)	(13,677)	1,760	-10%	(30,281)
Rent/lease costs & bank charges	(1,437)	(1,885)	429	-30%	(3,840)
Other operating cash outflows	(189)	0	189	-100%	(300)
<b>Total operating cash outflows</b>	<b>(23,927)</b>	<b>(21,127)</b>	<b>2,800</b>	<b>-11%</b>	<b>(75,550)</b>
<b>Net cash flows from operations</b>	<b>15,513</b>	<b>16,670</b>	<b>1,157</b>	<b>7%</b>	<b>21,899</b>
<b>Investing cash flows</b>					
Proceeds on disposal of assets	0	212	212	0%	1,570
Capital grants & infrastructure charges	3,304	4,349	1,045	11%	12,167
Acquisition of assets	(12,418)	(14,125)	1,711	14%	(40,484)
<b>Net investing cash flows</b>	<b>(9,114)</b>	<b>(9,564)</b>	<b>450</b>	<b>13%</b>	<b>(28,887)</b>
<b>Financing cash flows</b>					
Repayments on borrowings	(1,259)	(1,224)	35	-2%	(4,999)
<b>Net financing cash flows</b>	<b>(1,259)</b>	<b>(1,224)</b>	<b>35</b>	<b>-2%</b>	<b>(4,999)</b>
<b>Net combined cash flows</b>	<b>5,140</b>	<b>5,882</b>	<b>742</b>	<b>0%</b>	<b>(18,187)</b>
<b>Add: Opening cash balance</b>	<b>37,119</b>	<b>39,752</b>	<b>2,633</b>	<b>67%</b>	<b>39,752</b>
<b>Closing cash balance</b>	<b>32,002</b>	<b>45,634</b>	<b>13,632</b>	<b>20%</b>	<b>20,551</b>

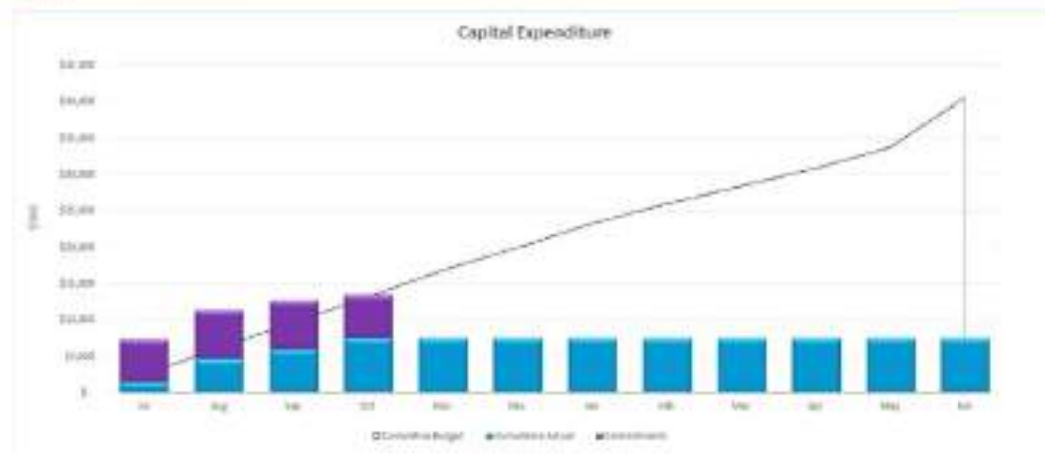
## D.1: Monthly summary capital revenue and expenditure report by category (all projects)

	1920 Q1 Budget	Year-to-date			Full year 2019-20 Q1 Budget
		Actual	Variance	Variance %	
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
<b>Renewal of existing assets</b>					
Capital grants and contributions	(298)	(480)	(182)	131%	(625)
Renewal expenditure	3,213	1,616	(1,597)	-50%	11,305
<b>New assets/upgrade of existing assets</b>					
Capital grants and contributions	(3,127)	(3,133)	6	-0%	(5,932)
New/upgrade expenditure	9,571	8,651	(920)	-37%	25,267
<b>Total</b>	<b>(3,026)</b>	<b>(3,814)</b>	<b>(788)</b>	<b>2%</b>	<b>(73,667)</b>
<b>Capital grants and contributions</b>	<b>(3,026)</b>	<b>(3,814)</b>	<b>(788)</b>	<b>2%</b>	<b>(73,667)</b>
<b>Renewal, upgrade and acquisition</b>	<b>13,184</b>	<b>7,061</b>	<b>(6,123)</b>	<b>-42%</b>	<b>40,572</b>

U.2: Monthly summary capital revenue and expenditure report by asset class (all projects)

	1920 Q1 Budget	Year-to-date			Full year 2019-20 Q1 Budget
		Actual	Variance	Variance %	
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
<b>Land</b>					
Capital grants and contributions	-	-	-	0%	-
Renewal, new/upgrade	198	74	(34)	-31%	180
<b>Buildings</b>					
Capital grants and contributions	(383)	(566)	(117)	30%	(1,150)
Renewal, new/upgrade	1,885	38	(1,020)	-90%	2,603
<b>Plant &amp; Equipment</b>					
Capital grants and contributions	(14)	(33)	(18)	125%	43
Renewal, new/upgrade	1,857	458	(610)	50%	2,430
<b>Roads &amp; Drainage</b>					
Capital grants and contributions	(1,197)	(2,133)	(937)	78%	(3,590)
Renewal, new/upgrade	4,652	3,129	(1,540)	-35%	15,410
<b>Bridges</b>					
Capital grants and contributions	-	-	-	0%	-
Renewal, new/upgrade	62	1	(61)	-99%	68
<b>Water</b>					
Capital grants and contributions	-	-	-	0%	-
Renewal, upgrade and acquisition	1,899	884	(1,175)	-63%	4,858
<b>Sewerage</b>					
Capital grants and contributions	(653)	(140)	513	-79%	(1,960)
Renewal, upgrade and acquisition	2,441	2,284	(157)	-6%	7,387
<b>Site Improvements</b>					
Capital grants and contributions	(1,288)	(807)	480	-37%	(3,853)
Renewal, upgrade and acquisition	1,336	967	(369)	-30%	6,720
<b>Land Development</b>					
Capital grants and contributions	-	-	-	0%	-
Renewal, upgrade and acquisition	14	24	10	60%	88
<b>ICT</b>					
Capital grants and contributions	-	-	-	0%	-
Renewal, upgrade and acquisition	-	42	42	0%	1,120

Table D.5 Capital Expenditure

Capital Expenditure by the Period Ending  
31/10/2019

	Annual 2001 Budget (\$'000)	YTD 2001 Budget (\$'000)	YTD Actual (\$'000)	YTD Variance (\$'000)	YTD Variance %
Capital goods and services	37,496	12,184	6,403	5,783	-47%
Capitalised depreciation costs	3,025	1,000	1,076	72	2%
Total	40,521	13,184	7,479	5,704	-14%

D.4: Summary capital expenditure report by project (-\$886,900)

	Project Dates			Project Costs YTD FY1920					Project Life Costs		
	% Project Complete	Planned Start Date	Planned Completion Date	NP&F from FY 2019-18	Actual	Commitments	Total Project Costs	2019-20 Adopted Budget	2019-2025 OI Budget	Project LTD Costs	Project Life Budget
<b>Capitown Coast New Cemetery</b>											
580006 Capitown Coast Cemetery - Initial Planning	0%			10	0	0	0	0	0	10	
580006 Capitown Coast Cemetery - Roadworks	100%		2019-18	3,070	0	0	0	0	0	3,070	
580013 Capitown Coast Cemetery - Internal works	30% Mar 2020/18		Fa 2012/18	500	32	120	161	500	500	504	
110004 Capitown Coast Cemetery - Internal R&D works	100%			2,140	0	10	10	0	0	2,140	
<b>Subtotal</b>				<b>5,620</b>	<b>32</b>	<b>140</b>	<b>162</b>	<b>500</b>	<b>500</b>	<b>5,724</b>	<b>5,820</b>
<b>Oru Park Village &amp; Foreshore Revitalisation</b>											
100705 Oru Park Village & Foreshore - Oru Park Foreshore PPP	0%			75	0	0	0	0	0	75	
100707 Oru Park Village & Foreshore	85% Mar 2020/18		Fa 2012/18	2,087	560	970	1,547	1,600	1,725	2,605	
101100 Oru Park Village & Foreshore - Clark Richards Oru Park	0%			2	0	0	0	0	0	2	
100004 Oru Park Village & Foreshore - Kauri Park Carpark (SIS)	100%			600	0	0	0	0	0	600	
100005 Oru Park Village & Foreshore - Seaview Memorial Dr Stage 3, Phase 1	100%			18	0	0	0	0	0	18	
100006 Oru Park Village & Foreshore - Oru Street Stage 3, Phase 1 to 4	100%			231	0	0	0	0	0	231	
100010 Oru Park Village & Foreshore - Water Main Replacement Oru St	100%		2017-18	141	0	0	0	0	0	141	
<b>Subtotal</b>				<b>3,023</b>	<b>560</b>	<b>970</b>	<b>1,547</b>	<b>1,600</b>	<b>1,725</b>	<b>3,620</b>	<b>5,520</b>
111500 ICT Hydration	4%	1/07/2019	Tue 30/06/20	4	42	100	146	1,120	1,120	96	3,120
CP440 Fleet Renewal Program	18%	1/07/2019	Tue 30/06/20	0	371	727	1,108	2,000	2,000	371	3,000
<b>Road &amp; Drainage</b>											
CP420 Gravel Road and Arterial Program	23%		0%, Tue 30/06/20	76	283	77	360	1,300	1,300	358	1,300
507002 Matthew Flinders Drive - Scenic Highway to Gregory Street	0% Mar 1/03/18		Mar 06/07/20	7	30	9	42	1,800	1,800	40	1,800
100000 Frangipani Drive Extension & Tarengata School Bus Seidoun	0% Wed 01/03/20		Tue 20/06/20	510	0	0	0	500	500	310	1,520
111400 Adelaide PS Road - St Brenden's Gate 1 to Gate 2	60% Mar 06/06/18		Thu 19/11/20	3	263	417	680	1,000	1,000	205	1,300
110000 Runwayway Rd-Cole Village - R&D Road	0% Mar 06/11/18		Mon 20/06/20	0	19	5	21	660	660	20	660
110000 Wharfedale St - Mowbray Arterial Streets	0% Tue 19/02/20		Tue 30/06/20	68	0	0	0	800	800	31	800
<b>Subtotal</b>				<b>425</b>	<b>585</b>	<b>509</b>	<b>1,107</b>	<b>4,700</b>	<b>4,720</b>	<b>1,024</b>	<b>7,140</b>
<b>Major Projects</b>											
110000 Coles Bay Park W&D Board 8	4% Mar 26/07/18		Fa 2012/20	0	18	0	18	1,300	1,300	18	1,300
980070 Newer Treatment Plant Yagsoon - Augmentation Design & Construction	86% Thu 22/03/18		Fa 2011/18	14,187	2,187	347	2,324	810	3,438	16,324	16,001
110040 Yagsoon Water Recycling Augmentation	10% Mar 20/07/18		Fa 18/12/20	10	12	10	20	1,000	1,000	20	1,000
<b>Subtotal</b>				<b>14,197</b>	<b>2,199</b>	<b>357</b>	<b>2,344</b>	<b>3,612</b>	<b>5,544</b>	<b>16,362</b>	<b>17,301</b>
<b>Water and Waste Operations</b>											
110000 Yagsoon Landfill Embankment works - Planning and Design	0% Wed 19/01/20		Tue 30/06/20	0	20	1	21	2,000	2,000	20	2,000
110000 Swanwick Water Erosion Park	0%	1/07/2019	30/06/2020	0	0	0	0	2,300	2,300	0	2,300
100000 Arthur St Yagsoon Trunk Sewer	0% Thu 10/03/20		Tue 30/06/20	0	0	0	0	510	510	11	510
<b>Subtotal</b>				<b>0</b>	<b>20</b>	<b>1</b>	<b>21</b>	<b>5,110</b>	<b>5,110</b>	<b>31</b>	<b>5,110</b>
<b>Total</b>				<b>20,220</b>	<b>5,827</b>	<b>2,356</b>	<b>4,981</b>	<b>20,724</b>	<b>23,227</b>	<b>37,486</b>	<b>48,460</b>



E.1: Business Unit summary revenue and expenditure report (by line item)																
	R&R				Sewer				Water				Council			
	1919 Q1 Budget	YTD Actual	Variance	Variance %	1919 Q1 Budget	YTD Actual	Variance	Variance %	1919 Q1 Budget	YTD Actual	Variance	Variance %	1919 Q1 Budget	YTD Actual	Variance	Variance %
Police & utility charges	16,732	6,571	(10,161)	-61%	6,575	5,038	(1,537)	-23%	4,204	3,127	(1,077)	-26%	40,929	19,899	(21,030)	-51%
User fees & charges	281	90	(191)	-68%	173	88	(85)	-49%	1,887	487	(1,400)	-74%	2,618	1,009	(1,609)	-61%
Operating grants	0	0	0	0%	0	0	0	0%	0	0	0	0%	6,969	5,188	(1,781)	-26%
Interest	0	0	0	0%	0	0	0	0%	0	0	0	0%	5,039	218	(4,821)	-96%
Sales revenue	143	11	(132)	-92%	63	88	25	40%	0	0	0	0%	998	109	(889)	-89%
Other	0	18	18	100%	0	0	0	0%	218	23	(195)	-90%	734	304	(430)	-59%
Total operating revenue	17,156	6,681	(10,475)	-61%	6,808	5,126	(1,682)	-25%	4,422	3,647	(775)	-18%	30,471	22,359	(8,112)	-27%
Expenses																
Employee benefits	(2,406)	(879)	1,527	63%	(1,420)	(378)	1,042	74%	(454)	(95)	359	80%	(27,826)	(8,212)	19,614	70%
Materials & services	(7,688)	(2,285)	5,403	70%	(2,018)	(889)	1,129	56%	(9,281)	(964)	8,317	90%	(12,412)	(6,848)	5,564	45%
Depreciation	(4,199)	(1,379)	2,820	67%	(2,018)	(717)	1,301	65%	(939)	(212)	727	77%	(15,176)	(4,562)	10,614	70%
Interest	(368)	(199)	169	46%	(362)	(222)	140	39%	(378)	(186)	192	51%	(5,188)	(744)	4,444	86%
Other	0	10	10	100%	(3)	(3)	0	0%	(10)	(1)	9	90%	(1,207)	(28)	1,179	98%
Total operating expenses	(14,761)	(5,581)	9,180	62%	(7,240)	(2,480)	4,760	66%	(17,238)	(1,446)	15,792	92%	(46,203)	(16,372)	29,831	65%
Net operating result	2,395	1,099	(1,296)	-54%	2,568	2,646	100	4%	1,184	2,101	917	77%	(4,732)	5,987	10,719	230%

E.2: Business Unit summary of assets and liabilities report									
	R&R		Sewer		Water		Council		Full year
	1919 Q1 Budget	YTD Actual	1919 Q1 Budget	YTD Actual	1919 Q1 Budget	YTD Actual	1919 Q1 Budget	YTD Actual	
Assets									
Gift and cash investments	14,335	5,529	12,903	18,764	92,080	49,688	12,687	98%	17,609
Inventory	0	0	0	443	620	443	(176)	-25%	3,485
Trade & Other Receivables	2,697	892	719	3,805	9,485	7,965	1,520	17%	8,339
Land - freehold	0	0	0	17,915	13,788	17,515	4,129	30%	2,903
Introductions	0	0	0	0	0	0	0	0%	0
PP&E	154,252	115,502	8,902	818,862	870,046	695,600	(174,250)	-20%	965,061
Capital WIP	1,246	16,965	35	16,965	0	33,808	33,809	9%	0
Other assets	65	39	0	0	230	4	(226)	-98%	889
Total Assets	212,441	139,228	21,719	876,759	1,674,212	1,844,291	169,979	10%	1,628,354
Liabilities									
Employee benefits	676	848	792	6,904	8,286	8,878	723	9%	4,793
Trade creditors and accruals	30	14	186	412	720	607	(113)	-16%	3,407
Superannuation	629	709	604	3,299	3,879	4,263	(384)	-10%	6,279
Other term	0	0	0	0	0	0	0	0%	0
Long term	0	0	0	0	0	0	0	0%	0
Other liabilities	0	0	0	0	0	0	0	0%	0
Total Liabilities	1,335	1,571	1,582	10,615	12,895	13,750	855	7%	8,279
Current assets	10,843	9,072	12,728	23,071	40,377	67,702	27,325	68%	30,380
Current liabilities	1,321	1,562	1,847	9,687	14,267	13,789	(478)	-3%	11,539
Non-current assets	181,489	103,179	8,917	834,757	583,568	676,440	(107,172)	-18%	587,874
Non-current liabilities	0	0	0	0	0	0	0	0%	0
Net community assets	87,623	120,908	817	818,081	932,103	994,919	62,816	7%	602,896



**Total cash held at 31 October 2019 was \$45639 (\$'000)**

Council's investments are held in the Capital Guaranteed Cash Fund and short term investment market. The Capital Guaranteed Cash Fund is operated by the Queensland Treasury Corporation (QTC). Council current interest earning rates are 1.52% p.a with the QTC and Council has two (2) Term Deposits invested at 2.35% p.a and 1.90% p.a, with both term deposit of varying maturity terms.

The movement in interest earned is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by business cash flow requirements on a monthly basis as well as the rating cycle.

Note: the Reserve Bank of Australia reduced the cash rate down to 0.75% at their October 2019 board meeting which was on top of a reduction of 0.25% from the September 2019 board meeting.

Cash surplus to day-to-day requirements is deposited with the QTC on a daily basis to earn higher interest, however, from September 2019 QTC was offering a slightly lower interest return than what is achievable from Council's general banker. Accordingly cash surplus to needs was retained in Council's general transactional account to maximise interest earnings. The interest returns are monitored regularly by Council Finance team staff to maximise interest earnings as much as possible.

Term deposit rates are also monitored regularly to identify investment opportunities to ensure Council maximises its interest earnings balanced against the need to invest cash for a fixed term.

Council adopted its Investment Policy on 20 June 2019 for the 2019-20 financial year.

**Total Debt and Borrowing Costs**

<b>Debt Position</b>	<b>\$'000</b>
Total Debt held as at 1 July 2019	80,530
Budgeted new borrowings in 2019-20	-
Capitalised interest & administrative charges	1,314
Total debt service payments made YTD	- 2,211
<b>Total Debt held as at 31 October 2019</b>	<b>79,633</b>

In line with Council's debt policy, a debt service payment of \$2,211,013 (being approximately \$1.25m repayment of principal and \$960k interest and administrative charges) will be paid quarterly for 2019-20. Interest accrues monthly on a daily basis until the next debt service payment. No new borrowings are budgeted to be drawn down in 2019-20.

As at 31 October 2019 the weighted average interest rate of all Council debt is 4.35%.

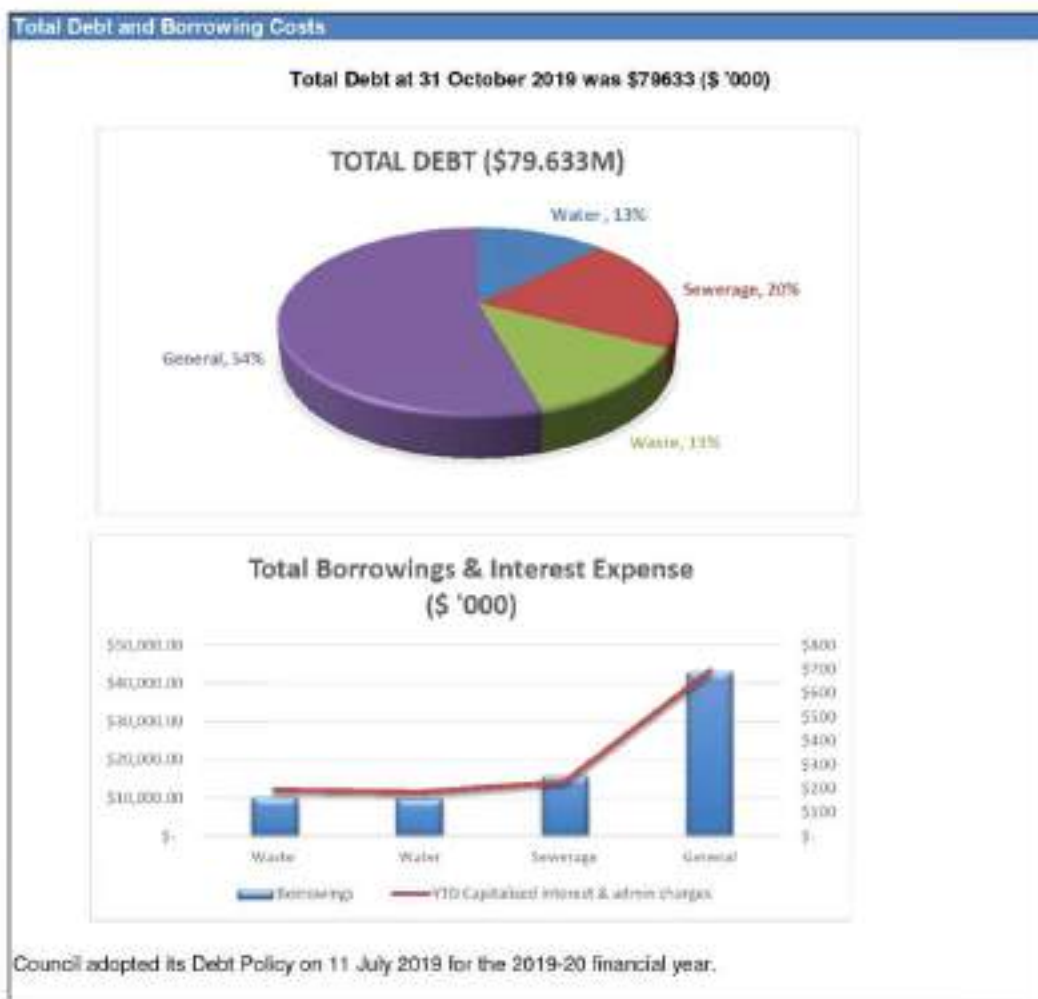
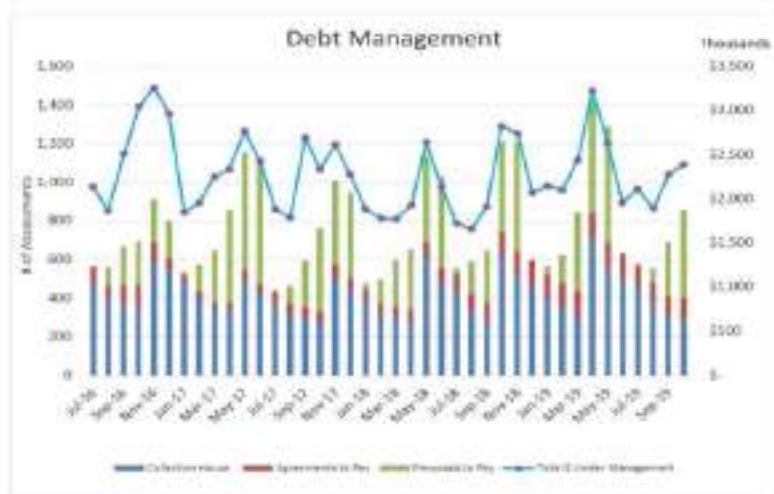
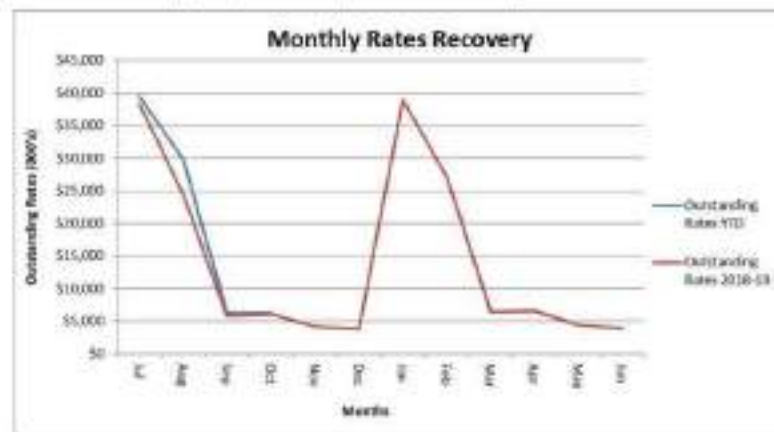
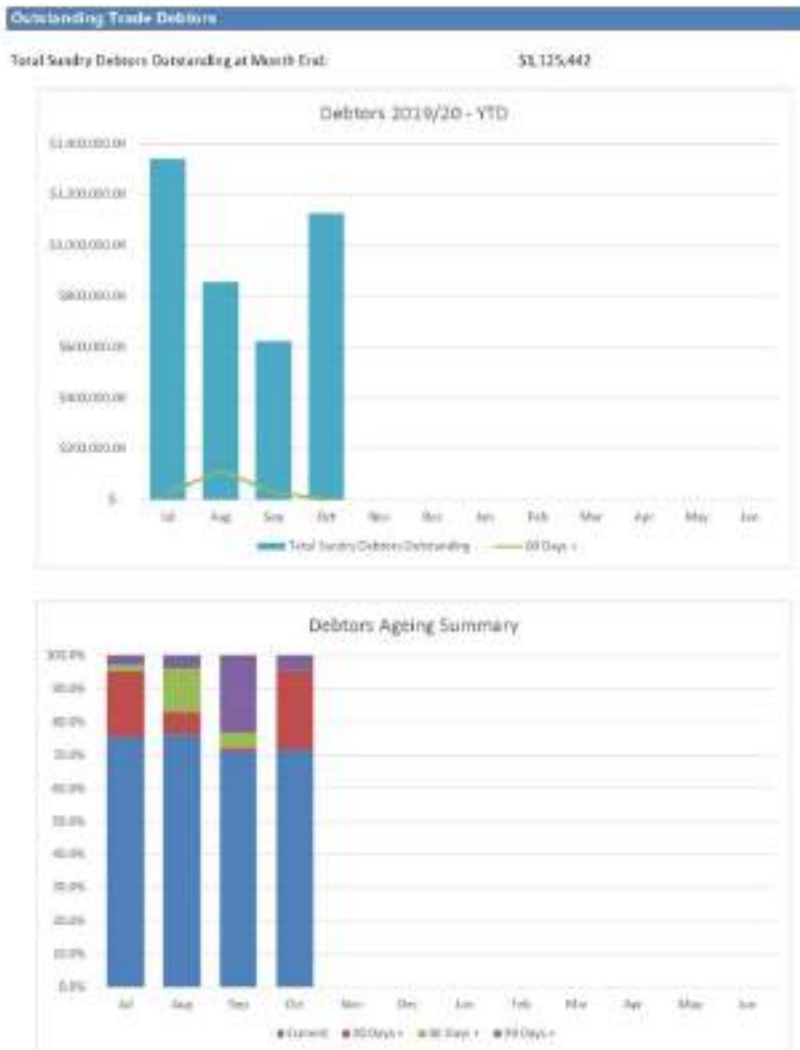


Table E.4: Additional Information

## Outstanding Rates

Ageing of Rates Receivable at 31 October 2019		
Ageing Period	Arrears (before deducting prepaid rates)	% of total eligible for collection
Current	\$4,030,004	64.08%
1 years	\$1,305,185	20.71%
2 years	\$446,608	7.12%
3 years	\$256,265	4.21%
4 years	\$92,429	1.49%
5 years	\$151,306	2.40%
TOTAL	\$6,383,647	100%







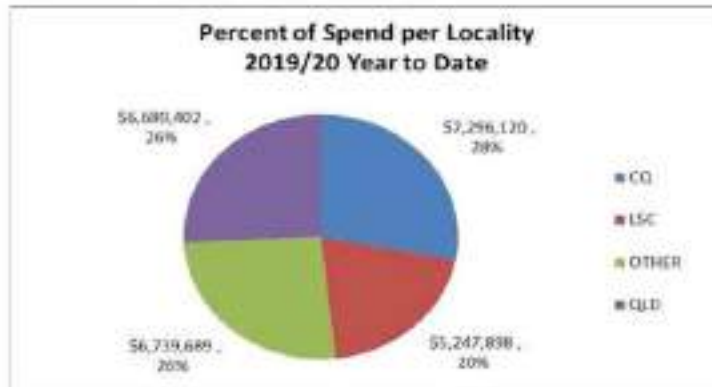
### Procurement

Council strongly supports locally owned and operated businesses, including those with an office or branch in our region. Council is able to report on direct local spend for both operational and capital expenditure in addition to employee salaries & wages.

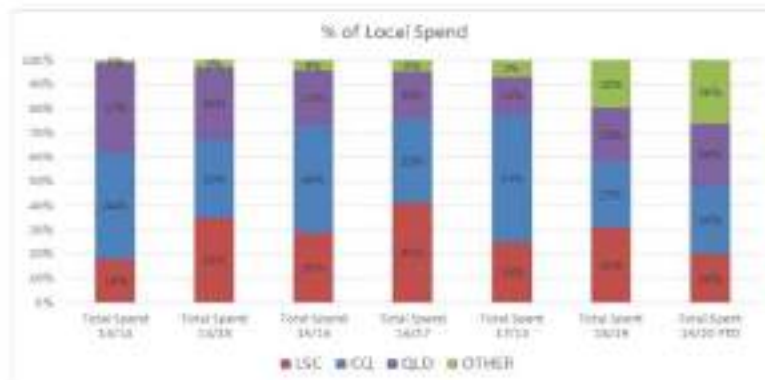
The total spent with businesses located within the shire boundaries year to date is 20% or \$5.2 million and illustrated in the following pie chart.

Chart legend:

LSC	Business located within the shire boundaries.
CQ	Business completely set up and run outside of LSC boundaries but within the Central Queensland region.
QLD	Business based outside of Central Queensland but within Queensland.
OTHER	Business based outside of Queensland.



The bar graph below summarises the allocation by local spend categories per financial year since 2015-14. Council has procured, on average, 66% of materials & services from within the greater Central Queensland area, which includes Livingstone Shire Council.



**12.3 REVIEW OF CARETAKER PERIOD POLICY**

**File No:** 4.7.13  
**Attachments:** 1. Caretaker Period Policy [↓](#)  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Rodney Chapman - Coordinator Governance

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**SUMMARY**

*The Caretaker Period Policy has undergone review and amendments following recent legislative amendments to the Local Government Act 2009 effecting Council operations during the caretaker period preceding quadrennial elections.*

**OFFICER'S RECOMMENDATION**

THAT Council resolve to adopt the amended Caretaker Period Policy.

**BACKGROUND**

Council's Caretaker Period Policy provides guidance to ensure that Council conducts its business throughout the pre-election period in a responsible, transparent and legally compliant manner.

**COMMENTARY**

Recent amendments to the *Local Government Act 2009* have included changes to provisions relating to caretaker period arrangements leading into quadrennial elections. The changes primarily relate to the prohibition of major policy decisions during the caretaker period and an expansion of the definition of what constitutes a major policy decision.

The primary amendments to the Policy are as follows;

- Page 2 – Definition of 'Major Policy Decision' – the repealed definition has been deleted, and reference made to the new expanded definition provided at section 5.3;
- Page 4 – Section 5.3 Prohibition of Major Policy Decision – the new expanded definition has been inserted as it appears in the dictionary schedule of the *Local Government Act 2009*.
- Page 7 – Section 5.11 – this section has been amended to reflect the changes to section 202 of the *Local Government Regulation 2012* governing the use of Mayoral discretionary funds prior to a quadrennial election. Of note; the commencement of restrictions applies not just to the caretaker period, but from 1 January in a quadrennial election year.
- Page 8 – Section 5.17 – Amendments made to the Policy to reflect legislative changes to the manner of how complaints about Councillor Conduct are assessed and managed.

Other changes within the Policy are limited to administrative changes.

**PREVIOUS DECISIONS**

The Caretaker Period Policy was previously adopted on 24 November 2015.

**BUDGET IMPLICATIONS**

There are no budget implications.

**LEGISLATIVE CONTEXT**

*Local Government Act 2009 & Local Government Regulation 2012.*

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**LEGAL IMPLICATIONS**

Council must comply with legislative requirements and make lawful decisions. Decisions or actions taken contrary to legislation during a caretaker period may render the decision invalid.

**STAFFING IMPLICATIONS**

There are no staffing implications

**RISK ASSESSMENT**

Decision made and actions taken during a caretaker period must be lawful, valid and compliant with legislation. Failure to do so creates the risk of the decision being invalid and unlawful. The Policy will provide guidance to ensure decision-making is made in a responsible, transparent and legally compliant manner.

**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**

The Caretaker Period Policy has undergone review following recent legislative amendments to the Local Government Act 2009 effecting Council operations during the caretaker period preceding quadrennial elections.

## **12.3 - REVIEW OF CARETAKER PERIOD POLICY**

### **Caretaker Period Policy**

**Meeting Date: 3 December 2019**

**Attachment No: 1**



## CARETAKER PERIOD POLICY (COMMUNITY POLICY)

### 1. Scope

The Caretaker Period Policy (this 'Policy') applies to all Livingstone Shire Council Councillors, candidates and employees, including contractors and volunteers.

### 2. Purpose

This Policy will assist to ensure that Council conducts its business throughout the pre-election period in a responsible, transparent and legally-compliant manner. Certain restrictions shall apply to Council, Councillors and Council employees in the period leading up to an election.

Council will enter a caretaker period prior to local government quadrennial elections, at a time as determined by the Electoral Commission Queensland (ECQ).

### 3. References (legislation/related documents)

#### Legislative reference

*Local Government Act 2009*

*Local Government Electoral Act 2011*

*Local Government Electoral Regulation 2012*

*Local Government Regulation 2012*

#### Related documents

Advertising Expenditure Policy

Community Assistance Programme Policy

Livingstone Community Grants Procedure

Community Assistance Programme Procedure – Mayor's Discretionary Fund

Councillor Facilities and Expenses Policy

Councillor Interaction with the Organisation Policy

Meeting Procedures Policy

Department of Transport and Main Roads – Election Signage Fact Sheet

Livingstone Shire Council – Electoral Signage Fact Sheet

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

Advertising	Promoting, for the payment of a fee, an idea, goods or services to the public, as defined in section 197(3) of the <i>Local Government Regulation 2012</i> .
Candidate	A person whose nomination for election as a Councillor has been certified by the returning officer under s27(3)(a), as defined in the Schedule Dictionary of the <i>Local Government Electoral Act 2011</i> .

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Business Unit: Finance and Business Excellence

Caretaker period	The period during an election for the local government that starts on the day when public notice of the holding of the election is given and ends at the conclusion of the election, as defined in section 90A(1) of the <i>Local Government Act 2009</i> .
Civic events	A public event that Council initiates, manages and has full responsibility.
Conclusion of election	The day on which the last declaration of a poll conducted in the election is displayed at the office of the returning officer, as defined in section 7(1)(a) of the <i>Local Government Electoral Act 2011</i> .
Council resources	Includes, but not limited to employees, services, information, equipment, printing, photographs, graphic design, public funds, grants, media services, materials published by Council (e.g. newsletters), hospitality, stationery, property, facilities, websites, vehicles, administrative tools and telecommunication devices.
Election material	Anything able to, or intended to, influence an elector about voting at an election or affect the result of an election, as defined under section 90D(2) of the <i>Local Government Act 2009</i> .
Election period	The period starting on the day when the public notice of the holding of the election is given under section 25(1) and ending on the close of the poll for the election, as defined in the Schedule Dictionary under the <i>Local Government Electoral Act 2011</i> .
Election signage	Any freestanding advertising device identifying candidates and/or promoting a political party at local, state or federal government elections, as defined by the Department of Transport and Main Roads QLD.
Fresh election	An election of all the Councillors of a local government that is not in a quadrennial election, as defined in the Schedule Dictionary of the <i>Local Government Electoral Act 2011</i> .
Major policy decision	A major policy decision is defined in the Schedule 4 Dictionary of the <i>Local Government Act 2009</i> . Also refer to section 5.3 of this Policy.
Term of office	A Councillor's term starts on: a) if the Councillor is elected – the day after the conclusion of the Councillor's election; or b) if the Councillor is appointed – the day on which the Councillor is appointed, as defined in the <i>Local Government Act 2009</i> under section 159. A Councillor's term ends: a) if the Councillor is elected at a quadrennial election or at a fresh start election – at the conclusion of the next quadrennial election; or b) if the Councillor is elected at a fresh election and a declaration is also made under a regulation – at the conclusion of the quadrennial election after the next quadrennial election; or c) if the Councillor is elected or appointed to fill a vacancy in the office of another Councillor – at the end of the other

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	<p>Councillor's term; or</p> <p>d) when the Legislative Assembly ratifies the dissolution of the local government under section 123; or</p> <p>e) when the Councillor's office becomes otherwise vacant, as defined in the <i>Local Government Act 2009</i> under section 160.</p>
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## 5. Policy Statement

The *Local Government Act 2009* and the *Local Government Electoral Act 2011* apply a number of restrictions to Council and Councillors during the Caretaker Period, from when nominations are called for the quadrennial election until the declaration of the polls.

Candidates should take particular care in any campaign activity to ensure that there can be no possible perception of use of Council provided resources and/or facilities for the activity that could be perceived as having electoral benefit.

Council reaffirms its commitment during an election period to:

- the efficient continuation of Council's day to day business;
- transparent actions and decision-making;
- actions that do not, or cannot be perceived to, bind an incoming Council in its operational delivery;
- the suspension of major policy decisions;
- the neutrality of Council employees; and
- the continuation of the principle that the use of public funds for electoral purposes is unacceptable.

It is acknowledged that during an election period candidates may make election commitments which they intend to honour if they are elected. Such commitments are not subject to this Policy.

### 5.1 Council Meetings

Council will continue to meet during the caretaker period for the purpose of making decisions in the public interest. However, Council will defer making any decisions during the caretaker period which:

- could be perceived to unreasonably bind an incoming Council in its operational delivery; or
- constitute a major policy decision for which Ministerial approval has not been received (refer to section 5.3).

### 5.2 Timing and Planning

The exact dates of a caretaker period are determined by the Electoral Commission Queensland. It will commence on the day when the public notice of the holding of the election is given and will end at the conclusion of the election.

### 5.3 Prohibition on Major Policy Decisions (s 90B Local Government Act 2009)

A major policy decision as defined by the *Local Government Act 2009* includes a decision;

- (a) about the appointment of a chief executive officer of the local government; or
- (b) about the remuneration of the chief executive officer of the local government; or
- (c) to terminate the employment of the chief executive officer of the local government; or

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Business Unit: Finance and Business Excellence

- (d) to enter into a contract the total value of which is more than the greater of the following—
  - (i) \$200,000;
  - (ii) 1% of the local government's net rate and utility charges as stated in the local government's audited financial statements included in the local government's most recently adopted annual report; or
- (e) relating to making or preparing an arrangement, list, plan or register in the way provided under a regulation made under this Act that can be used to establish an exception to obtaining quotes or tenders when entering into a contract; or
- (f) to make, amend or repeal a local law; or
- (g) to make, amend or repeal a local planning instrument under the Planning Act; or
- (h) under the Planning Act, chapter 3, part 3, division 2 on a development application that includes a variation request under that Act if the application proposes to—
  - (i) vary the category of development or category of assessment of development; or
  - (ii) vary the assessment benchmarks or criteria for accepted development that would apply to development; or
  - (iii) facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the local government's local government infrastructure plan; or
- (i) under the Planning Act, chapter 3, part 5, division 2, subdivision 2 on a change application under that Act that includes a change to a variation approval if the application is being assessed under section 82 of that Act and the application proposes to—
  - (i) further vary the category of development or category of assessment of development; or
  - (ii) further vary the assessment benchmarks or criteria for accepted development that would apply to development; or
  - (iii) facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the local government's local government infrastructure plan.

*Note—* Change application assessments for minor changes under the Planning Act, section 81 are not subject to paragraph (i).

Council must not make any major policy decisions during a caretaker period. However, if Council considers that, having regard to exceptional circumstances that apply, it is necessary to make a major policy decision in the public interest, Council may apply to the Minister for approval to make the decision, in accordance with section 90B(2) of the *Local Government Act 2009*.

The Minister may give approval if the Minister is satisfied that, having regard to exceptional circumstances that apply, it is necessary for Council to make the major policy decision in the public interest. The Minister's decision may include conditions with which Council must comply.

#### **5.4 Invalidity of Major Policy Decision in Caretaker Period without Approval (s 90C Local Government Act 2009)**

A major policy decision made by Council during a caretaker period is invalid if Council does not have the Minister's approval to make the decision. A contract is void if it is the subject of a major policy decision that is invalid.

A person who acts in good faith in relation to a major policy decision of Council, or in relation to a contract that is the subject of a major policy decision, but who suffers loss or damage because of any invalidity of the decision or because the contract is void, has a right to be compensated by Council for the loss or damage. The person may bring a proceeding to recover the compensation in a court of competent jurisdiction.

#### **5.5 Prohibition on Election Material (s 90D Local Government Act 2009)**

In accordance with section 90D of the *Local Government Act 2009*, Councillors and Council employees must not publish or distribute election material that is able to, or intended to influence an elector about voting at an election or affect the result of an election.

#### **5.6 Use of Council Resources during an Election Period**

Care must be taken to ensure that there can be no perception that Council resources have been utilised to assist Councillors in the election campaign.

Councillors may continue to use Council resources and facilities as outlined in the Councillor Facilities and Expenses Policy in fulfillment of their roles and responsibilities until their term of office ends.

Council equipment and resources are forbidden to be used for election purposes, including vehicles. Where, for a Council vehicle, private rights have been approved, then this vehicle may be used, however Councillors are not permitted to affix, or allowed to remain affixed, to Council property any sticker, poster, decal or other magnetic or adhesive device that promotes the Councillor as an actual or potential candidate for any election.

In any circumstances where the use of Council resources might be misconstrued as being related to a candidate's election campaign, the incident must be reported to and advice sought from the Chief Executive Officer.

#### **5.7 Advertising Restrictions**

In accordance with Council's Advertising Expenditure Policy, advertising may continue during an election period if it meets one or more of the following criteria:

- it is required for ongoing business and commercial operation of Council;
- it provides essential public information, without which the public would be detrimentally affected;
- it is educational, provides information on core Council services, or can demonstrate a clear community benefit; and/or
- it has already commenced, or routinely occurs at the same time each year, and meets at least one of the above criteria, or deferring it would have a significant impact on the overall cost and effectiveness of Council's operations.

Furthermore, Council will not in a three month period prior to a Local Government election or during the period of a by-election:

- place an advertisement relating to a major policy decision unless approved by the Minister pursuant to section 90B of the *Local Government Act 2009*;
- place an advertisement which seeks to influence, or provide support for particular candidates or groups of candidates; or
- feature one or more councillors in any paid Council advertisement.



**5.8 Attendance at Civic and Community Events**

Representation of Council at civic and community events shall be able to continue during an election period, provided the event meets one or more of the following criteria:

- it is a planned event endorsed by Council's current Operational Plan;
- it is of routine nature and held at the same time each year;
- it is a commemorative or anniversary event held on or near the anniversary date;
- it demonstrates a clear community benefit, or serves an educational or welfare purpose;
- it contributes to cultural development, social awareness or sense of community identity; and/or
- it is an event to be hosted by or on behalf of the Mayor in fulfilling his or her statutory responsibilities for ceremonial and civic functions, including but not limited to, civic receptions, courtesy calls or hosting VIP guests to the Livingstone Shire Council region.

Any event or function during the election period shall relate only to legitimate Council business and shall not be used, or be capable of being construed as being used, in connection with any election activity. Any spokespersons, including Councillors and Council employees, must not use the event to undertake any election activities, whether actual or perceived.

**5.9 Community Programs and Engagement**

Community programs and engagement should be avoided during the caretaker period including but not limited to surveys, blogs and invitations to put forward submissions. However, community engagement may continue if it is part of an ongoing project that requires the engagement as part of approved programs. In order to ensure results cannot be used in connection with any election activity, in instances where community engagement has occurred but the associated report has not been provided to Council prior to the commencement of the caretaker period, no action is to be taken until the caretaker period has concluded.

**5.10 Community Grants**

Activities approved under community grants prior to the commencement of the caretaker period may continue during a caretaker period in accordance with Council's Community Assistance Programme Policy.

Any funding round for community grants that is open during the caretaker period shall remain open but applications received during this time shall not be determined until after the election.

Council shall not approve community grants during the caretaker period.

**5.11 Mayor's Discretionary Funds (s202 Local Government Regulation 2012)**

From 1 January in the year of a quadrennial election until the conclusion of the election, funds must not be allocated from the Mayor's Discretionary Fund:

- a) to spend for a community purpose; or
- b) to allocate to a community organisation for a community purpose.

However, the Mayor may allocate funds for capital works of the local government that are for a community purpose, but only with the approval of the Deputy Mayor and the Chief Executive Officer.

**5.12 Sponsorship**

No new sponsorship shall be approved or entered into during the caretaker period. This includes where Council gives sponsorship, including in-kind sponsorship, or seeks sponsorship from external entities. Any sponsorship approved prior to the commencement of the caretaker period may continue in accordance with Council's Community Assistance Programme Policy.

Sponsorship applications may continue to be received during the caretaker period however no decisions on sponsorships shall be made until after the election.

**5.13 Media**

Media releases prepared by the organisation during the caretaker period must be of public interest, relate to day-to-day Council business, and must not be used in any manner that might favour an individual candidate during an election period.

During the caretaker period, Council will respond to media enquiries that relate to operational matters only.

Media events may continue to be held during a caretaker period provided the media event relates to core Council business or an ongoing project and is not construed as being for political purposes.

If the Mayor and/or a Councillor are at a media event and are asked a political question, the Mayor and/or a Councillor if seeking re-election shall respond in their capacity as a candidate or if not seeking re-election shall respond as an individual. Under no circumstances should a response be attributed to Council.

Council will retain material placed on the website prior to the commencement of the caretaker period. However, this material will be reviewed to ensure that no materials promote individual Councillors. Councillor profiles on the website will be amended to provide name and contact details only.

Updates of Council's website will be limited to the following:

- uploading of essential operational media releases, restricted to administrative or operational information of public interest and of a time-sensitive nature;
- road work updates or road closures;
- health or emergency warnings;
- material that is purely factual regarding Council's decisions and operations;
- updates to existing forms;
- aesthetic changes;
- fixing broken links or repairing web issues; and/or
- compliance with legislative requirements.

**5.14 Electoral Signage**

Candidates are required to comply with electoral signage protocols in the lead up to an election. These conditions, including applicable size, placement and approval requirements, are stipulated in Council's Electoral Signage Fact Sheet or, for State-controlled road corridors - the Department of Transport and Main Roads' Election Signage Fact Sheet. Council employees are authorised to remove and dispose of electoral signage erected in contravention of signage protocols.

**5.15 Requests for Information by Councillors**

Requests for information or advice from Councillors shall continue to be processed in accordance with the Councillor Interaction with the Organisation Policy. Councillors shall not request or receive information or advice from Council

employees to support election campaigns, and there shall be transparency in the provision of all information and advice during the election period.

#### 5.16 Provision of Information to Candidates

Requests for information by candidates during the caretaker period will be dealt with as per the process for a member of the public. The process for requesting and providing information will remain the same.

#### 5.17 Councillor Conduct Complaints

Complaints about Councillor conduct made during the caretaker period shall continue to be dealt with and / or referred to external agencies in accordance Council's Meeting Procedures Policy and the provisions of the *Local Government Act 2009*.

#### 5.18 Mayor and Councillor Correspondence

The Mayor and Councillors may continue to correspond with constituents on matters related to Council business during the caretaker period. However, in responding to correspondence, the Mayor and Councillors shall not purport to make policy commitments binding the incoming Council.

#### 5.19 Council Employees

Council employees shall maintain the normal business activities of Council during the caretaker period. Employees shall undertake their duties in an appropriate way and take all steps to avoid any real or perceived partisanship in order to protect the organisation's ability to impartially serve any incoming Council following an election.

Employees shall not fulfil any request that is, or could be perceived to be, an electioneering activity.

Councillor support employees will continue to provide support for Council endorsed activities and core Council business.

Any Council employee proposing to stand as a candidate for the election must complete an Election Management Plan.

A Council officer who nominates as a candidate is entitled to a leave of absence from their appointment during the election period in accordance with section 203 of the *Local Government Electoral Act 2011*.

#### 5.20 Compliance

Failure to comply with this Policy, and any policies, guidelines, and procedures referred to or relevant to this Policy, may constitute inappropriate conduct, misconduct, or corrupt conduct and shall be dealt with as follows:

- corrupt conduct shall be referred to the Crime and Corruption Commission;
- breaches by employees shall be managed under the Code of Conduct; and
- breaches by Councillors shall be managed under the conduct and performance obligations of the *Local Government Act 2009*.

#### 5.21 Responsibilities

The Chief Executive Officer shall inform the Mayor, Councillors and all Council employees of an impending election period and the restrictions that apply, by no later than two months before the commencement of an election period.

Caretaker Period Policy

Adopted/Approved; Draft  
Version: 1.2

Portfolio: Office of the CEO  
Business Unit: Finance and Business Excellence



**6. Changes to this Policy**

This Policy is to remain in force until any of the following occur:

1. The related information is amended/replaced; or
2. Other circumstances as determined from time to time by the Council.

**7. Repeals/Amendments**

This Policy repeals the former Rockhampton Regional Council Policy titled 'Caretaker Period Policy'.

Version	Date	Action
1	24/11/2015	Adopted
1.1	27/08/2018	Administrative Amendments – reflect organisational restructure and update of Chief Executive Officer

**CHRIS MURDOCH**  
**CHIEF EXECUTIVE OFFICER**

Caretaker Period Policy

Adopted/Approved: Draft  
Version: 1.2

Portfolio: Office of the CEO  
Business Unit: Finance and Business Excellence

## 12.4 DEVELOPMENT APPLICATION D-22-2018 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO THIRTY-FOUR LOTS AND TWO BALANCE LOTS) AT 90 CLAYTON ROAD, LAMMERMOOR

**File No:** D-22-2018

**Attachments:**

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

**Responsible Officer:** Tammy Wardrop - Principal Planning Officer  
Maddie Ward - Co-ordinator Development Assessment  
David Battese - Manager Liveability

**Author:** Tammy Wardrop - Principal Planning Officer

### SUMMARY

**Applicant:** Nicola and Brian Murdock C/- ADAMS + SPARKES Town Planning

**Real Property Address:** Lot 2 on RP848877

**Area of Site:** 6.573 hectares

**Planning Scheme:** *Livingstone Shire Planning Scheme 2005*

**Planning Scheme Zone:** Rural

**Planning Scheme Overlays:** OM2 – Drainage Problem  
OM4 – Good Quality Agriculture Land  
OM5 – Bushfire Hazard  
OM8 – Acid Sulfate Soils (20m AHD)

**Planning Scheme Maps:** PSM2B – Agricultural Land (Class A1 and Class C1)  
PSM10 – Locally Significant Vegetation

**Existing Development:** Dwelling house and Farm shed

**Level of Assessment:** Code Assessable

**Submissions:** Not applicable

**Referral matters:** Native vegetation clearing

**Infrastructure Charge Area:** Outside the priority infrastructure area

**Application progress:**

Application received:	25 January 2018
Application properly made:	31 January 2018
Development control unit meeting date:	31 January 2018
Confirmation notice issued:	14 February 2018
Application referred to SARA:	14 February 2018
Council Information request issued:	28 February 2018
State agency information request issued:	1 March 2018
Information request response to Council received:	28 May 2018
State agency response:	15 June 2018

Decision period commenced:	15 June 2018
First extension of time agreed to:	2 July 2018
Second extension of time agreed to:	11 July 2018
Workshop meeting date:	20 August 2018
Third extension of time agreed to:	28 August 2018
Further advice provided to applicant:	29 August 2018
Amended concept plan (higher density design) submitted for consideration :	29 August 2018
Comments provided to applicant regarding amended concept plan:	11 October 2018
Subsequent extensions of time agreed to in order to facilitate a change application be made:	22 October 2018 – 14 October 2019
Engineering Infrastructure Report and Concept Stormwater Management Plan provided by applicant:	10 May 2019
Meeting held with Consultant Engineers and Council staff:	12 August 2019
Change application received:	14 October 2019
SARA notified of change application:	17 October 2019
Twelfth extension of time agreed to:	5 November 2019
Council meeting date:	3 December 2019
Statutory decision due date:	5 December 2019

## OFFICER'S RECOMMENDATION

### **RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into thirty-four lots and two balance lots), made by Nicola and Brian Murdock C/- ADAMS + SPARKES Town Planning, on Lot 2 on RP848877, and located at 90 Clayton Road, Lammermoor, Council resolves to Approve the application subject to the following conditions:

#### 1.0 **ADMINISTRATION**

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

commencement of any works associated with its purposes:

1.6.1 Operational Works:

- (i) Road Works;
- (ii) Access Works;
- (iii) Water Works;
- (iv) Sewerage Works;
- (v) Stormwater works;
- (vi) Inter-allotment Drainage Works;
- (vii) Site Works; and
- (viii) Landscaping works

1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Proposed Site Layout Plan	SK002 (Rev B)	17 October 2019
Engineering Infrastructure Report	17-000022 (Rev B)	18 October 2019
Concept Stormwater Management Plan	17-000022 (Rev B)	18 October 2019

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

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

3.0 ROAD WORKS

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

3.2 All works must be designed and constructed in accordance with the approved plan (refer condition 2.1), *Capricorn Municipal Development Guidelines*, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).

3.3 All new cul-de-sac streets shown on the approved plan (refer to condition 2.1) must be designed and constructed, including all necessary infrastructure and street lighting, to comply with the road classification requirements of an "Access Place" in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

3.4 The design and construction of all terminating roads at development boundaries must

include a temporary turning area (sealed or equivalent standards) which complies with the relevant performance and technical criteria, and facilitates suitable turning movements for Council refuse collection vehicles.

- 3.5 The intersection between Clayton Road and proposed internal Road A must be designed and constructed with an Urban Basic Right Turn and Basic Left Turn (BAR and BAL) treatment in accordance with *Austroads Guide to Road Design: Part 4A Unsignalised and Signalised Intersections* including all necessary stormwater infrastructure and street lighting.
- 3.6 A minimum 1.2 metre wide concrete pathway must be designed and constructed to the full Clayton Road frontage of the development site (along the development side).
- 3.7 The full development frontage of Clayton Road must be designed and constructed (widened) including kerb and channel, to comply with Urban Major Collector standards in accordance with the *Capricorn Municipal Development Guidelines*. Any application for Operational works (road works) must include details of localised widening of Clayton Road including all necessary relocation of infrastructure.
- 3.8 Traffic signs and pavement markings including any alterations, must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and *Manual of Uniform Traffic Control Devices* (Queensland).
- 3.9 Any application for Operational Works (road works) must include details, including signage, of the Council approved road names for all new roads.
- 3.10 Street and public space lighting must be provided in accordance with *Australian Standard AS1158 Lighting for roads and public spaces*, and Council's *Road, Street and Public Spaces Lighting Policy* and *Road, Street and Public Spaces Lighting Procedure*.

#### 4.0 ACCESS WORKS

- 4.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plan and reports (refer to condition 2.1), the *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (access works).
- 4.3 A *Capricorn Municipal Development Guidelines* compliant vehicle access driveway must be designed and constructed to the existing Dwelling house within proposed Lot 9. Any non-compliant vehicle access will require a Development Permit for Operational Works (access works) prior to commencement of any vehicle access works associated with that lot.

#### 5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 5.2 All works must be in accordance with the approved plan (refer condition 2.1), regulated work under the *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 5.3 Any application for Operational Works (water works) must be accompanied by a detailed Water Network Analysis Report, to demonstrate that the proposed development will have the minimum pressure and fire containment requirements in accordance with the design criteria outlined in the *Capricorn Municipal Development Guidelines*.
- 5.4 All lots within the development must be connected to Council's reticulated water network and provided with a separate water connection point, located wholly within

the respective property boundaries.

- 5.5 The existing Dwelling house located within proposed Lot 9 must be connected to the reticulated water network.

- 5.6 The existing water property point of connection(s) must be terminated.

6.0 SEWERAGE WORKS

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

- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), the *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).

- 6.3 A suitably sized new sewer rising main (non-trunk) must be designed and constructed. The proposed sewer rising main (non-trunk) from the proposed sewer pump (non-trunk) discharging into the existing sewer manhole (located within the sewer easement at Lot 67 on SP247246), must be realigned such that whole parts of the rising main are located within relevant road reserve(s).

- 6.4 A suitably sized 'freehold' lot, with a minimum dimension of twenty (20) metres by twenty (20) metres, must be dedicated to Council for the proposed sewer pump station prior to the approval of a plan of subdivision (survey plan endorsement) for the first lot within the development, generally in accordance with SK 011- SEWER LAYOUT – SHEET 1 OF 2 (refer to condition 2.1). The sewer pump station site must be agreed in consultation with Council as part of the Development Permit for Operational Works (sewerage works).

- 6.5 Easements must be provided over all new sewerage infrastructure located within private property. The easement locations and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

- 6.6 All lots within the development must be connected by the Developer to Council's reticulated sewer network. Each of the lots must be provided with its own separate sewer connection point, located wholly within its respective property boundaries.

- 6.7 All internal plumbing and sanitary drainage systems associated with the existing Dwelling house located within proposed Lot 9 must be located wholly within the property boundaries. Any alterations to the existing internal plumbing and sanitary drainage systems associated with the existing dwelling must be at no cost to Council.

7.0 STORMWATER WORKS

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

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

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

- 7.4 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 to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.



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- 7.5 Stormwater management devices such as Basin A and Basin B must be dedicated to Council as separate lots, either as fee simple or fee simple in trust free of cost.
- 7.6 Any application for Operational works (stormwater works) must accompany a detailed stormwater management report certified by a suitably qualified *Registered Professional Engineer of Queensland*. The report must include (but not limited to) the following;
- 7.6.1 A detailed assessment of the major and minor rainfall event peak discharges for the pre-development and post-development scenarios which clearly identifies discharge point(s) and demonstrate lawful discharge;
  - 7.6.2 Detention systems: the volume of any detention must be sufficient to attenuate the peak discharge from the site to ensure no actionable nuisance due to the flow regime immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration;
  - 7.6.3 Layouts showing the extent of the one (1) per cent Annual Exceedance Probability event inundation areas (pre and post) and the details of the available freeboard to the finished ground/floor levels;
  - 7.6.4 Detail design calculations of outlet systems. Considerations must be given to critical scour velocity, discharge frequency /duration at the discharge location(s) and relevant management measures;
  - 7.6.5 Final design details to demonstrate that the potential pollutants in stormwater runoff, discharged from the site are managed to achieve minimum reductions in mean annual load;
  - 7.6.6 Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy;
  - 7.6.7 Full calculations, including (where necessary) electronic modelling files from industry standard modelling software, (inclusive of both electronic model files and results files), hydrological model parameters, calibration details and all details of the modelling assumptions to support the proposed stormwater management strategy; and
  - 7.6.8 Details of ongoing maintenance and management actions required with regard to any proposed detention basin / retention systems.
- 7.7 Any culvert/cross drainage structure within the development must be designed to ensure safe trafficability during a Defined Flood Event, with twenty (20) per cent blockage factor. The maximum flow depth over the cross drainage structure must be limited to 200 millimetres, demonstrating allowable velocity/depth product(s).
- 8.0 INTERALLOTMENT DRAINAGE
- 8.1 A Development Permit for Operational Works (inter-allotment drainage works) must be obtained prior to the commencement of any drainage works on the site.
- 8.2 Inter-allotment drainage must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* and must be provided to any lot where it cannot be satisfactorily demonstrated that roof water drainage associated with building construction on that lot, could reasonably be directed to the frontage kerb and channel or alternative lawful discharge.
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- 8.3 Easements must be provided over all inter-allotment drainage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

9.0 SITE WORKS

- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 9.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.3 Any application for a Development Permit for Operational Works (site works) must be accompanied by an detailed earthworks plan which clearly identifies the following:
- 9.3.1 the location of cut and/or fill and batter slopes;
  - 9.3.2 the type of fill to be used and the manner in which it is to be compacted;
  - 9.3.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
  - 9.3.4 retaining structures (if necessary); and
  - 9.3.5 surface and sub-surface drainage controls (if applicable).
- 9.4 Site works must be constructed such that they do not, at any time, in any way adversely restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or damage infrastructure.
- 9.5 All site works must be undertaken to ensure that no actionable nuisance results from:
- 9.5.1 an increase in peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive);
  - 9.5.2 an increase in downstream or upstream flood inundation levels; and
  - 9.5.3 an increase in velocity profiles.

10.0 LANDSCAPING WORKS

- 10.1 A Development Permit for Operational Works (Landscaping works) must be obtained prior to the commencement of any site works.
- 10.2 Landscaping (street trees) must be provided in all areas of road reserve for proposed internal roads (Road A and Road B) to the rate of one (1) tree per lot.
- 10.3 A "Planting Plan" and supporting documentation must be submitted for approval by Council prior to, or in conjunction with, the request for an approval of a plan of subdivision (survey plan endorsement), which includes:
- (i) a plant schedule with the botanic and common names (preferably endemic species), total plant numbers and root preparation;
  - (ii) underground and overhead services.
- 10.4 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure.
- 10.5 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).
- 10.6 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
  - (ii) adversely affect any road lighting or public space lighting; or
  - (iii) adversely affect any Council infrastructure, or public utility plant.

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**11.0 ELECTRICITY AND TELECOMMUNICATIONS**

- 11.1 Underground electricity and telecommunication connections must be provided to the proposed lots to the standards of the relevant authorities.
- 11.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the approval of a plan of subdivision (survey plan endorsement).
- 11.3 Any existing overhead electricity traversing the portion of the site to be developed (i.e. lots) must be removed and any associated easement(s) extinguished.

**12.0 ASSET MANAGEMENT**

- 12.1 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.
- 12.2 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.
- 12.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the approval of a plan of subdivision (survey plan endorsement). This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

**13.0 ENVIRONMENTAL**

- 13.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which demonstrates how the Construction-Phase stormwater management design objectives of the *State Planning Policy* will be achieved.
- 13.2 The Erosion and Sediment Control Plan must include (but not limited to) the following:
- (i) site location / topography / soil type;
  - (ii) objectives;
  - (iii) concept;
  - (iv) design details;
  - (v) implementation procedures for construction and post construction phases of work;
  - (vi) vegetation;
  - (vii) interim drainage plan during construction;
  - (viii) dust suppression;
  - (ix) top soil management; and
  - (x) erosion susceptibility and risk;
- 13.3 The Erosion and Sediment Control Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 13.4 An Erosion Control and Stormwater Control Management Plan must be implemented
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and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

- 13.5 An environmental covenant, pursuant to Section 97A of the *Land Title Act 1994*, must be entered into in respect of the land within proposed Balance Lot 2 to include remnant vegetation mapped generally in accordance with the Proposed Site Layout Plan (refer to condition 2.1) to the effect that:
- 13.5.1 the area is protected as a vegetated flora and fauna habitat and all native vegetation must be retained; and
  - 13.5.2 there is to be no artificial interference or disturbance of the habitat, except as approved by Council for the following purposes; remove hazards to safety of persons outside of the habitat, manage erosion and sediment, manage drainage, remove weeds and revegetate with local native species.
  - 13.5.3 a Weed Management Plan and Re-vegetation Plan must be prepared in consultation with Council's Natural Resource Management Unit to enhance the quality of the protected habitat.
- 13.6 Initial works to reduce weed infestation and replant disturbed areas must be carried out as part of the Operational Works for the development. An inspection will be required to confirm the completion of works according to the Weed Management Plan and Re-vegetation Plan and Operational Works Permit.
- 13.7 The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council, prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 14.0 OPERATING PROCEDURES
- 14.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Clayton Road.

#### 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 Partnerships website

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

constructed on a road.

NOTE 5. Environmental

- (i) The land subject to the above development application must be free of declared pest plants and animals; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011* and in the *Land Protection (Pest and Stock Route Management) Act 2002* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- (ii) It is advised that part of the subject site is mapped by the Department of Environment and Science as containing Least Concern Remnant Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/management/vegetation>
- (iii) It is advised that the subject site is mapped under the *Livingstone Planning Scheme* as containing Matters of Local Environment Significance. Clearing of this vegetation should not be undertaken without Council permission.
- (iv) It is advised that the subject site is mapped by the Department of Environment and Science as a high priority area for protected plants, which is administered under the *Nature Conservation Act 1992*. A permit to undertake clearing may be required. Further advice regarding protected plants can be sought from the Department of Environment and Science.

NOTE 6. Live Water and Sewer Connection Works

Council / licenced plumber approved by Council can carry out the water and sewerage connection works. In accordance with *Water Supply (Safety and Reliability) Act*, prior to carrying out any live service connections, applicant must obtain relevant service provider(s) consent.

Alterations that may require when Council is carrying out the connection of the water and sewerage mains must be the responsibility of the developer. This requirement may require negotiations with other service authorities such as Telstra and Ergon.

Any construction works proposed in the vicinity of Council's existing water supply and sewerage infrastructure must not adversely affect the integrity of the infrastructure. Any restoration works required on the existing water supply and sewerage infrastructure, caused by the construction of the proposed development, must be borne by the applicant.

NOTE 7. Infrastructure Charges Notice

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

**RECOMMENDATION B**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into thirty-four lots and two balance lots), made by Nicola and Brian Murdock C/- ADAMS + SPARKES Town Planning, on Lot 2 on RP848877, and located at 90 Clayton Road, Lammermoor, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$698,670.00**.

## BACKGROUND

The application was lodged in January 2018 under the *Livingstone Shire Planning Scheme 2005* as a subdivision for one lot into ten (10) park residential lots. The lots were proposed to connect to Council's water infrastructure network and provide on-site sewerage. A new cul-de-sac (Road A) adjoining Clayton Road was proposed to provide vehicular access to all lots.

The development was discussed at Council Workshop in August 2018. Subsequent to Council Workshop, further discussions were held internally regarding the opportunity for a higher density development which could connect to Council sewer infrastructure, due to the proximity of the site to the trunk sewer network and adjoining development of an urban nature.

Council provided further advice to the applicant on 29 August 2018 to the effect that a higher density development would be considered more favourably in this location. Discussions over a number of months between the applicant, engineering consultants and internal departments, resulted in the current proposal being for one lot into thirty-four (34) residential lots and two (2) balance lots.

## COMMENTARY

The proposed development is for the subdivision of one rural allotment of 6.573 hectares into thirty-four (34) residential lots and two (2) balance lots in the below configuration:

Lot no.	Lot size (square metres)
1	800
2	800
3	800
4	800
5	791
6	800
7	800
8	800
9	2,297
10	799
11	799
12	800
13	800
14	800
15	800
16	800
17	800
18	800
19	969
20	907
21	1,069
22	816



23	816
24	816
25	1,634
26	816
27	816
28	816
29	806
30	804
31	812
32	812
33	812
34	967
Balance Lot 1	8,727
Balance Lot 2	18,061

The existing Dwelling house will be retained within proposed Lot 9 and the existing shed will be removed. Each balance Lot will include a stormwater basin and Balance Lot 2 will also include an environmental covenant.

Access from Clayton Road will be via a new road (Road A) which will lead onto a cul-de-sac (Road B), which is designed to connect to The Shoals Estate upon completion of Stage 2.

All lots will connect to all urban infrastructure services. Council requires that Basin A and Basin B be located within their own allotments.

### **SITE AND LOCALITY**

The site is located within the locality of Lammermoor, approximately 5.5 kilometres from the Yeppoon Central Business District and one (1) kilometre from Lammermoor Beach, and within proximity to a number of schools. The subject site is zoned Rural, with a 281 metre road frontage to Clayton Road.

The site is irregular in shape, sloping from the west at thirty-one (31) metres Australian Height Datum down towards the east at fifteen (15) metres Australian Height Datum, a gradient of approximately five per cent (5%). The existing Dwelling house is located at thirty-one (31) metres Australian Height Datum and will be retained on proposed Lot 9. The existing shed, located at twenty (20) metres Australian Height Datum, will be removed or demolished for the purpose of development. The western portion of the site contains sporadic vegetation, while the eastern portion along Clayton Road contains dense vegetation which is mapped as locally significant vegetation.

The site contains two existing easements running south from two points along the Clayton Road boundary, and overhead power lines traverse the southeast corner of the site.

The site is located on the urban fringe, with much of the land to the south and southwest being used for rural living purposes, and much of the residential zoned land to the north and northeast having been approved and developed for urban residential development of varying densities.

Related permits over the subject site and permits and development on adjoining properties are detailed in the following table:

<b>Existing applications/approvals over the site</b>	
Lot 2 on RP848877	Development Permit 472-2002-YPO for a Farm shed

90 Clayton Road, Lammermoor	– approved with conditions 28 June 2002
	Development Permit 157-2004-YPO for a Dwelling – approved with conditions 16 March 2004
	Development Permit 1771-2004-YDOM for Demolition of Building – approved with conditions 19 October 2004
	Development Permit 1751-2004-YPREL Preliminary Application - Relocate dwelling request – approved with conditions 28 October 2004
	Development Permit P-1885-2004 for a New Dwelling – approved with conditions 18 November 2004
	Development Permit 1884-2004-YDOM for a Single detached dwelling (relocated) and addition class 1a – approved with conditions 22 November 2004
	Development Permit 2201-2004-YDOM for a Patio roof class 10a – approved with conditions 13 January 2005
<b>Application/approvals on adjoining sites</b>	
Lot 1 on RP848877 86 Clayton Road, Lammermoor (to the north)	Building Permit BP4774 for a Farm shed - issued 26 June 1981
	Building Permit BP4986 for a Relocated Dwelling - issued 19 March 1982
	Building Permit BP6921 for a Farm shed - issued 20 October 1986
Lot 2 on RP905872 84 Clayton Road, Lammermoor (to the south west)	Plumbing Permit P-110-2007 for Alteration – approved with conditions 13 March 2007
	Building Permit 97-2007-YPCDOM for a Dwelling (Alterations & Additions) – approved with conditions 15 March 2007
	Plumbing Permit P-153-2007 for Alteration – approved with conditions 29 March 2007
	Plumbing Permit P-545-2007 for replacing existing septic system – approved with conditions 11 October 2007
Lot 2 on RP835074 Lot 2 Clayton Road, Lammermoor (to the south east)	Building Permit BP4393 for Dwelling additions – issued 24 April 1980
<b>Reconfiguring a Lot approvals on nearby Rural zoned land</b>	
Waterview Country Estate Clayton Road	Development Permit D-305-2011 for Reconfiguring a Lot (one lot into fifteen lots) <ul style="list-style-type: none"> <li>• Approved with conditions 13 December 2011</li> <li>• Amended Decision Notice 13 March 2012</li> </ul>
The Shoals Chandler Road, Lammermoor	Development Permit D-Y/2008-89 for Reconfiguring a Lot (one lot into 194 lots) <ul style="list-style-type: none"> <li>• Approved with conditions 12 February 2009</li> </ul>

	<ul style="list-style-type: none"> <li>• Amended Decision Notice 12 February 2009</li> <li>• Amended Decision Notice 9 May 2012</li> <li>• Amended Decision Notice 19 September 2014</li> <li>• Amended Decision Notice 13 July 2015</li> <li>• Amended Decision Notice 12 September 2017</li> </ul>
Harbour Close Estate Constellation Drive, Peninsula Place	Development Permit D-Y/2008-86 for Reconfiguring a Lot (one lot into sixty-two lots) <ul style="list-style-type: none"> <li>• Approved with conditions 18 September 2008</li> <li>• Negotiated Decision Notice 2 December 2008</li> </ul>
Lammermoor Sands Red Emperor Way, Dune Circuit	Development Permit D-Y/2006-236 for Reconfiguring a Lot (one lot into eighty-eight lots) <ul style="list-style-type: none"> <li>• Approved with conditions 6 September 2006</li> <li>• Negotiated Decision Notice 7 November 2006</li> <li>• Amended Decision Notice 7 June 2008</li> <li>• Amended Decision Notice 17 January 2008</li> <li>• Amended Decision Notice 20 February 2013</li> </ul>

### **ASSESSMENT INCLUDING BENCHMARKS AND RELEVANT MATTERS**

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

The assessment has been carried out against the assessment benchmarks in the relevant categorising instrument/s for the development and having regard to the *Central Queensland Regional Plan*, the *State Planning Policy*, any development approval for and any lawful use of the premises or adjoining premises, and the common material.

The assessment has also had regard to other relevant matters (other than a person's personal circumstances, financial or otherwise) discussed further in this report.

<b>Benchmarks applying for the development</b>	<b>Benchmark reference</b>
Shire Wide Outcomes Rural Zone Code Natural Features Code	<i>Livingstone Planning Scheme 2005</i> Reprint 7 as in force 10 July 2017
Chapter 4 – Regional outcomes and policies	<i>Central Queensland Regional Plan, October 2013</i>
Part E: State interest policies and assessment benchmarks	<i>State Planning Policy, July 2017</i>
<b>Relevant matters considered</b>	
Any development approval for, and any lawful use of, the premises or adjacent premises	The relevance of existing approvals on the subject site and adjoining properties in respect of the land use pattern and commensurate development
<i>Livingstone Planning Scheme 2018</i>	In respect of the policy direction for new urban land.
The common material submitted with the application	In respect of the reports provided in the material including proposal plans and supporting information

The Adopted Infrastructure Charges Resolution	In respect of trunk infrastructure provisions and charging for development.
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**Internal advice and assessment****Infrastructure Operations Unit – 28 October 2019**

Support, subject to conditions.

The development site can be readily serviced by water and sewerage reticulation and is a logical extension of the developed residential estates to the north.

**Natural Resource Management – 15 August 2018**

Support, subject to conditions.

An environmental covenant is required over the mapped vegetation of local significance located within proposed Balance Lot 2, to the effect that the vegetated flora and fauna habitat is retained, manage erosion, weeds and revegetate with native species as necessary.

**Public and Environmental Health – 1 February 2018**

No comments.

**Growth Management – 23 October 2019**

Support based on the below summary of comments.

Despite the development conflicting with aspects of the zone relating to lot size, the site and adjacent sites have no obvious rural pursuits. Further, the site is in a locality which has many urban residential estates and approvals in place. The proximity of the site to the Priority Infrastructure Area and Urban Areas mapped in the Strategic Framework has played a major role in the decision to change the layout to a higher density lot configuration.

**External referral**

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning as a concurrence agency given the site is identified as containing Regulated vegetation management map (Category A and B extract) in accordance with Part 3, Division 4, Table 2 of Schedule 10 of the *Planning Regulation 2017*. The Department assessed the application and requested further information on 1 March 2018. Following a response to the information request, the Department provided conditions on 15 June 2018.

A notice of missed referral (Ergon) was issued 30 July 2018 but was determined as not required.

Following the change application, Council advised the Department of State Development, Manufacturing, Infrastructure and Planning as a concurrence agency, in accordance with Section 25.1 of the *Development Assessment Rules*. The State Assessment and Referral Agency advised Council the referral agency response would not be changed as a result of the change application.

**Information request**

An information request was issued by Council on 28 February 2018 which included (but was not limited to) the following;

- A statement against the *Livingstone Shire Planning Scheme 2005* Rural Zone Code;
- A Park Residential Needs Assessment;
- Amendments to the Engineering Infrastructure Report;
- Additional information in relation to the Stormwater Management Plan;
- Bushfire Hazard Assessment and Bushfire Hazard Management Plan requested; and
- Confirmation of the intention of proposed Lot 11.

The applicant provided a response in full on 28 May 2018.

### **Further advice**

Council issued further advice to the applicant on 29 August 2018 pertaining to the density of the proposed development and connection to infrastructure.

The applicant responded to the further advice on 29 August 2018 with an alternative plan of subdivision, proposing one (1) lot into thirty-seven (37) lots. Subsequent discussions were held and preliminary advice was provided by Council to the applicant, resulting the final proposal plan being amended to one (1) lot into thirty-four (34) lots and two (2) balance lots.

Subsequent information, being an updated Engineering Infrastructure Report and Concept Stormwater Management Plan, were provided 10 May 2019 in support of the alternative design.

### **State Planning Policy – July 2017**

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

Liveable Communities: Not applicable as the development is not associated with community title.

Mining and extractive resources: Not applicable as the site is not located within a Key Resource Area.

Biodiversity: The site contains mapped regulated vegetation management area.

Development:	
(1) Development is located in areas to avoid significant impacts on matters of national environmental significance and considers the requirements of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .	<b>Not applicable</b> The subject sites do not contain any known matters of national environmental significance.
(2) Matters of state environmental significance are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised.	<b>Complies</b> The southeast portion of the subject site contains Category B vegetation on the regulated vegetation management map and was triggered for referral to the Department of State Development, Manufacturing, Infrastructure and Planning. This existing vegetation will be retained within proposed Balance Lot 2 and a condition will be included to the effect that an environmental covenant must be entered into in respect of the land within proposed Balance Lot 2 to cover the mapped vegetation of local significance.
(3) Matters of local environmental significance are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised.	<b>Complies</b> This site is mapped as containing Locally Significant vegetation. It is proposed the mapped vegetation be retained within proposed Balance Lot 2 via a covenant, therefore avoiding any adverse impacts on the vegetation.
(4) Ecological processes and connectivity	<b>Complies</b>

is maintained or enhanced by avoiding fragmentation of matters of environmental significance.	It is noted that the subject site contains Category B on the Regulated vegetation management map on the eastern boundary, however it is proposed the mapped vegetation be retained within proposed Balance Lot 2 via a covenant, therefore the proposed subdivision does not further fragment the mapped vegetation. It is therefore considered that the ecological processes and connectivity are maintained.
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Coastal environment: Not applicable as the subject site is not located near the coastline.

Water quality: Livingstone Shire is identified as being located within a Climatic Region. The water quality benchmark is applicable as the proposal is for reconfiguring a lot for urban purposes that involves a land area greater than 2500 square metres and will result in thirty-six lots.

Development:	
<p>(1) avoids or otherwise minimises adverse impacts on the environmental values of receiving waters, arising from:</p> <ul style="list-style-type: none"> <li>(a) altered stormwater quality or flows, and</li> <li>(b) wastewater (other than contaminated stormwater and sewage), and</li> <li>(c) the creation or expansion of non-tidal artificial waterways, and</li> </ul>	<p><b>Conditioned to ensure compliance</b></p> <p>A water quality investigation was undertaken by Council using Model for Urban Stormwater Improvement Conceptualisation (MUSIC) modelling software to assess the effectiveness of the proposed treatment system against the <i>State Planning Policy</i> (2017). While the modelling did not achieve the desired water quality outcomes of the <i>State Planning Policy</i> (with nitrogen reduction at approximately 40% rather than the required 45% reduction), a Development Permit for Operational works for Stormwater works will be conditioned to be obtained, which must demonstrate compliance with the relevant standards and policies in place at the time.</p>
<p>(2) by demonstrating it complies with the SPP code: Water quality (Appendix 3).</p>	

Emissions and hazardous activities: Not applicable as the proposal does not involve emissions and/or hazardous activities.

Natural Hazards, risk and resilience:

The subject site is located within the Flood hazard area – local government flood mapping area and Bushfire hazard area and an assessment against the applicable benchmarks has been undertaken below.

<u>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</u>	
<p>(1) Development avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p>	<p><b>Justified to comply</b></p> <p>The proposed development is located on a site that has been identified as being subject to local government flood hazard. This mapping is extensive throughout the shire and has not been locally verified. The site is not mapped within the flood hazard overlay of the <i>Livingstone Planning Scheme 2018</i>, which commenced 1 May 2018.</p>



	<p>The site is almost entirely affected by the bushfire hazard overlay and zoned Rural under the <i>Livingstone Planning Scheme 2018</i>, therefore any future Dwelling house proposed to be developed on the newly created lots will require a Material Change of Use application (code assessable) due to bushfire and setback provisions. The Bushfire Hazard Overlay Code will be required to be addressed on any lot affected by the bushfire hazard overlay.</p>
<u>For all natural hazards:</u>	
(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.	<p><b>Complies</b></p> <p>Both the 2005 and 2018 planning scheme mapping does not identify the subject site as being within a flood hazard area, and any future proposed Dwelling house will be required to address the Bushfire Hazard Overlay Code under the <i>Livingstone Planning Scheme 2018</i>.</p> <p>Additionally, the proposal provides formalised street access to all proposed lots and accommodates future linkage to The Shoals Estate, which ensures disaster management response and recovery capacity.</p>
(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.	<p><b>Complies</b></p> <p>The proposal includes provision for two (2) stormwater basins, located within Balance Lots 1 and 2, therefore, the development is not anticipated to increase the severity of a natural hazard, being a flood, on the site or to adjoining properties.</p> <p>Any future development will be conditioned to ensure stormwater is directed to a lawful point of discharge.</p>
(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.	<p><b>Not applicable</b></p> <p>The proposed development does not involve hazardous materials.</p>
(5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.	<p><b>Complies</b></p> <p>The development involves a large easement and vegetation covenant to ensure a balance between the natural processes in terms of drainage, engineering solutions in terms of the stormwater basins and the protection of significant vegetation through the covenant. The extent of the covenant area will be provided prior to the approval of a plan of subdivision along with all necessary conditions. The extent of the drainage easement will be provided as part</p>

	of a related operational works application, as conditioned in the recommendation.
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### **Central Queensland Regional Plan – October 2013**

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.

<b>Regional Policy</b>	<b>Response</b>
<b>Regional outcome</b> 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.	
<b>Regional policy 3</b> Safeguard the areas required for the growth of towns through the establishment of Priority Living Areas (Schedule 1).	<b>Complies</b> The subject site is identified as being within the Livingstone Priority Living Areas. The proposal is for reconfiguring a lot for the purposes of residential uses and therefore supports the policy.

### **Other State or Commonwealth Legislation**

#### **Nature Conservation Act 1992**

As the site is within a mapped high-risk area for protected plants, a flora survey was required under the *Nature Conservation Act 1992*. The flora survey did not detect any endangered, vulnerable or near threatened protected plants within the clearing impact area.

#### **Livingstone Planning Scheme 2018**

The *Livingstone Planning Scheme 2018* commenced on 1 May 2018, subsequent to the application being lodged. Significant weight can be given to the *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 lodgment 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 site is shown on "Strategic Framework Map SFM-02 Yeppoon and Surrounds" as New Urban. The New Urban designation comprises land in proximity to urban areas which are intended for expansion of urban development to accommodate the projected population growth beyond the year 2026, and up to the year 2031.

The subject site is identified as being within the Rural Zone under the *Livingstone Planning Scheme 2018*. Under the *Livingstone Planning Scheme 2018*, the minimum lot size within the Rural zone, if within Class A and Class B Agricultural Land, is sixty (60) hectares, which is consistent with the requirements under the 2005 Planning Scheme. The intent of the minimum lot size requirement is to preserve land for agricultural purposes.

Although the proposal is unable to comply with a number of the overall outcomes and the specific outcomes of the Rural Zone Code and Reconfiguring a Lot Code under the *Livingstone Planning Scheme 2018*, the following assessment of the *Livingstone Shire Planning Scheme 2005* provides justification in relation to these issues, particularly in relation to approving lots below the minimum lot size.

#### **Livingstone Shire Planning Scheme 2005**

### Planning Scheme Shire Wide Outcomes

The Shire Wide Desired Environmental Outcomes, as identified by section 2.2 of the *Livingstone Planning Scheme 2005* have been addressed for a comprehensive assessment of the development and 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 western portion of the subject site has previously been cleared of vegetation. The existing vegetation along the eastern boundary, mapped as Locally Significant Vegetation, will be retained within proposed Balance Lot 2 via a covenant to protect the biodiversity values of the locally significant vegetation.

- (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, however is on the boundary of Charge Area 1 and is able to be connected to Council water infrastructure without adversely impacting the quality or quantum of water available.

- (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 affected by bushfire hazard and is partially below twenty (20) metres Australian Height Datum. Appropriate fire breaks can be established within the proposed balance lots along boundaries adjoining the proposed residential lots to mitigate potential bushfire hazard. It should be noted that most proposed lots are affected by the bushfire hazard overlay under the *Livingstone Planning Scheme 2018*, which will therefore trigger a development application for future uses on the lots.

Additionally, the proposal provides formalised vehicular access to all proposed lots and accommodates future linkage to The Shoals Estate, which will provide an alternative evacuation route in the event of a bushfire.

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

**Complies:** The 6.573 hectare site is mapped as Good Quality Agricultural Land and Agricultural Land Class A1 (crop land) and Class C1 (pasture land). Class A1 land requires a minimum lot size of sixty (60) hectares and Class C1 requires 150 hectares under the *Livingstone Shire Planning Scheme 2005*. The site, and adjoining rural zoned sites, are not currently used for agricultural purposes and due to the proximity of urban development, viable rural pursuits would be unlikely to occur given the required separation distances.

The western portion of the site has been cleared of vegetation, while it is proposed the existing vegetation along the eastern boundary, mapped as Locally Significant Vegetation, be retained.

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

**Complies:** The proposal can be seen as a logical extension to the existing Lammermoor residential footprint.

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

**Not applicable:** The application is not for a commercial or industrial use.

- (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 is for freehold subdivision and will not impact upon the Shire's tourism industry.

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

**Complies:** The proposal is for the subdivision of rural land for residential purposes and will not impact upon the main business centre function 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:** The application supports the logical order of development, utilising the existing Clayton Road to gain access to the development via a proposed new road. The development accommodates future linkage and alternative route to The Shoals Estate.

- (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; able to be conditioned in part:** Whilst the application proposes a development which is not intended within the Rural Zone, the subdivision is on the boundary of Charge Area 1 and is able to be serviced to an urban residential standard. It is considered that sufficient justification has been provided with the application to support the proposal, despite the conflict with the minimum lot size requirements within the Rural Zone Code, this includes the proximity to existing urban development and the ability to connect to infrastructure.

- (k) *Development does not adversely affect:*

(i) *the community's health and safety; or*

(ii) *the amenity enjoyed by people in different areas of the Shire.*

**Complies:** The proposal will not affect the community's health and safety and will maintain the existing level of amenity for the 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 proposal will create thirty-four (34) urban residential sized allotments, which is consistent with the area, despite being inconsistent with the zone and maintain a level of amenity which is appropriate for the area. Although the site is not identified as being within the Scenic Amenity Overlay, the retention of vegetation within proposed Balance Lot 2 aims to provide a buffer from Clayton Road to the development as well as surrounding Rural allotments to the south west.

- (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 values.

The performance assessment of the proposal demonstrates that the development will not compromise the Planning Scheme Shire Wide Desired Environmental Outcomes. The proposal further addresses Desired Environmental Outcome (j) as part of the Rural Zone code, where all other outcomes have been satisfied.

### Rural Zone Outcomes

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.*
  - (viii) *Buildings and structures that are not associated with rural purposes have heights that are low-rise and not exceeding 12 metres.*
  - (ix) *Development is provided with adequate infrastructure and essential services.*

The proposed development is not explicitly intended in the Rural zone as it is for the creation of residential size allotments to be utilised for residential uses, rather than rural pursuits, and thus cannot be considered consistent within the zone. Council should note however, that pursuant to Section 60(2)(b) of the *Planning Act 2016*, the assessment manager may decide to approve an application despite the development not complying with some assessment benchmarks where there are considered to be circumstances that favour Council exercising its discretion to approve the application.

Council recognises the subject site, at 6.573 hectares, is well below the required lot size of sixty (60) to 150 hectares in the Rural zone, and that the lot already has limited productive capacity for rural pursuits given its size and proximity to sensitive (residential) uses. The retention of locally significant vegetation within proposed Balance Lot 2 via a covenant, aids in the achievement of Overall Outcome (iii).

In addition, the development represents a logical extension of urban development as the site is located on the immediate periphery of residential development, and is within proximity to schools, other key services and Stage 2 of The Shoals Estate. Furthermore, the site is located on the boundary of the Priority Infrastructure Area, and is able to connect to Council's water, sewer, road and stormwater networks.

Further information on the reasons for a favourable decision are addressed in the following report.

### Rural Zone Code Requirements

The following is an assessment of the proposal against the Rural Zone Code, which includes an assessment of the development against the overall outcomes of the code.

Specific Outcomes		Response
<b>Land use</b>		
O1	<p>Land use is:</p> <ul style="list-style-type: none"> <li>(a) a rural purpose (as defined in the planning scheme); or</li> <li>(b) a use which provides recreational or essential community facilities that are more appropriately located in the rural area (as identified in the overall outcomes of this code); or</li> <li>(c) a use (as identified in the overall outcomes of this code) which: <ul style="list-style-type: none"> <li>(i) is compatible with and supports a use within the rural purpose group; and</li> <li>(ii) is compatible with and does not limit or compromise surrounding rural purposes; and</li> <li>(iii) does not adversely affect the amenity of the locality.</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>The proposal is for reconfiguring a lot only. No new buildings or structures are proposed as part of this application, however the proposal is for the purposes of creating new residential allotments, for one Dwelling house to be located on each newly created lot.</p> <p>Future Dwelling houses will be subject to a development application for a Material Change of Use given the Bushfire Overlay. This may be varied through a formal Variation approval to override the provisions of the 2018 Planning Scheme.</p>
<b>Subdivision Design</b>		
O2	<p>Reconfigured lots are designed and developed with:</p> <ul style="list-style-type: none"> <li>• sufficient area and suitable proportions for preferred or consistent uses;</li> <li>• adequate frontage for safe and convenient vehicular and pedestrian access;</li> <li>• suitable areas within each lot for the location of relevant activities and works, and;</li> <li>• do not expose people and works to unacceptable risks from flooding or other hazards.</li> </ul>	<p><b>Justified to comply</b></p> <p>The intent of the Planning Scheme's minimum rural lot size requirement is to reserve land for primary agricultural production. The Planning Scheme requires that rural lots classified as being Class A1 must have a minimum area of sixty (60) hectares, and areas of Class C2 must have a minimum area of 150 hectares. At 6.573 hectares, the existing lot is well below the minimum lot size requirements.</p> <p>Whilst the scale is not consistent with the Rural Zone Code, the site and the adjoining rural properties are not of a sufficient size or agricultural land quality to support intensive agricultural uses. The proposal is for thirty-four residential sized allotments, sized from 791 square metres to 1,634 square metres, and two balance lots measuring 8,727 square metre and 18,061 square metres. The generous sized lots can accommodate a Dwelling house on each lot in accordance with residential setbacks under the current Planning Scheme, and affords each lot</p>

Specific Outcomes	Response
	<p>adequate road frontage.</p> <p>Most of the proposed lots will be affected by the bushfire hazard overlay under the <i>Livingstone Planning Scheme 2018</i>, therefore any future Dwelling house to be located on the newly created lots will be assessable if within the bushfire hazard overlay, whereby the Bushfire Hazard Overlay Code will need to be addressed. The site is generally clear of vegetation except for the balance lot areas and proposed environmental covenant area.</p> <p>The site is not mapped with flood hazard however a Stormwater Management Plan has been prepared which includes one (1) stormwater basin to be located in each balance lot.</p>
<b>Built Form</b>	
<p>O3 Uses and works are located, designed and operated to minimise adverse impacts on:</p> <ul style="list-style-type: none"> <li>existing environmental conditions relating to air, water and soil,</li> <li>the amenity of adjacent properties and public spaces,</li> <li>visual quality of landscapes in terms of: <ul style="list-style-type: none"> <li>reducing ribbon development and sprawl,</li> <li>loss of green break separations,</li> </ul> </li> <li>obstructing significant local and distant views of prominent natural features and landmarks, and</li> <li>the health and safety of people using the premises and adjacent premises.</li> </ul>	<p><b>Complies</b></p> <p>The proposal is for reconfiguring a lot only. No new buildings or structures are proposed as part of this application.</p> <p>The proposed environmental covenant in Balance Lot 2 will ensure some of the existing vegetation along Clayton Road is retained, retaining the existing street amenity and providing an entry statement to the estate. There are currently no development plans for Balance Lot 1 which also contains a substantial area of native vegetation. Any development or clearing on this lot will trigger further permits under the current Planning Scheme.</p> <p>The site is in proximity to residential and park residential development, and is considered a logical extension to the existing Lammermoor residential footprint.</p>
<p>O4 Buildings and structures are:</p> <ul style="list-style-type: none"> <li>of a type and scale which have an attractive, functional appearance;</li> <li>constructed of materials and finishes compatible with other development in the area;</li> <li>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</li> </ul>	<p><b>Not Applicable</b></p> <p>Any future Dwelling house to be located on the newly created lots will require code assessment under the <i>Livingstone Planning Scheme 2018</i> due to rural setbacks and bushfire hazard overlay applying to the lots. This may be varied through a formal Variation approval to override the provisions of the 2018 planning scheme.</p>



Specific Outcomes		Response
	<ul style="list-style-type: none"> <li>designed to adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces</li> </ul>	
O5	<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"> <li>Traffic on major roads (including State controlled roads); or</li> <li>Operations within railway corridors.</li> </ul>	<p><b>Not Applicable</b></p> <p>The site is not within a noise sensitive place.</p>
<b>Cultural Heritage Values</b>		
O6	<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><b>Not applicable</b></p> <p>The subject site is not identified as containing any known Cultural Heritage Values listed in Schedule 3 of the <i>Livingstone Shire Planning Scheme 2005</i>.</p>
<b>Flood Immunity</b>		
O7	<p>Development is immune to flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.</p>	<p><b>Complies</b></p> <p>The proposal is for reconfiguring a lot and no buildings or structures are proposed as part of the application.</p> <p>The site is identified as containing drainage problem areas under the <i>Livingstone Shire Planning Scheme 2005</i>. Council provided pre development flood mapping of the Q100 inundation area and conditions have been included requiring two (2) stormwater basins and dedicated drainage easement(s) in favour of Council over all major overland flow paths.</p>
<b>Vehicle Parking and Movement</b>		
O8	<p>Development is provided with an on-site parking and movement system designed and constructed to:</p> <ul style="list-style-type: none"> <li>be integrated with the site layout including: <ul style="list-style-type: none"> <li>direct access to a road providing a level of service required to accommodate traffic generated by</li> </ul> </li> </ul>	<p><b>Conditioned to comply</b></p> <p>Access to proposed lots will be via a new road (Road A) which will lead onto a cul-de-sac (Road B), which is designed to connect to The Shoals Estate upon completion of Stage 2.</p> <p>The proposed new roads will be conditioned to be constructed in</p>

Specific Outcomes	Response
<p>the use; and</p> <ul style="list-style-type: none"> <li>– appropriately designed footpath crossovers; and</li> <li>– provision for safe pedestrian movement between public footpath and facility entry points; and</li> </ul> <ul style="list-style-type: none"> <li>• accommodate all modes of transport (including motor vehicles and bicycles) generated by the use; and</li> <li>• facilitate non-discriminatory accessibility; and</li> <li>• provide for safe and efficient loading and unloading of goods; and</li> <li>• allow for vehicle queuing necessary for the use; and</li> <li>• provide for passenger set down/pick up necessary for the use; and</li> <li>• facilitate public access to the foreshore and riparian open space networks.</li> </ul>	<p>accordance with the <i>Capricorn Municipal Development Guidelines</i>, relevant Australian Standards and the provisions of a Development Permit for Operational Works (road works).</p> <p>Any subsequent development for Dwelling houses on the proposed lots will require an application for Material Change of Use and on-site parking will be assessed and conditioned accordingly.</p>
<b>Infrastructure</b>	
<p>O9 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"> <li>• comprise components and materials that are: <ul style="list-style-type: none"> <li>– readily accessible and available; and</li> <li>– robust and reliable in terms of operational life and purpose; and</li> <li>– easily maintained without unnecessarily requiring specialist expertise or equipment; and</li> </ul> </li> <li>• are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems.</li> </ul>	<p><b>Conditioned to comply</b></p> <p>The development is conditioned to ensure each residential lot is connected to all services.</p> <p>Further Operational Works permits will be required for Road Works, Access Works, Water Works, Sewerage Works, Stormwater Works and Inter-allotment Drainage Works and Site Works.</p> <p>The development will be conditioned to ensure underground electricity and telecommunication connections are provided to the proposed lots to the standards of the relevant authorities.</p>

As evident from the above assessment, the proposal complies with or can be conditioned to comply with the various requirements of the Rural Zone Code.

**Special Management Areas Code** The subject site is affected by four (4) of the elements within the Natural Features Code, including: (i) Acid Sulfate Soils (Overlay Map O8)

(ii) Bushfire Hazard (Overlay Map O5);

(iii) Drainage Problem (Overlay Map O2);

(iv) Good Quality Agricultural Land (Overlay Map O4);

### Natural Features Code

The Overall Outcomes applicable to the Natural Feature Code are set out at section 3.30 of the scheme as follows:

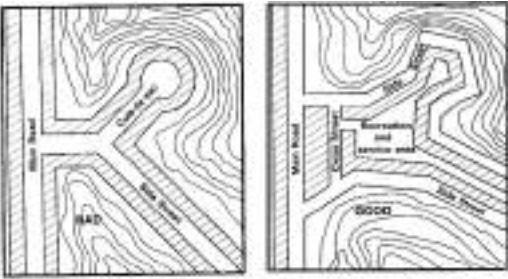
- (b) *The purpose of the Natural Features Code is the achievement of the overall outcomes sought for the special management areas shown on Overlay Maps O1 to O8 as identified in this code.*
- (c) *The overall outcomes sought for the special management areas shown on Overlay Maps O1 to O8 as identified 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;*
  - (ii) *development avoids or minimises, within acceptable levels, risk to the natural or built environment or human health or safety; and*
  - (iii) *development does not adversely impact the safety and operational integrity of operational airspace associated with the Rockhampton Airport.*

### Natural Features Code Requirements

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
<b>Acid Sulfate Soils</b>		
O4	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: <ul style="list-style-type: none"> <li>(a) avoiding disturbance to areas of acid sulfate soils that would produce or contribute to acidic leachate,</li> <li>(b) treating and managing the disturbance of acid sulfate soils to minimise the generation of acidic leachate within manageable levels,</li> <li>(c) treating and managing surface and groundwater flows from areas of acid sulfate soils to minimise environmental harm.</li> </ul>	<b>Complies</b> A portion of the site is identified as being located at or below twenty metres Australian Height Datum. The development is conditioned to ensure Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works.
<b>Bushfire Hazard Special Management Area</b>		
O5	Public safety, lives and property are not placed at unacceptable levels of risk.	<b>Complies</b> The subject site is largely cleared of vegetation with the exception of the eastern area, fronting Clayton Road. The proposal for an additional thirty-four (34) residential lots intensifies the number

	Specific Outcomes	Response
		<p>of Dwelling houses able to be developed on the site, however, the development will result in formalisation of the access to all proposed sites and also provide a future linkage to The Shoals Estate, providing alternative evacuation routes upon completion.</p> <p>Any future Dwelling house to be located on the newly created lots will require assessment under the <i>Livingstone Planning Scheme 2018</i> due to the bushfire hazard overlay applying to the lots.</p> <p>Further, all new residential lots will be connected to reticulated water infrastructure with hydrants installed as necessary.</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	<p><b>Complies</b></p> <p>The new residential lots are designed and located outside of the vegetated area of the site. There is an area of locally significant vegetation to the east of the lot which will be retained and protected by a covenant, however this area is isolated from adjoining vegetation and the proposed stormwater basin with the Balance Lots will be maintained by Council.</p> <p>Any future Dwelling house to be located on the newly created lots will require assessment under the <i>Livingstone Planning Scheme 2018</i> due to the bushfire hazard overlay applying to the lots.</p>
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	<p><b>Complies</b></p> <p>The proposal is for thirty-four (34) residential lots and two (2) Balance Lots. The residential lots are designed to accommodate single dwelling houses and associated ancillary buildings. It is unlikely any of the proposed lots will be developed for uses that are likely to result in high concentrations of people on the site. Regardless, due to the bushfire hazard overlay, any future development will trigger assessment under the <i>Livingstone Planning Scheme 2018</i>.</p>
O8	Development is sited and designed to minimise bushfire risk having regard to: (a) aspect, (b) elevation, (c) slope, and	<p><b>Complies</b></p> <p>There are no new buildings proposed as part of the application and the new residential lots are designed and located outside the vegetated area of the site.</p> <p>The existing dwelling proposed to be retained on proposed Lot 9 will achieve</p>

Specific Outcomes		Response
	(d) vegetation	formal access as part of this development.
O9	<p>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>  <p>Figure A</p>	<p><b>Complies</b></p> <p>The proposed new roads ensure safe access to Clayton Road, an urban major collector, which provides alternative access routes to the north and south, and upon completion of the The Shoals Estate Stage 2, an alternative route to the northwest becomes available.</p>
O10	A sufficient supply of water is available for fire-fighting purposes	<p><b>Complies</b></p> <p>All new lots will be connected to Council's water supply, and a hydrant is located on the Clayton Road property boundary. A 150 millimetre diameter water main will be required to the development due to the elevation of the land and requirements of fire flow. An Operational Works permit for Water Works will be conditioned as a further development permit.</p>
<b>Drainage Problem Special Management Area</b>		
O18	Development levels are set above the design flood level to reduce property damage and, where applicable, ensure public safety.	<p><b>Complies</b></p> <p>A portion of the site is mapped as drainage problem, generally located within the proposed Balance Lots and traversing the road entrance from Clayton Road. Two (2) stormwater basins are proposed, one (1) in each Balance Lot, and drainage easements will be conditioned over all major overland flow paths.</p> <p>The proposed residential lots are free from flood.</p>
<b>Good Quality Agricultural Land Special Management Area</b>		
O24	<p>Good quality agricultural land is retained for rural purposes by:</p> <p>(a) conducting other uses only if they are not irreversible and do not reduce the productive capacity of the land or alienate its use for rural purposes or result in land use conflicts with adjacent existing rural uses;</p> <p>(b) avoiding the use of identified land for other uses unless it can be</p>	<p><b>Justified to comply</b></p> <p>Given the relatively small lot size, and the proximity to urban development, the subject site is not considered to have significant agricultural capacity or viability. As such, the urban development proposed is considered the highest and best use of the land and is consistent with the adjoining settlement pattern.</p>

Specific Outcomes		Response
	<p>proven that:</p> <ul style="list-style-type: none"> <li>(i) the land is not actually good quality agricultural land; or</li> <li>(ii) there is an overriding need in terms of public benefit for the proposal and the proposal cannot be located on alternative sites that are not identified as good quality agricultural land, including if: <ul style="list-style-type: none"> <li>– the proposed location has features that make it desirable for the proposal; and</li> <li>– the features are not available in areas not identified as good quality agricultural land</li> </ul> </li> </ul>	
O25	Subdivision of good quality agricultural land does not reduce the productive capacity of the land	<p><b>Justified to comply</b></p> <p>The site is mapped as Agricultural Land Class A1 (crop land) and Class C1 (pasture land). Class A1 land requires a minimum lot size of sixty (60) hectares, and Class C1 requires 150 hectares under the <i>Livingstone Shire Planning Scheme 2005</i>. Therefore, although the proposal will reduce the productive capacity of the subject site, given the already reduced lot size of 6.573 hectares, it is considered the productive capacity of the site for cropping or pasture uses is already limited the proposed use is an acceptable alternative use of the site conducive with the surrounding development and character.</p>

As evident from the above assessment, the proposal complies with the various requirements of the Natural Features Code, or where it does not comply, sufficient justification exists for approving the development despite the non-compliance, with appropriate conditioning.

### **INFRASTRUCTURE CHARGES**

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

Charge area:	The subject site is located outside the priority infrastructure area.
Calculation:	<p>The charge is calculated in accordance with Table 8 - Minimum infrastructure charge for reconfiguring a lot partly outside or entirely outside the priority infrastructure area, as follows:</p> <ol style="list-style-type: none"> <li>1. thirty-four (34) lots at \$21,000.00 per lot; and</li> <li>2. less a <b>credit</b> of \$15,330.00.</li> </ol>
Credit:	The above calculation takes into account a credit of \$15,330.00 for the existing lot pursuant to Part 4.0 of Council's <i>Adopted infrastructure</i>

	<i>Charges Resolution (No. 2) 2015</i> . The credit is calculated as follows: 1. one existing lot at \$15,330.00 per lot.
Offset:	No offsets are applicable to the development.

A total contribution of **\$698,670.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

### **STATEMENT OF REASONS**

The development application for a **Development Permit for Reconfiguring a Lot (One lot into thirty-four lots and two balance lots)** is approved as per this Decision Notice (approval) D-22-2018.

#### **1. REASONS OF THE DECISION**

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

- (i) The development comprises residential size allotments which is not explicitly preferred within the Rural zone and therefore does not comply with Overall Outcome O2 of the Rural Zone Code or Overall Outcome O24 or O25 of the Natural Features Code with respect to subdivision design and intention to retain land mapped as being good quality agricultural land for rural purposes.
- (ii) Despite the non-compliance, given the relatively small lot size (6.573 hectares) and proximity of the site to adjoining urban development, the subject site is not considered to have significant agricultural capacity or viability. Furthermore, the development is designed with suitable size and dimensions consistent with adjoining residential development including adequate frontage for safe vehicular access and suitable area within each lot for the location of future residential activities and works.
- (iii) The development is able to achieve appropriate connection to all standard urban infrastructure, subject to related Development permits for Operational works, as conditioned.
- (iv) The development does not compromise the achievement of the state interests – biodiversity, water quality and natural hazards, risk and resilience outlined in the State Planning Policy.
- (v) The development does not compromise the achievement of regional outcomes outlined in the Central Queensland Regional Plan.
- (vi) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with one aspect of the assessment benchmarks.

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

- The common material for the development application;
- The assessment benchmarks identified in section 2 of this notice;
- The matters prescribed by regulation identified in section 5 of this notice.

#### **2. ASSESSMENT BENCHMARKS**

The following are the benchmarks applying for this development:

<b>Benchmarks applying for the development</b>	<b>Benchmark reference</b>
Shire Wide Outcomes	<i>Livingstone Planning Scheme 2005</i>
Rural Zone Code	Reprint 7 as in force 10 July 2017
Natural Features Code	



Chapter 4 – Regional outcomes and policies	<i>Central Queensland Regional Plan, October 2013</i>
Part E: State interest policies and assessment benchmarks	<i>State Planning Policy, July 2017</i>

### 3. COMPLIANCE WITH BENCHMARKS

The development meets the overall outcomes for the Rural Zone Code and the Natural Features Code, despite not complying with the following Overall Outcomes:

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Rural Zone Code – Overall Outcome O2	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.
Natural Features Code – Overall Outcomes O24 and O25	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.

### 4. RELEVANT MATTERS

Not applicable to this application.

### 5. MATTERS PRESCRIBED BY REGULATION

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

- (i) The State Planning Policy – Part E;
- (ii) The Central Queensland Regional Plan;
- (iii) The Rural Zone Code and the Natural Features Code, in *Livingstone Planning Scheme 2005*
- (iv) The land, the subject of the application has an existing Dwelling house and Shed on the premises;
- (v) The Dwelling house and Shed on adjoining Lot 1 on RP84887786, at 86 Clayton Road, Lammermoor, in terms of commensurate and consistent development,
- (vi) The Dwelling house on adjoining Lot 2 on RP905872, at 84 Clayton Road, Lammermoor, in terms of commensurate and consistent development, and
- (vii) The common material, being the material submitted with the application.

### PREVIOUS DECISIONS

It is noted that Council has previously approved a number of development applications for Reconfiguring a Lot within the vicinity of the subject site which also failed to meet the minimum lot size stipulated under the *Livingstone Shire Planning Scheme 2005* including;

- Waterview Country Estate - Development Permit D-305-2011 for Reconfiguring a Lot (One lot into fifteen lots) approved 13 December 2011 and amended 13 March 2012;
- The Shoals - Development Permit D-Y/2008-89 for Reconfiguring a Lot (one lot into 194 lots) approved 12 February 2009 and amended 12 February 2009, 9 May 2012, 19 September 2014, 13 July 2015 and 12 September 2017;
- Harbour Close Estate - Development Permit D-Y/2008-86 for Reconfiguring a Lot (One lot into sixty-two lots) approved 18 September 2008 and negotiated 2 December 2008
- Lammermoor Sands - Development Permit D-Y/2006-236 for Reconfiguring a Lot (One lot into eighty-eight lots) approved with conditions 6 September 2006, negotiated 7 November 2006 and amended 7 June 2008, 17 January 2008 and 20 February 2013

It should be noted that each decision is made on its merits at the time of assessment and with the best planning information available. There are instances whereby sufficient grounds to support the proposal must be established, subject to reasonable and relevant conditions.

### **BUDGET IMPLICATIONS**

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

### **LEGISLATIVE CONTEXT**

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

### **LEGAL IMPLICATIONS**

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

### **STAFFING IMPLICATIONS**

No staffing implications have been identified in the assessment.

### **RISK ASSESSMENT**

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

### **CORPORATE/OPERATIONAL PLAN**

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**

The proposed development for thirty-four (34) residential allotments within the Rural zone, is not specifically identified as being consistent or preferred under the *Livingstone Shire Planning Scheme 2005*.

Pursuant to Section 60(2)(b) of the *Planning Act 2016*, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks. In addition, pursuant to section 60(2)(d), an assessment manager may refuse the application only if compliance cannot be achieved by imposing development conditions.

In response to the above, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with Council's Desired Environmental Outcomes. Furthermore, there are considered to be circumstances that favour Council exercising its discretion to approve the application in this instance, even though the application is not consistent with some Overall Outcomes, however is still able to meet the Purpose of the Zone as detailed in the summary of assessment section of the report above.

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 60(2)(b) of the *Planning Act 2016*, as there are considered to be circumstances that favour Council exercising its discretion to approve the alternative land uses proposed herein, and the development is capable of occurring in a manner that is not likely to conflict with Council's Shire wide outcomes.

Therefore, the proposal is supported, subject to reasonable and relevant conditions including related development applications for operational works.

**12.4 - DEVELOPMENT APPLICATION  
D-22-2018 FOR A DEVELOPMENT  
PERMIT FOR RECONFIGURING A LOT  
(ONE LOT INTO THIRTY-FOUR LOTS  
AND TWO BALANCE LOTS) AT 90  
CLAYTON ROAD, LAMMERMOOR**

**Locality Plan 1**

**Meeting Date: 3 December 2019**

**Attachment No: 1**





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The State Government Geospatial Dept. of Natural Resources and Mines (2016).  
Other data © Livingstone Shire Council 2016.

## Locality Plan

Map Created by: Web AppBuilder for ArcGIS

0.1 0.2 0.4 Km 1:9 02R at A3



Printed from ArcPad on 30/07/16



**12.4 - DEVELOPMENT APPLICATION  
D-22-2018 FOR A DEVELOPMENT  
PERMIT FOR RECONFIGURING A LOT  
(ONE LOT INTO THIRTY-FOUR LOTS  
AND TWO BALANCE LOTS) AT 90  
CLAYTON ROAD, LAMMERMOOR**

**Locality Plan 2**

**Meeting Date: 3 December 2019**

**Attachment No: 2**





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The State Government of Queensland (Dept. of Natural Resources and Mines) 2016.

Other data © Livingstone Shire Council 2016.

## Locality Plan

Map Created by: Web AppBuilder for ArcGIS



Printed from ArcParks on 30/07/20



**12.4 - DEVELOPMENT APPLICATION  
D-22-2018 FOR A DEVELOPMENT  
PERMIT FOR RECONFIGURING A LOT  
(ONE LOT INTO THIRTY-FOUR LOTS  
AND TWO BALANCE LOTS) AT 90  
CLAYTON ROAD, LAMMERMOOR**

**Proposal Plan**

**Meeting Date: 3 December 2019**

**Attachment No: 3**





**17-000022 - 90 CLAYTON ROAD, LAMMERMOOR**  
**SK002 - PROPOSED SITE LAYOUT**



ROCKHAMPTON BRANCH  
 REFERENCE: 17-000022  
 DATE: 17/10/2019 (REV 8)  
 DRAWN: PL





## 12.5 DEVELOPMENT APPLICATION D-229-2019 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR AN INDOOR SPORT AND RECREATION (GYMNASIUM) AT 40-44 JABIRU DRIVE, BARMARYEE

**File No:** D-229-2019

**Attachments:**

1. Attachment 1 - Locality plan [↓](#)
2. Attachment 2 - Proposed floor plan [↓](#)

**Responsible Officer:** Maddie Ward - Co-ordinator Development Assessment  
David Battese - Manager Liveability

**Author:** Jenna Davies - Principal Planning Officer

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### SUMMARY

Applicant: Smoothy Properties No. 1 Pty Ltd

Consultant: Gideon Town Planning

Real Property Address: Lot 18 on RP859983

Area of Site: 3,974 square metres

Planning Scheme: *Livingstone Planning Scheme 2018*

Planning Scheme Zone: Medium impact industry

Planning Scheme Overlays: Overlay Map OM02 – Agricultural land Class A and Class B  
Overlay Map OM20 – Road hierarchy – Industrial collector (Jabiru Drive)

Existing Development: Three (3) industrial sheds and caretaker's residence

Level of Assessment: Impact assessable

Submissions: Nil received

Referral matters: Nil

Infrastructure Charge Area: Charge Area 1

Application progress:

Application received:	24 September 2019
Application properly made:	24 September 2019
Development control unit meeting:	25 September 2019
Confirmation notice issued:	26 September 2019
Information request not required notice issued:	2 October 2019
Public notification period:	10 October 2019 to 31 October 2019
Notice of compliance received:	1 November 2019
Submission consideration period:	Not applicable
Council meeting date:	3 December 2019
Statutory determination date:	16 December 2019

**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for an Indoor sport and recreation (gymnasium), made by Smoothy Properties No. 1 Pty Ltd, on Lot 18 on RP859983 and located at 40-44 Jabiru Drive, Yeppoon, Council resolves to Approve the application subject to the following conditions:

**1.0 ADMINISTRATION**

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.6.1 Building Works; and
  - 1.6.2 Plumbing and Drainage Works (if required).
- 1.7 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for and Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

**2.0 APPROVED PLANS AND DOCUMENTS**

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	SK-002, Revision 2	September 2019
Floor Plan	SK-003, Revision 2	September 2019
Floor Plan	SK-004, Revision 2	September 2019
Elevations	SK-005, Revision 2	September 2019

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

prevail.

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

3.0 PLUMBING AND DRAINAGE WORKS

- 3.1 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 3.2 Disconnection, alteration, or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under *Plumbing and Drainage Act*.

4.0 ACCESS AND PARKING WORKS

- 4.1 All access and parking works must be maintained in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890.1 "Off Street Car Parking"* and *Australian Standard AS2890.6 2009 "Off-Street parking for people with disabilities"*.
- 4.2 All ingress and egress movements to and from the development must be in a forward direction.
- 4.3 A minimum of nineteen (19) off-street parking spaces must be provided on site, one (1) of which must be a universal parking space in accordance with *Australian Standard AS2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 4.4 Stormwater runoff from access, parking and vehicular manoeuvring areas must be drained so as to demonstrate lawful discharge in accordance with *Queensland Urban Drainage Manual*.
- 4.5 All vehicle operations associated with the use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Manual of Uniform Traffic Control Devices*.
- 4.6 Line markings must be undertaken in accordance with *Australian Standard AS2890.1 - Off Street Car Parking*.

5.0 STORMWATER WORKS

- 5.1 All stormwater drainage works must be designed and constructed in accordance with the *Queensland Urban Drainage Manual* and *Capricorn Municipal Development Guidelines*.
- 6.0 All stormwater must drain so as to demonstrate lawful discharge and must not adversely affect adjoining land or infrastructure when compared to pre-development condition by way of blocking, altering, diverting existing stormwater runoff patterns, such as to have the potential to cause damage to other infrastructures.

7.0 BUILDING WORKS

- 7.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site. A change of classification must be obtained.
- 7.2 Outdoor lighting must be designed, installed and maintained in accordance with the parameters and requirements of the current version of the *Australian Standard AS4282 — Control of the obtrusive effects of outdoor lighting*.

8.0 LANDSCAPING WORKS

- 8.1 The landscaped areas towards Jabiru Drive must be subject to an ongoing

maintenance and replanting programme (if necessary).

9.0 ASSET MANAGEMENT

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

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

10.0 OPERATING PROCEDURES

10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Jabiru Drive.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Infrastructure Charges Notice

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

NOTE 5. Certificate of Classification

It is advised that a Change of Class building application is required to change the Industrial Shed (Class 8) building to a gymnasium (class 9b). Please contact Council's Building team for further information.

NOTE 6. Advertising devices

Operational Works (advertising devices) is accepted, subject to requirements in the table of assessment for operational works (Table 5.7.1). If any of the Acceptable Outcomes of the Development Works Code (outcomes relating to advertising devices) cannot be achieved, a Development Permit for Operational Works (advertising devices) is required to be obtained.



**NOTE 7. Trade Waste**

A sewerage trade waste permit must be obtained for the discharge of any commercial or non-domestic waste into Council's reticulated sewerage network. Please contact Council's Water and Waste Operations unit for further information.

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for an Indoor sport and recreation (gymnasium), made by Smoothy Properties No. 1 Pty Ltd, on Lot 18 on RP859983 and located at 40-44 Jabiru Drive, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$18,640.00**.

**BACKGROUND**

This application seeks retrospective development approval for a gymnasium for the Crossfit Capcoast and Jungle Gym operations to operate from the existing building on the eastern side of the subject site. The matter was brought to Council's attention through a planning compliance request, whereby it was determined that the requisite development approvals had not been obtained.

**COMMENTARY**

The proposal is for an Indoor sports facility known as Crossfit Capcoast and Jungle Gym to operate from the eastern shed on the subject property.

The Indoor sports facility primarily offers crossfit group classes and group fitness classes. It is only open during class times. The shed is 932 square metres in area. The crossfit seeks to use 427 square metres of the existing shed and 361 square metres being utilised for group fitness classes.

The sessions are supervised and run Monday to Friday starting at 5:00am and the latest class starting at 6:30pm. Classes on Saturday start at 6:00am and crossfit is offered on Sunday at 8:00am. Crossfit also runs occasional competitions on Sunday, being one or two competitions per year.

At classes, the number of attendees varies with the average of ten (10) people per class. The busiest time is the 5:00am crossfit class and 7:30am JungleGym class. The number of staff varies between one (1) or two (2) staff members at classes.

The main access for pedestrians and vehicles is via Jabiru Drive. The development seeks to utilise the existing crossover and driveway, both of which are sealed. Further, nineteen (19) car parking spaces are provided on-site.

**SITE AND LOCALITY**

The subject site has frontage and access to Jabiru Drive to the south. It is located approximately five (5) kilometres from the central business area of Yeppoon.

The lot currently contains three (3) sheds, a caretakers residence and a large, sealed car parking area. The lot is fenced down the middle and can act as two separate tenancies, one to the east and one to the west. The sheds were previously constructed for industrial uses. The site is serviced by all essential urban infrastructure services.

The locality is characterised by a mix of industrial and commercial land uses. The immediate adjoining land use to the west is industrial in nature and the property to the east is a gymnasium.

The related permits over the subject site, permits, and development on adjoining properties are detailed in the following table:

Existing applications/development permit over the site
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<p>Lot 18 on RP859983 40-44 Jabiru Drive, Barmaryee</p>	<p>Development Permit for Building Works B-616-2002 for a Class 8 (subject building of this application)</p> <p>Development Permit for Building Works B-1813-2008 for a Class 10 (shed utilised by gymnasium operators)</p> <p>Development Permit for Building Works B-105-2016 for a Class 10</p> <p>Development Permit for Building Works B-394-2016 for a Class 10</p> <p>Development Permit for Building Works B-642-2015 for a Class 10</p> <p>Development Permit D-93-2015 for a Material Change of Use for a Caretaker's residence – use commenced</p> <p>Development Permit for Building Works B-632-2007 for a Class 10</p>
Applications and/or development permits on adjoining properties	
<p>Lot 19 on RP859983 46-50 Jabiru Drive, Barmaryee (to the west)</p>	<p>Development Permit for Building Works 85-2000-YPO for an Industrial building (class 8)</p> <p>Development Permit for Building Works 469-2000-YPO for a carport</p> <p>Development Permit for Building Works 928-2002-YPO for a Class 7</p> <p>Development Permit for Building Works BP97-448 for a work shed</p>
<p>Lot 17 on RP859983 34-38 Jabiru Drive, Barmaryee (to the east)</p>	<p>Development Permit D-Y/2003-1325 for a Material Change of Use for an Educational establishment</p> <p>Development Permit for Building Works 1152-2004-YPCDOM for a Gymnasium</p>
<p>Lot 270 on SP281980 2745 Yeppoon Road, Barmaryee (to the north)</p>	<p>Directly to the north, the land is used for equestrian purposes.</p> <p>Development Permit for Building Works 567-2000-YPO for an Amenity Building (Landfill)</p> <p>Development Permit for Building Works 578-2000-YPO for a Weighbridge (Landfill)</p> <p>Development Permit for Building Works 580-2000-YPO for a Retaining Wall</p> <p>Development Permit for Building Works 582-2000-YPO for Garage (Landfill) Recycle Centre</p> <p>Development Permit for Building Works 1728-2004-</p>

	<p>YCOMM for Storage / recycling Shed (Class 8 - Landfill)</p> <p>Development Permit for Building Works 731-2005-YCOMM for Carport structure in recycling compound (Landfill)</p> <p>Development Permit for Building Works B-2588-2011 Replace Existing Shade Structure with a Colorbond Roof</p> <p>Development Permit for Building Works B-832-2016 for LSC Animal Pound</p> <p>Development Permit for Building Works B-30-2017 for Covered area (awning) and office in shed (LSC Nursery)</p> <p>Development Permit for Building Works B-169-2017 for BBQ Shelter (Country Music Club)</p> <p>Development Permit for Building Works B-497-2018 for Part Demolition of Yeppoon Sewerage Treatment Plant</p> <p>Development Permit for Building Works B-673-2019 for Decking, landing and stairs (Landfill weigh station)</p> <p>Development Permit for Building Works B-675-2019 for Replacement of Donga #2 (Landfill weight bridge)</p>
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### **ASSESSMENT INCLUDING BENCHMARKS AND RELEVANT MATTERS**

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

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

<b>Benchmarks applying for the development</b>	<b>Benchmark reference</b>
Strategic Framework – Settlement pattern theme Medium impact industry zone code Development works code General development code	<i>Livingstone Planning Scheme 2018</i> , Version 2, in effect 25 June 2018
Part E: State interest policies and assessment benchmarks	<i>State Planning Policy</i> , July 2017
<b>Relevant matters considered</b>	
Any development approval for, and any lawful	The relevance of existing approvals on

use of, the premises or adjacent premises	the subject site and adjoining properties in respect of the land use pattern and commensurate development
The common material submitted with the application	In respect of the reports provided in the material including proposal plans and supporting information

### **Internal advice and assessment**

#### **Infrastructure Operations Unit – 9 October 2019**

Support, subject to conditions.

#### **Natural Resource Management – 25 September 2019 (DCU minutes)**

No comments.

#### **Public and Environmental Health – 25 September 2019 (DCU minutes)**

No comments.

### **State Planning Policy – July 2017**

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

- Guiding principles
- Agriculture
- Development and construction
- Mining and extractive resources
- Tourism
- Emissions and hazardous activities

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

**Environment and Heritage - Water quality:** Applicable as, the development is for a Material Change of Use, involves an urban purpose (sporting and recreation) and the premises is greater than 2,500 square metres in size, and involves an impervious area greater than twenty-five (25) per cent of the net developable area. The building was constructed in 2008 and most of the car parking area was sealed by 2014 (based on aerial imagery). The remaining car parking area to the north (rear) of the site was sealed between 2017 and 2019. Due to the use utilising an existing building and sealed area, it is considered the development satisfies the State Planning Policy water quality objectives. There is no known waste that will be discharged from the site and there is no altered stormwater quality or hydrology as the buildings and impervious areas are existing.

**Natural hazards, risk and resilience:** Applicable as the site is mapped as a Flood hazard area Local Government flood mapping area, however, under the planning scheme overlay mapping, the site is not mapped as drainage problem area or a flood hazard area.

### **Central Queensland Regional Plan**

The Minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the *Central Queensland Regional Plan* October 2013, as it applies in the planning scheme area.

### **Livingstone Planning Scheme 2018**

The *Livingstone Planning Scheme 2018* (version 2, which commenced on 25 June 2018) is the relevant categorising instrument applicable to the assessment of this application.

## Strategic Framework

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme. The strategic framework is structured as follows:

- (a) the strategic intent, and statements of preferred dominant land uses in the form of describing the *places* that form part of the planning scheme area;
- (b) the following six (6) *themes* that collectively represent the policy intent of the planning scheme:
  - (i) Settlement pattern;
  - (ii) Natural environment and hazards;
  - (iii) Community identity and diversity;
  - (iv) Access and mobility;
  - (v) Infrastructure and services; and
  - (vi) Natural resources and economic development;
- (c) the *strategic outcomes* proposed for development in the planning scheme area for each theme;
- (d) the *specific outcomes* for each, or a number of, elements of each theme; and
- (e) the *land use strategies* for achieving these outcomes.

The following themes are relevant to the assessment of this application:

- (i) Settlement pattern – Industrial places.

### 3.3.1 Strategic outcome – Settlement pattern

Specific Outcome	Assessment response
(2) Development makes efficient use of land and existing or planned infrastructure.	<b>Complies</b> The development seeks to re-use an existing industrial building to accommodate a large Indoor sports and recreation facility. It is in a serviced area and will utilise the existing infrastructure.

### 3.3.6 Industrial places

Specific Outcome	Assessment response
(1) The planning scheme area provides opportunities for the development of a mixture of industrial activities which contribute to projected employment growth.	<b>Justified to comply</b> The proposed development is not for an industrial use, however, is proposed within an industrial area. Due to the size of the operation, it is not suited to occur in a recreational zone or centre zone. The use will utilise an existing, large, industrial shed and provides a recreational activity in the area, generally outside the general business hours of the industrial uses.
(2) Industrial activities predominantly locate within the 'industrial places' identified on the strategic framework maps (SFM-01 to SFM-04) prior to the year 2026.	<b>Not applicable</b> An industrial use is not proposed.
(7) All industrial places are developed in a manner which achieves the following: <ul style="list-style-type: none"> <li>(a) good access to major transport networks to enhance connectivity with markets;</li> <li>(b) timely delivery of necessary urban infrastructure;</li> <li>(c) minimisation of land use conflicts, particularly with sensitive land use;</li> <li>(d) avoidance and protection of matters of</li> </ul>	<b>Complies</b> The industrial area has been developed. The proposed use will not adversely impact on the continued operation of industrial uses in the area.

<p>environmental significance, or where adverse impacts are unavoidable, impacts are minimised and mitigated;</p> <p>(e) avoidance of impacts from natural hazards or where adverse impacts are unavoidable, impacts are minimised and mitigated; and</p> <p>(f) a variety of lot sizes to accommodate a range of different industrial development options.</p>	
<p>(13) The built form and site layout of development within all industrial places allows for the safe and functional operation of industrial activities, while minimising potential scenic amenity impacts on any adjoining sensitive land use or on important scenic transport routes.</p>	<p><b>Complies</b></p> <p>The proposed development will not impact on the continued operation of industrial activities in the Barmaryee area.</p>
<p>(14) Development in industrial places provides landscaping treatments to minimise visual impacts from matters including but not limited to building bulk, advertising clutter, siting of plant and equipment, vehicles, and other materials:</p> <p>(a) where located adjacent to scenic transport routes and the entrances to the Capricorn Coast communities; or</p> <p>(b) where adjacent to residential zones and recreation corridors.</p>	<p><b>Complies</b></p> <p>The site is landscaped towards Jabiru Drive.</p>

The performance assessment of the proposal demonstrates that the development will not compromise the strategic outcomes for the settlement pattern theme or the Specific outcomes of the Industrial places element.

### Medium impact industry zone code

The purpose of the Medium impact industry zone code is:

- (1) *to identify the desired character and amenity for the zone and to protect it from incompatible development;*
- (2) *to provide for the development of medium impact industry zones as places comprising a range and mixture of different uses from within the industrial activities group, business activities group and special activities group (where they have medium impacts or are likely to have medium impacts);*
- (3) *to provide for the development of a limited range and mixture of uses from within other activities groups only if they are compatible with and do not limit or compromise the development of preferred land uses;*
- (4) *to enable medium impact industry zones to strengthen and maintain their role and function in the planning scheme area; and*
- (5) *to facilitate the achievement of the overall outcomes sought for the zone.*

The purpose of the medium impact industry zone code is achieved through the following overall outcomes:

- (1) *the development is:*
  - (a) *a use from within the industrial activities group which has impacts that are considered to be medium to low; or*
  - (b) *a use from within the business activities group which has impacts that are considered to be medium to low; or*
  - (c) *a use from within the special activities group which has impacts that are considered to be medium to low; or*
  - (d) *a use which:*



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- (i) *is compatible with and supports a preferred use within the industrial activities group, business activities group, and special activities group;*
    - (ii) *does not limit or compromise the development of a preferred use within the industrial activities group, business activities group, and special activities group; and*
    - (iii) *has medium to low impacts;*
  - (2) *the development of a use within the industrial activities group is a preferred use within the zone in the following circumstances:*
    - (a) *it is a low impact industry; or*
    - (b) *it is a marine industry; or*
    - (c) *it is a medium impact industry; or*
    - (d) *it is a research and technology industry; or*
    - (e) *it is a service industry; or*
    - (f) *it is a warehouse;*
  - (3) *the development of a use within the business activities group is a preferred use within the zone in the following circumstances:*
    - (a) *it is an agricultural supplies store; or*
    - (b) *it is bulk landscape supplies; or*
    - (c) *it is a car wash; or*
    - (d) *it is hardware and trade supplies; or*
    - (e) *it is outdoor sales; or*
    - (f) *it is a sales office;*
  - (4) *the development of a use within the special activities group is a preferred use within the zone in the following circumstances:*
    - (a) *it is a crematorium; or*
    - (b) *it is emergency services; or*
    - (c) *it is a landing; or*
    - (d) *it is a parking station; or*
    - (e) *it is a telecommunications facility; or*
    - (f) *it is a transport depot; or*
    - (g) *it is a substation; or*
    - (h) *it is a utility installation that has low impacts and which is an essential component of infrastructure servicing the community (for example, water supply pump station, sewerage pump station);*
  - (5) *if the development is a use from within the business activities group or special activities group and it is not identified as a preferred use, it occurs within the zone only in the following circumstances:*
    - (a) *it is compatible with and does not limit or compromise the development of the preferred uses identified in Overall Outcome (2) or Overall Outcome (3) or Overall Outcome (4);*
    - (b) *it has medium to low impacts;*
    - (c) *it is designed to integrate with development in the immediate area;*
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- (d) *it is consistent with the built form and appearance of development in the immediate area;*
  - (e) *the use:*
    - (i) *is air services (being for an emergency helipad); or*
    - (ii) *a garden centre; or*
    - (iii) *is a market; or*
    - (iv) *major electricity infrastructure; or*
    - (v) *it is a service station; or*
    - (vi) *is a veterinary services;*
  - (6) *the development of a use that is not within the industrial activities group, business activities group, or special activities group occurs within the zone only in the following circumstances:*
    - (a) *it is compatible with and does not limit or compromise the development of the preferred uses identified in Overall Outcome (2) or Overall Outcome (3) or Overall Outcome (4);*
    - (b) *it has relatively medium to low impacts;*
    - (c) *it is designed to integrate with development in the immediate area;*
    - (d) *it is consistent with the built form and appearance of development in the immediate area;*
    - (e) *the use:*
      - (i) *is animal keeping; or*
      - (ii) *is aquaculture (for example, where involving tanks enclosed within a building); or*
      - (iii) *is a caretaker's accommodation; or*
      - (iv) *is an environment facility; or*
      - (v) *is a food and drink outlet which is small in scale and primarily services the workers or customers of other development in the zone; or*
      - (vi) *is intensive horticulture; or*
      - (vii) *is a park; or*
      - (viii) *is rural industry; or*
      - (ix) *is a wholesale nursery; or*
      - (x) *is a winery;*
  - (7) *the development of any use which results in high impacts, or extreme impacts and risks due to emissions, dangerous or hazardous goods and activities does not occur within the zone;*
  - (8) *the development is compatible with an urban form that is characterised by:*
    - (a) *low to moderate building heights;*
    - (b) *moderate to high site cover; and*
    - (c) *use of vegetation screening and buffering between development and any adjoining sensitive land use;*
  - (9) *the appearance of development results in a high level of visual amenity when viewed from any major transport routes or scenic transport routes; and*
  - (10) *the development is provided with adequate infrastructure and essential services.*
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The proposed development is for an Indoor sport and recreation, gymnasium facility, which is a use within the recreation activities group. The use is not a preferred use in the Medium impact industry zone.

The following is an assessment of the proposal against the specific benchmarks of the Medium impact industry zone code, which includes an assessment of the development against the relevant outcomes of the code.

**Table 6.4.2.4.1 – Outcomes for development that is accepted subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Assessment response
<b>Land use</b>		
<b>PO1</b> If the use includes office space, the office space is a scale that is ancillary to and has a direct nexus with the use conducted on the site.	<b>AO1.1</b> If the use includes office space, the office area does not exceed twenty (20) per cent of the total gross floor area of the use.	<b>AO1.1 - Complies</b> The proposal does involve office space.
<b>PO2</b> If the use is a use from within the industrial activities group and the development involves direct sales to the public, the direct sales to the public only occur at a scale that is ancillary to the primary activities of the use and the items for sale have a direct nexus with the use conducted on the site.	<b>AO2.1</b> If the development is a use from within the industrial activities group, direct sales to the public are restricted to the sale of items produced on site.	<b>AO2.1 – Not applicable</b> The development is not a use from the industrial activities group.
	<b>AO2.2</b> If the development is a use from within the industrial activities group, the sales area does not exceed ten (10) per cent of the total gross floor area of the use.	<b>AO2.2 - Not applicable</b> The development is not a use from the industrial activities group.
<b>Built form</b>		
<b>PO3</b> The height and bulk of buildings and structures are consistent with the intended character of the zone and do not adversely impact the character or amenity of the streetscape, adjoining sites and surrounding area.	<b>AO3.1</b> The height of buildings does not exceed fifteen (15) metres above ground level.	<b>AO3.1 – Complies</b> The existing building is 6.934 metres to the apex.
	<b>AO3.2</b> Site cover does not exceed seventy-five (75) per cent.	<b>AO3.2 - Complies</b> The site cover of all buildings and structures is approximately 34.4 per cent.
<b>PO4</b> The design and siting of buildings and structures does not adversely impact the amenity of the streetscape or adjoining sites having regard to the following: (a) minimisation of potential sources of nuisance; (b) enhancing the ability to soften the visual impact of large expanses of building walls by the provision of areas for the planting of dense screening vegetation;	<b>AO4.1</b> There is a 1.8 metre high screen fence located along all common property boundaries where adjoining a residential category zone or a township zone.	<b>AO4.1 – Not applicable</b> The site does not adjoin a residential or township zone.
	<b>AO4.2</b> Buildings are set back from road frontage boundaries in accordance with the following: (a) the primary road frontage boundary a minimum of six (6) metres; and	<b>AO4.2 - Complies</b> The shed, subject of this application, is setback 9.61 metres from the Jabiru Drive frontage.

Performance outcomes	Acceptable outcomes	Assessment response
<p>(c) provision of and maintenance of access to natural light and ventilation; and</p> <p>(d) provision of and maintenance of privacy for any habitable buildings.</p>	<p>(b) an identified scenic transport route on an overlay map a minimum of ten (10) metres.</p>	
	<p><b>AO4.3</b></p> <p>If adjoining a residential category zone or a township zone, buildings and structures are set back from side and rear property boundaries in accordance with the following:</p> <p>(a) for a building or structure having a height up to and including 4.5 metres, a minimum setback of five (5) metres; or</p> <p>(b) for a building or structure having a height greater than 4.5 metres, a minimum setback of five (5) metres plus 0.3 of a metre for every additional metre in height over 4.5 metres.</p>	<p><b>AO4.3 - Not applicable</b></p> <p>The site does not adjoin a residential or township zone.</p>
	<p><b>AO4.4</b></p> <p>If adjoining a residential category zone or a township zone, any windows that have direct views into adjoining residential buildings are provided with fixed screening that is a maximum of seventy-five (75) per cent transparent to obscure views into the adjoining residential building and to maintain privacy for those residents.</p>	<p><b>AO4.4 - Not applicable</b></p> <p>The site does not adjoin a residential or township zone.</p>
<b>Appearance</b>		
<p><b>PO5</b></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) inclusion of structures or vegetation to screen any material stockpiles, waste storage areas, and building plant from view of the street or other public places;</p> <p>(d) inclusion of vegetation to soften the impact of any large unarticulated building walls when viewed from residential category zones and scenic transport routes; and</p> <p>(e) inclusion of vegetation between buildings and property boundaries that adjoin major transport routes.</p>	<p><b>AO5.1</b></p> <p>The development has a pedestrian entry point at or visible from the primary road frontage.</p>	<p><b>AO5.1 – Complies</b></p> <p>The entry into the building is either through a door into the office area or via the roller doors that open into both the crossfit area or group workout area. The door into the office and the roller doors are visible from Jabiru Drive.</p>

Performance outcomes	Acceptable outcomes	Assessment response
	<b>AO5.2</b> Any ancillary office space or sales areas of each building are sited and oriented towards the primary road frontage.	<b>AO5.2 - Complies</b> The ancillary office space is orientated towards the road frontage.
	<b>AO5.3</b> Any material stockpiles and waste storage areas are screened from view of the street and adjoining public places by one or more of the following: (a) a solid screen fence; or (b) a wall; or (c) dense vegetation.	<b>AO5.3 – not applicable</b> There is no material stockpiles or waste storage areas associated with the use. There is adequate area to locate waste storage areas behind the building.
	<b>AO5.4</b> Any building plant: (a) is screened from view of the street by one or more of the following: (i) a solid screen fence, or (ii) a roof design feature; or (iii) a wall; or (iv) dense vegetation; or (b) is located within, underneath or central to the building so as to not be visible from the street.	<b>AO5.4 – Not applicable</b> There is no associated building plant with the proposed use.
	<b>AO5.5</b> 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 category zone or a township zone.	<b>AO5.5 - Not applicable</b> The site does not adjoin a residential or township zone.
	<b>AO5.6</b> There is a densely vegetated area having a depth of at least ten (10) metres from the property boundary, located along all property boundaries which adjoin an identified scenic transport route on an overlay map.	<b>AO5.6 - Not applicable</b> The site does not adjoin a scenic transport route.
	<b>AO5.7</b> The densely vegetated areas specified in AO5.5 and AO5.6 comply with the following: (a) 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 frontage property boundary; and (b) 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; and (c) any established native tree species having a height exceeding two (2) metres, or a	<b>AO5.7 – Not applicable</b>

Performance outcomes	Acceptable outcomes	Assessment response
	trunk diameter of thirty (30) centimetres are retained within vegetation area.	
	<b>AO5.8</b> There is a vegetated area having a depth of at least two (2) metres from the property boundary, located along all road frontage boundaries of any roads classified as a collector road, arterial road, or main road (other than a boundary adjoining an identified scenic transport route on an overlay map), excluding the access driveway.	<b>AO5.8 – Does not comply</b> <b>PO5 – Justified to comply</b> Jabiru Drive is identified as an Industrial Collector road. There is a row of golden cane palms towards the Jabiru Drive frontage. The area is not two (2) metres wide, however the land to the north of the landscaping is sealed and not able to be widened. The established landscaping provides a suitable level of screening to the frontage and will be conditioned to be maintained and undergo replating if one is removed or dies (if necessary).

Table 6.4.2.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
<b>Land use</b>		
<b>PO6</b> The use is: <ul style="list-style-type: none"> <li>(a) a preferred use for the zone (as identified in the overall outcomes for the zone); or</li> <li>(b) another use identified in the overall outcomes that:               <ul style="list-style-type: none"> <li>(i) is compatible with and supports a preferred use for the zone; or</li> <li>(ii) does not limit or compromise the development of a preferred use for the zone.</li> </ul> </li> </ul>	No acceptable outcome is nominated.	<b>PO6 – Does not comply</b> The proposed development is not identified as a preferred use in the zone. However, the development seeks to utilise a large, existing shed that provides all weather protection for an indoor recreational activity. The use is a preferred use in the sport and recreational zone. There are minimal opportunities for a gymnasium to locate within an existing building in a Sport and recreational zone, without a significant expenditure of resources to construct a suitable building, or remove an existing outdoor recreational area. Due to the large size of the operation, the re-use of a large industrial shed, and the use operating generally outside of normal industrial business hours, the use is considered to be suitably located on the subject site. It is not considered that the proposed use will limit or compromise a preferred use establishing in the area as the development adjoins an existing gymnasium (to the east) and is separated to the western industrial site by another industrial use operating on the same site.
<b>PO7</b> If the use is not a preferred use for the zone (as identified in the overall outcomes for the zone), the use does not undermine the viability, role or function of centres	No acceptable outcome is nominated.	<b>PO7 - Complies</b> The proposed development is not considered to be a suitable use in a centres zone due to the size of the building area required for the land use to establish, and as the



Performance outcomes	Acceptable outcomes	Assessment response
in the planning scheme centres hierarchy.		business only operates when there is a class on, it does not provide an active shop frontage during normal business hours. It will not undermine the role or function of centres.
<b>PO8</b> The use appropriately integrates with any established uses in the immediate area.	No acceptable outcome is nominated.	<b>PO8- Complies</b> The development adjoins the existing gymnasium to the east and the equestrian facilities are located towards the north. The class times, in particular the larger classes identified in the application, will generally occur outside the general business hours of an industrial use (for example, the business at 46-50 Jabiru Drive advertises the business hours are 7:00am to 4:30pm and one of the businesses at 41-45 Jabiru Drive advertises 7:30am to 4:00pm). The building will not change appearance and will integrate with the uses in the area.
<b>PO9</b> The use is located, designed and operated in a manner that maintains public health and safety.	No acceptable outcome is nominated.	<b>PO9 - Complies</b> The management of the use is considered to maintain public health and safety. Vehicle access to Jabiru Drive will be conditioned to be in a forward direct. The operators will have practices in place (such as a code of conduct or practice) in terms of operating a gymnasium as a fitness provider, outside of Council regulations.
<b>PO10</b> The use does not result in high impacts, or extreme impacts and risks due to emissions, or dangerous or hazardous goods and activities.	No acceptable outcome is nominated.	<b>PO10 - Complies</b> There is no high or extreme impact and risk due to emissions, or storage or handling of dangerous or hazardous goods. The gym may cause noise emissions, which is regulated under section 440W of the <i>Environmental Protection Act 1994</i> .
<b>Infrastructure</b>		
<b>PO11</b> 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.	<b>AO11.1</b> The development complies with the requirements of the Development Works Code.	<b>AO11.1 - Complies</b> All services and access to the site is existing. The site is connected to the water supply, sewer network, electricity and telecommunications networks and the road network.

As evident from the above assessment, the proposal complies with the various requirements of the Medium impact industry zone code, apart for not being identified as a preferred use to occur in the zone. Suitable justification has been provided to support the deviation given the proposal is able to meet the overall outcomes for the code.

### General development code

The purpose of the General development code is to:

- (1) *to enable an assessment of the suitability of the location, design, siting, operation and other aspects of development that are not zone dependent;*
- (2) *to facilitate the achievement of the overall outcomes sought for development.*

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.*

The following is an assessment of the proposal against the specific benchmarks of the General Development Code, which includes an assessment of the development against the relevant outcomes of the code.

**Table 9.3.1.4.1 – Outcomes for development that is accepted subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Assessment response
<b>Flood resilience</b>		
<b>PO1</b> The development is resilient to the adverse impacts of flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	<b>AO1.1</b> The development is resilient to the adverse 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 specified in Table SC5.1.1 located in Schedule 5 of the planning scheme.	<b>AO1.1 – Not applicable</b> The site is not mapped as a flood hazard area under Overlay Map OM17 and not a drainage problem area under Overlay Map OM15.
<b>Location, design, siting, operation</b>		
<b>PO2</b> The development is located at a site that is able to accommodate all the buildings, facilities, and operational needs of the use without increasing the likelihood of land use conflict by: (a) adversely affecting the amenity of adjoining land use	<b>AO2.1</b> The development is located at a site that does not conflict with the minimum separation distances specified in tables SC4.1.1, SC4.1.2, SC4.1.3, and SC4.1.4, located in Schedule 4 of the planning scheme.	<b>AO2.1 - Complies</b> The adjoining sites are not used for rural activities.

Performance outcomes	Acceptable outcomes	Assessment response								
and the surrounding area; (b) adversely affecting the safety, health and wellbeing of occupants of sensitive land use; (c) adversely affecting the operations of adjoining land use; (d) reducing the potential to use adjoining land for its intended purpose; and (e) adversely affecting the safe and effective provision of services to the development.										
<b>PO3</b> Development maintains a high level of amenity for adjoining sensitive land use with regard to the generation of unreasonable noise.	<b>AO3.1</b> Where located within a residential category zone, rural residential zone, or township zone, development does not exceed noise generation levels at the property boundary, interpreted under the provisions of the current version of the <i>Environmental Protection (Noise) Policy</i> as unreasonable, or the following whichever is the lesser: <table><tr><td>Period</td><td>Noise level at property boundary</td></tr><tr><td>0700 to 2000</td><td>Background noise level plus 5 dB(A)</td></tr><tr><td>2000 to 0700</td><td>Background noise level plus 3 dB(A)</td></tr><tr><td colspan="2">Measured as the adjusted maximum sound pressure level Lmax adj T.</td></tr></table>	Period	Noise level at property boundary	0700 to 2000	Background noise level plus 5 dB(A)	2000 to 0700	Background noise level plus 3 dB(A)	Measured as the adjusted maximum sound pressure level Lmax adj T.		<b>AO3.1 – Not applicable</b> The site is not in the residential zone, rural residential zone or township zone.
Period	Noise level at property boundary									
0700 to 2000	Background noise level plus 5 dB(A)									
2000 to 0700	Background noise level plus 3 dB(A)									
Measured as the adjusted maximum sound pressure level Lmax adj T.										
<b>PO4</b> 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.	<b>AO4.1</b> Outdoor lighting is designed, installed and maintained in accordance with the parameters and requirements of the current version of the <i>Australian Standard AS4282 — Control of the obtrusive effects of outdoor lighting</i> .	<b>AO4.1 - Complies</b> A condition to this effect will be included on any decision notice.								
<b>PO5</b> A refuse container and container storage area is provided in a manner that: (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	<b>AO5.1</b> The development of a use within the accommodation activities group is provided with a refuse container and container storage area that: (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.	<b>AO5.1 – Not applicable</b> The use is not an accommodation activities group use.								

Performance outcomes	Acceptable outcomes	Assessment response
state at all times.		
	<p><b>AO5.2</b></p> <p>The development of a use (other than 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"> <li>(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;</li> <li>(b) has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system;</li> <li>(c) is within proximity to a hose cock;</li> <li>(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</li> <li>(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.</li> </ul>	<p><b>AO5.2 – Complies</b></p> <p>The waste storage is located at the rear of the building. Given the proposed use, it will not generate a significant amount of waste. Standard Council bins for waste and recycling will be used to service the subject site.</p>

Table 9.3.1.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
<b>Community safety</b>		
<p><b>PO6</b></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"> <li>(a) means of easily identifying the premises;</li> <li>(b) appropriate night lighting;</li> <li>(c) suitably designed and located building entry and exit points;</li> <li>(d) opportunities for surveillance;</li> <li>(e) appropriate plant species for landscaping;</li> <li>(f) clear definition of boundaries between private and public spaces; and</li> <li>(g) any best practice for crime prevention through environmental design.</li> </ul>	<p><b>AO6.1</b></p> <p>The development contains:</p> <ul style="list-style-type: none"> <li>(a) appropriately designed and sited numbering which clearly identifies the street address and any individual tenancies or dwelling units at the premises; and</li> <li>(b) appropriately designed and sited signage for way finding and premises identification.</li> </ul>	<p><b>AO6.1 – Complies</b></p> <p>The site is easily identifiable from the street via a small wall sign identifying the crossfit.</p>
	<p><b>AO6.2</b></p> <p>The development contains lighting that is designed and installed in any public places and community places in accordance with <i>Australian Standard AS1158: Public Lighting Code</i>.</p>	<p><b>AO6.2 – Not applicable</b></p> <p>It is not considered warranted to provide public lighting the development is on private property and only open to the public (clients) at the time the gym is open.</p>
	<p><b>AO6.3</b></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"> <li>(a) front a road, public place, or communal place; or</li> <li>(b) are in clear unobstructed view of a road, public place, or</li> </ul>	<p><b>AO6.3 – Complies</b></p> <p>There is multiple doors and roller doors where by people can exit the building and subsequently exit the site to Jabiru Drive.</p>

Performance outcomes	Acceptable outcomes	Assessment response
	communal place; or (c) front a well-defined, unobstructed and appropriately lit pathway which connects to a road, public place, or communal place.	
	<b>AO6.4</b> Building entrances facing onto roads, public places or communal places: (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: (i) is well lit; and (ii) is: (A) gated with restricted access; or (B) has strategically placed mirrors.	<b>AO6.4 – Complies</b> As stated above, the site is only open to the public (clients) at the time classes are on. The site is also fenced to reduce the likelihood of a person accessing the site at the time when people are not accessing the site.
	<b>AO6.5</b> Any movement corridor (walkways, laneways, pathways, tunnels, stairways, cycleways and the like) within a site or between sites do not exceed two-hundred (200) metres in length.	<b>AO6.5 – Not applicable</b> There are no movement corridors proposed.
	<b>AO6.6</b> 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: (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.	<b>AO6.6 - Not applicable</b> There are no movement corridors proposed.
	<b>AO6.7</b>	<b>AO6.7 – Complies</b>

Performance outcomes	Acceptable outcomes	Assessment response
	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.	The existing vegetation to Jabiru Drive is suitable to meet the acceptable outcome.
	<b>AO6.8</b> The development has clearly defined boundaries between private and public space by use of one or more of the following elements: (a) fencing; or (b) changes in surface finishes; or (c) landscape treatments.	<b>AO6.8 – Complies</b> The site is fenced.
<b>Location, design, siting, operation</b>		
<b>PO7</b> The safety, efficiency, effectiveness and operation of the transport network servicing the site and surrounding area or any identified future components of the transport network, are not compromised by the development.	<b>AO7.1</b> Non-residential development, which commonly generates greater than ten (10) vehicle trips per day, does not have direct access to a road that is classified in the road hierarchy as a local residential access street or a residential access place.	<b>AO7.1 – Complies</b> The development joins a collector road.
	<b>AO7.2</b> 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.	<b>AO7.2 – Not applicable</b> The development is not supported by a traffic impact assessment report, however, the proposed use is not anticipated to impact on the safety, efficiency, effectiveness and operation of the transport network servicing the site as the proposed movements will be of smaller, personal vehicles. There will be small ingress and egress of vehicles to the site however, only when classes are on and will not compromise the use of the existing road network.
<b>PO8</b> Development that generates use by a high quantity of people or frequent use by people is located at a highly accessible premises: (a) which is convenient for people needing to use the premises; and (b) which: (i) contains public transport facilities, or (ii) is in proximity to current or future public transport facilities; or (iii) is in proximity to current or future high order transport routes; and (c) which provides for the efficient travel of emergency vehicles; and (d) which can minimise adverse impacts on local amenity.	No acceptable outcome is nominated.	<b>PO8 – Complies</b> The development is not considered to generate a high quantity of people. The application details that the average class size is ten (10) people and the class size varies depending on the class time. The site is highly accessible via Jabiru Drive, onto Millroy Drive and then direct access to Yeppoon Road. The existing road network is suitable to cater for emergency vehicles. The use is not anticipated to generate adverse impacts on the amenity of the industrial area.
<b>PO9</b>	No acceptable outcome is	<b>PO9 – Not applicable</b>



Performance outcomes	Acceptable outcomes	Assessment response
Development that requires frequent use of heavy haulage vehicles, bulk freight of goods, or the transportation of dangerous or hazardous goods, liquids, materials and the like, is located at premises able to effectively utilise major transport facilities and routes, and other high order components of the transport network.	nominated.	The use does not involve the use of heavy haulage vehicles, bulk freight of goods or transportation of dangerous or hazardous materials.
<b>PO10</b> Development occurs on sites that are safe from contaminants that may cause harm to people or property.	No acceptable outcome is nominated.	<b>PO10 – Complies</b> The site is not known to be contaminated or anticipated to cause harm to people or property.
<b>PO11</b> The development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds including but not limited to the following: (a) large tracts of established native vegetation; or (b) inland and coastal waterways and wetlands; or (c) riparian vegetation; or (d) biodiversity corridors; or (e) visually prominent mainland and island mountains, hills, ridges, headlands, dunes, beaches; or (f) important urban green break areas; or (g) cultural heritage features.	No acceptable outcome is nominated.	<b>PO11 – Not applicable</b> The site does not contain any valued natural features.

**As evident from the above assessment, the proposal complies with the various requirements of the General development code. Development Works Code**

The purpose of the Development works code is:

- (1) *to ensure that development is provided with adequate infrastructure and services relative to its location and needs;*
- (2) *to ensure that operational work is undertaken in a manner that accords with the endorsed standards for the planning scheme area;*
- (3) *to facilitate the achievement of the overall outcomes sought for development.*

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

- (1) *adequate infrastructure and services are provided to support the reasonable expectations for the needs of the development in relation to the following:*
  - (a) *access and parking;*
  - (b) *energy supply;*
  - (c) *transportation and the movement of people and goods between places;*
  - (d) *roof and allotment drainage;*

- (e) *sewage and waste water treatment and disposal;*
- (f) *stormwater management;*
- (g) *telecommunications;*
- (h) *water supply; and*
- (2) *all operational work is designed and undertaken:*
  - (a) *in accordance with best environmental management practice;*
  - (b) *in a manner that does not detract from the character and amenity of the setting;*
  - (c) *in a manner that protects or does not significantly adversely affect the natural environmental values of the site and surrounds;*
  - (d) *to be safe, reliable and easily maintained;*
  - (e) *so that surroundings, are not adversely impacted by off-site effects;*
  - (f) *having proper regard to existing public infrastructure and planned future public infrastructure; and*
  - (g) *in a manner that can minimise risk to human life, health and safety, and property.*

The following is an assessment of the proposal against the specific benchmarks of the Development Works Code, which includes an assessment of the development against the relevant outcomes of the code.

**Table 9.3.2.4.1 – Outcomes for development that is accepted subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Assessment response
<b>Access and parking</b>		
<b>PO1</b> The development is provided with an on-site parking and movement system designed and constructed to: <ul style="list-style-type: none"> <li>(a) be integrated with the site layout including:               <ul style="list-style-type: none"> <li>(i) direct access to a road providing an appropriate level of service required to accommodate traffic generated by the use;</li> <li>(ii) having appropriately designed footpath crossovers;</li> <li>(iii) provision for safe pedestrian movement between public footpath and facility entry points;</li> </ul> </li> <li>(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);</li> <li>(c) accommodate sufficient parking for the expected number and type of vehicles generated by the use;</li> </ul>	<b>AO1.1</b> 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 9.3.2.4.3.	<b>AO1.1 – Does not comply</b> Thirty-nine (39) car parking spaces are required to be provided on-site. Nineteen (19) car parking spaces will be provided on-site. <b>PO1 – Justified to comply</b> The development seeks to use the existing, sealed car parking area on the site. The car parking area is line marked. The average class size is ten (10) persons, and one (1) staff member. The busier class times are 5am for crossfit and 7:30am for group classes, therefore not overlapping class times. The operators confirmed on site that they had not had issues in terms of car parking and the car park has not been at capacity during their operation to date. The most common vehicle to access the site is a personal vehicle (car or 4WD). No large commercial vehicles are anticipated to access the site. There is also opportunity for vehicles to park lawfully in the road reserve if the car parking spaces are full. Therefore, the provision of nineteen (19) on-site car parking spaces is suitable to service the

Performance outcomes	Acceptable outcomes	Assessment response																				
<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><b>AO1.2</b></p> <p>For development other than a use listed in the table below, 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> <p>(a) <i>Australian Standard AS2890.1-1993: Parking Facilities –Off-street Car parking</i>;</p> <p>(b) <i>Australian Standard AS1428.1-2001: Design for access and mobility – General requirements for access – New building work</i>;</p> <p>(c) <i>Australian Standard AS2890.2-1993: Off-street parking – Commercial vehicle facilities</i>.</p> <table><tr><td>Accommodation activities</td></tr><tr><td>Caretaker’s accommodation</td></tr><tr><td>Community residence</td></tr><tr><td>Dual occupancy</td></tr><tr><td>Dwelling house</td></tr><tr><td>Dwelling unit</td></tr><tr><td>Home based business</td></tr><tr><td>Recreation activities</td></tr><tr><td>Environment facility</td></tr><tr><td>Park</td></tr><tr><td>Rural activities</td></tr><tr><td>Animal husbandry</td></tr><tr><td>Cropping</td></tr><tr><td>Permanent plantation</td></tr><tr><td>Roadside stall</td></tr><tr><td>Special activities</td></tr><tr><td>Landing</td></tr><tr><td>Major electricity infrastructure</td></tr><tr><td>Substation</td></tr><tr><td>Telecommunications facility</td></tr></table>	Accommodation activities	Caretaker’s accommodation	Community residence	Dual occupancy	Dwelling house	Dwelling unit	Home based business	Recreation activities	Environment facility	Park	Rural activities	Animal husbandry	Cropping	Permanent plantation	Roadside stall	Special activities	Landing	Major electricity infrastructure	Substation	Telecommunications facility	<p>use.</p> <p><b>AO1.2 – does not comply</b></p> <p>Engineering drawings have not been provided demonstrating vehicle movements.</p> <p><b>PO1 – Justified to comply</b></p> <p>The development seeks to utilise the existing, sealed car parking area. Following the site inspection, it was observed that vehicles have adequate area to enter and leave the site in a forward gear. The car parking area is considered to have been constructed to meet the relevant <i>Australian Standard</i>.</p>
Accommodation activities																						
Caretaker’s accommodation																						
Community residence																						
Dual occupancy																						
Dwelling house																						
Dwelling unit																						
Home based business																						
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Permanent plantation																						
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Special activities																						
Landing																						
Major electricity infrastructure																						
Substation																						
Telecommunications facility																						
	<p><b>AO1.3</b></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</p>	<p><b>AO1.3 – Not applicable</b></p> <p>The site does not join a residential or township zone.</p>																				

Performance outcomes	Acceptable outcomes	Assessment response
	accommodation) where adjoining a sensitive land use located within the residential category zone or the township zone.	
<b>PO2</b> Access driveways are designed and sited: <ul style="list-style-type: none"> <li>(a) to minimise disruption to public infrastructure;</li> <li>(b) to operate safely and efficiently taking into account the volume, frequency and type of vehicle traffic expected to be generated by the development;</li> <li>(c) to operate safely and efficiently taking into account the function of the adjoining road; and</li> <li>(d) to minimise impacts on the safety, efficiency, or function of the road network.</li> </ul>	<b>AO2.1</b> The access driveway of the development does not require the modification, relocation or removal of any street tree or public infrastructure including a fire hydrant, water meter, street sign, manhole, stormwater gully pit or other Council asset.	<b>AO2.1 – Complies</b> The access driveway is existing and does not require modification.
	<b>AO2.2</b> The access driveway of the development is not constructed over an access point to infrastructure under the control of a regulatory authority, including storm water pits, water meters, water hydrants and telephone pits.	<b>AO2.2 - Complies</b> The access driveway is existing and is not built over an access to infrastructure.
	<b>AO2.3</b> The access driveway of the development does not enter the road carriageway at the location of an existing traffic island, speed control device, car parking bay, pedestrian crossing, bus stop or other infrastructure within the road carriageway.	<b>AO2.3 - Complies</b> The access driveway is existing and does not interfere with existing traffic islands, speed control devices, car parking bays, bus stop or the like.
	<b>AO2.4</b> The access driveway of the development is not located within: <ul style="list-style-type: none"> <li>(a) two (2) metres of any adjoining property access driveway (excluding shared property accesses at the property line); and</li> <li>(b) one (1) metre of any public infrastructure such as a street sign, power pole, street light, manhole, stormwater gully pit or other Council asset;</li> <li>(c) the closest half of the road frontage to a road intersection for any corner lot.</li> </ul>	<b>AO2.4 - Complies</b> The access driveway is existing and is not within two (2) metres of an adjoining property access driveway, not within one (1) metre of public infrastructure and the site is not a corner lot.
	<b>AO2.5</b> The access driveway of the development is designed and constructed in accordance with the Capricorn Municipal Development Guidelines Standard Drawing relevant to the development including but not limited to the following: <ul style="list-style-type: none"> <li>(a) <i>Standard Drawing CMDG-R-040 Rural Road Access and Property Access over Table Drains;</i></li> <li>(b) <i>Standard Drawing CMDG-R-041 Residential Driveway Slab and Tracks;</i></li> <li>(c) <i>Standard Drawing CMDG-R-042 Commercial Driveway Slab (Type A) Two Way Access;</i></li> </ul>	<b>AO2.5 - Complies</b> The access driveway is existing and does not require modification.

Performance outcomes	Acceptable outcomes	Assessment response
	(d) <i>Standard Drawing CMDG-R-043 Commercial Driveway Slab (Type B) Two Way Access.</i>	
	<b>AO2.6</b> Where adjoining a state-controlled road or Key Resource Area transport route, the development provides: <ul style="list-style-type: none"> <li>(a) a single site access driveway;</li> <li>(b) the access driveway to the lowest order road to which the site has frontage;</li> <li>(c) an access driveway which enables vehicles to enter and exit the site in a forward direction.</li> </ul>	<b>AO2.6 – Not applicable</b> The site does not adjoin a state-controlled road or Key Resource Area.
<b>Advertising devices</b>		
The application states that a wall sign of less than three (3) square metres is deemed to be accepted development therefore signage does not form part of this application. An advisory note has been included to ensure any advertising devices comply with the Development Works Code.		
<b>Clearing of native vegetation</b>		
The development does not involve clearing of any vegetation. The development proposes to utilise an existing building and existing car parking area.		
<b>Earthwork</b>		
There are no earthworks, or retaining walls, proposed as part of the development. The development proposes to utilise an existing building and existing car parking area.		
<b>Energy supply</b>		
<b>PO9</b> An energy supply is provided in a manner which: <ul style="list-style-type: none"> <li>(a) is safe; and</li> <li>(b) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location; and</li> <li>(c) does not compromise other infrastructure.</li> </ul>	<b>AO9.1</b> The development is provided with an energy supply in accordance with the requirements of Table 9.3.2.4.7.	<b>AO9.1 - Complies</b> The development is connected to the reticulated energy supply network.
	<b>AO9.2</b> If the development requires the provision of reticulated grid electricity supply in accordance with Table 9.3.2.4.7 or if the development is to be provided with a reticulated grid electricity supply, the reticulated grid electricity supply infrastructure is provided in accordance with the requirements of the relevant energy supply authority.	<b>AO9.2 – Complies</b> The development is connected to the reticulated energy supply network.
<b>Sewage and waste water treatment and disposal</b>		
<b>PO10</b> The development is provided with sewage and wastewater treatment and disposal infrastructure which: <ul style="list-style-type: none"> <li>(a) treats and disposes all generated sewage and waste water in a manner that</li> </ul>	<b>AO10.1</b> The development is provided with sewage and waste water treatment and disposal infrastructure in accordance with the requirements of Table 9.3.2.4.6.	<b>AO10.1 - Complies</b> The site is connected to the sewage network.
	<b>AO10.2</b>	<b>AO10.2 - Complies</b>

Performance outcomes	Acceptable outcomes	Assessment response
<p>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>If the development requires the provision of reticulated sewerage in accordance with Table 9.3.2.4.6 or if the development is to be provided with reticulated sewerage, the reticulated sewerage is provided in accordance with the current version of the Capricorn Municipal Development Guidelines.</p>	<p>The site is connected to the sewage network.</p>
<b>Roof and allotment drainage</b>		
<p><b>PO11</b></p> <p>Roof and allotment drainage is able to be collected and discharged from the development in a manner that does not adversely affect the stability of buildings, structures, or land on the site or on adjoining land.</p>	<p><b>AO11.1</b></p> <p>Roof and allotment drainage is conveyed to the kerb and channel or an inter-allotment drainage system in accordance with the most current version of the Australian Standard AS3500.3 (stormwater drainage).</p>	<p><b>AO11.1 – Complies</b></p> <p>The site is connected to the stormwater network.</p>
<b>Telecommunications</b>		
<p><b>PO12</b></p> <p>The development is provided with telecommunications infrastructure or equipment which:</p> <p>(a) is sufficient to support the 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 telecommunication networks; and</p> <p>(c) is designed and constructed to be safe, operationally reliable and easily maintained.</p>	<p><b>AO12.1</b></p> <p>The development is provided with telecommunications infrastructure or equipment in accordance with the requirements of Table 9.3.2.4.7.</p>	<p><b>AO12.1 - Complies</b></p> <p>The site is connected to the telecommunications network.</p>
	<p><b>AO12.2</b></p> <p>If the development requires the provision of reticulated telecommunications infrastructure in accordance with Table 9.3.2.4.7 or if the development is to be provided with a reticulated telecommunications infrastructure, the reticulated telecommunications infrastructure is provided in accordance with the requirements of the relevant telecommunications supply authority.</p>	<p><b>AO12.2 - Complies</b></p> <p>The site is connected to the telecommunications network.</p>
	<p><b>AO12.3</b></p> <p>If the development requires on-site telecommunications equipment in accordance with Table 9.3.2.4.7, the telecommunications equipment is sufficient to enable contact in normal circumstances with the each of the following nearest emergency services:</p> <p>(a) ambulance station;</p> <p>(b) police station;</p> <p>(c) fire brigade; and</p> <p>(d) state emergency service facility.</p>	<p><b>AO12.3 – Not applicable</b></p>
<b>Water supply</b>		
<p><b>PO13</b></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</p>	<p><b>AO13.1</b></p> <p>The development is provided with a water supply in accordance with the requirements of Table 9.3.2.4.6.</p>	<p><b>AO13.1 - Complies</b></p> <p>The site is connected to the water supply network.</p>
	<p><b>AO13.2</b></p>	<p><b>AO13.2 - Complies</b></p>



Performance outcomes	Acceptable outcomes	Assessment response
<p>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, operationally reliable and easily maintained.</p>	<p>If the development requires the provision of reticulated municipal water supply in accordance with Table 9.3.2.4.6 or if the development is to be provided with a reticulated municipal water supply, the reticulated municipal water supply is provided in accordance with the current version of the Capricorn Municipal Development Guidelines.</p>	<p>The site is connected to the water supply network.</p>

As evident from the above assessment, the proposal complies with the various requirements of the Development works code, apart from a deviation from Acceptable Outcomes AO1.1 and AO1.2. Suitable justification has been provided to support the deviation from the car parking rates and provision of engineering drawings for car parking area given the development seeks to utilise an existing building and existing car parking area.

### **PUBLIC NOTIFICATION**

The proposal was the subject of public notification between 10 October 2019 and 31 October 2019, as per the requirements of the *Planning Act 2016*, and no submissions were received.

In relation to public notification, the original notices listed the incorrect email address for Council. The notices to adjoining owners were reissued, the sign on the property was updated and the newspaper ad was re-run on 16 October 2019. If a person emailed in a submission to the incorrect email address, they would have received an Undeliverable Mail message, therefore prompting the person to contact Council. There is also the option to post a submission to Council or deliver the submission to one of Council's offices. It is not considered the incorrect email address limited a person's ability to make a submission, therefore, despite the non-compliance; adequate measures were taken to rectify the error.

### **INFRASTRUCTURE CHARGES**

Infrastructure charges are levied pursuant to the *Adopted Infrastructure Charges Resolution (No.3) 2018*. The details and breakdown of the charges are outlined below:

Charge amount:	<p><b>\$18,640.00</b></p> <p>Subject to Consumer Price Index.</p>
Charge area:	The subject site is located within charge area 1
Calculation:	<p>The charge is calculated in accordance with Table 4 - Adopted charge for development Uses within the Priority Infrastructure Area, as follows:</p> <ol style="list-style-type: none"> <li>Indoor sport and recreation at 932 square metres gross floor area at \$70.00 per square metre, totalling \$65,240.00;</li> <li>Nil charge for impervious areas as there is no change to the impervious area (sealed area and building); and</li> <li>less a <b>credit</b> of \$46,600.00 for the existing use.</li> </ol>
Credit:	<p>The above calculation takes into account a credit of \$46,600.00 for the existing Medium impact industry use pursuant to Part 4.0 of Council's <i>Adopted Infrastructure Charges Resolution (No. 3) 2018</i>. The credit is calculated as follows:</p> <ol style="list-style-type: none"> <li>gross floor area of 932 square metres at \$50.00 per square metre based</li> </ol>

	on a Medium impact industry use, totalling \$46,600.00; and 2. Nil credit for impervious areas as there is no change to the impervious area (sealed area and building);
Offset:	No offsets are applicable to the development.

The existing shed was approved as a Class 8 building. A class 8 building for which a process (or handicraft) is carried out for trade, sale or gain. The building may be used for production, assembling, altering, repairing, finishing, packing or cleaning of goods or produce. Based on historic information (including google street view where by Australian Spa Parts had an advertising device on the fence), the use of the building is best defined as Medium impact industry.

A total charge of **\$18,640.00** is payable and will be reflected in an Infrastructure Charges Notice for the development. **STATEMENT OF REASONS**

The development application for a **Development Permit for Material Change of Use for Indoor sport and recreation (gymnasium)** approved as per this Decision Notice (approval D-229-2019).

## 1. REASONS OF THE DECISION

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

- (i) The development does not comply with Performance Outcome PO6 as an Indoor sport and recreation use is not listed as a preferred use in the Medium impact industry zone.
- (ii) Despite the non-compliance, the development seeks to utilise a large, existing shed that provides all weather protection for an indoor recreational activity.
- (iii) The development does not comply with Acceptable Outcome AO1.1 of the Development works code as the development does not provide the minimum number of car parking spaces as required by Table 9.3.2.4.3.
- (iv) Despite the non-compliance, nineteen (19) sealed, on-site car parking spaces are provided and is a suitable number of spaces to service the average class size. Further, there is car parking available in the road reserve if the on-site car parking spaces are full.
- (v) The development does not comply with Acceptable Outcome AO1.2 of the Development works code as the application is not supported by a statement from a registered professional engineer of Queensland.
- (vi) Despite the non-compliance, the development seeks to utilise the existing car parking area which was observed at an on-site inspection that vehicles have adequate area to enter and leave the site in a forward gear and appears to be constructed in accordance with the relevant Australian Standard.
- (vii) The development does not compromise the achievement of the state interests for water quality or natural hazards, risk and resilience outlined in the State Planning Policy.
- (viii) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with some aspects of the assessment benchmarks.

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

- The common material for the development application;
- The assessment benchmarks identified in section 2 of this notice;

- The relevant matters identified in section 4 of this notice; and
- The matters prescribed by regulation identified in section 5 of this notice.

## 2. ASSESSMENT BENCHMARKS

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Strategic framework – Settlement places Medium impact industry zone General development code Development works code	<i>Livingstone Planning Scheme 2018</i> Version 2, in effect 25 June 2018
Part E: State interest policies and assessment benchmarks	<i>State Planning Policy, July 2017</i>

## 3. COMPLIANCE WITH BENCHMARKS

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Medium impact industry zone code – Performance Outcome PO6	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.
Development Works Code – Acceptable Outcomes AO1.1 and AO1.2	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.

## 4. RELEVANT MATTERS

No relevant matters were given regard to, or assessment carried out against, in undertaking the assessment of this development application, above the assessment benchmarks.

## 5. MATTERS RAISED IN SUBMISSIONS

The application did not receive any submissions during the public notification period.

## 6. MATTERS PRESCRIBED BY REGULATION

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

- (i) The State Planning Policy – Part E;
- (ii) The Strategic framework, Medium impact industry zone code, General development code and Development works code in the *Livingstone Planning Scheme 2018*;
- (iii) The land, the subject of the application is developed with multiple sheds for industrial and storage purposes and a Caretaker's residence;
- (iv) The surrounding development in terms of commensurate and consistent development; and
- (v) The common material, being the material submitted with the application.

## PREVIOUS DECISIONS

It is noted that Council has previously approved a development application for a Material Change of Use for an Educational establishment (gymnasium) under the *Livingstone Planning Scheme 1991* on the adjoining allotment.

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

**BUDGET IMPLICATIONS**

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

**LEGISLATIVE CONTEXT**

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

**LEGAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

No staffing implications have been identified in the assessment.

**RISK ASSESSMENT**

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

**CORPORATE/OPERATIONAL PLAN**

Strategy GO4 of the Corporate Plan is relevant to the assessment of this application and states: *'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 generally consistent with the various zone and code requirements prescribed by the planning scheme for this development. The area of conflict pertains to the Medium impact industry zone as an Indoor sport and recreation (gymnasium) is not listed as a preferred land use. In this instance, it is considered that the development is suitable within the immediate area and does not compromise the role and function of the industrial area as it seeks to utilise the existing building.

Having regard to all of the above, it is recommended Council, from a land use perspective, approve the development, subject to reasonable and relevant conditions as outlined in the recommendation.

**12.5 - DEVELOPMENT APPLICATION  
D-229-2019 FOR A DEVELOPMENT  
PERMIT FOR A MATERIAL CHANGE  
OF USE FOR AN INDOOR SPORT AND  
RECREATION (GYMNASIUM) AT 40-44  
JABIRU DRIVE, BARMARYEE**

**Attachment 1 - Locality plan**

**Meeting Date: 3 December 2019**

**Attachment No: 1**



**Attachment 1 - Locality plan**

Map Created by: Web AppBuilder for ArcGIS



Printed from AsxPortal on 13/01/2012

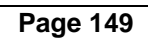


**12.5 - DEVELOPMENT APPLICATION  
D-229-2019 FOR A DEVELOPMENT  
PERMIT FOR A MATERIAL CHANGE  
OF USE FOR AN INDOOR SPORT AND  
RECREATION (GYMNASIUM) AT 40-44  
JABIRU DRIVE, BARMARYEE**

**Attachment 2 - Proposed floor plan**

**Meeting Date: 3 December 2019**

**Attachment No: 2**



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**12.6 TEMPORARY DELEGATION FOR DEVELOPMENT APPLICATION DECISIONS**

**File No:** PL22.1.2  
**Attachments:** Nil  
**Responsible Officer:** David Battese - Manager Liveability  
**Author:** Maddie Ward - Co-ordinator Development Assessment

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**SUMMARY**

*The purpose of this report is to obtain a temporary delegation to the Chief Executive Officer to facilitate the statutory requirements of the Sustainable Planning Act 2009 and Planning Act 2016 to accommodate the limited Council meeting schedule over the December 2019 – January 2020 period.*

**OFFICER'S RECOMMENDATION**

THAT pursuant to section 257 of the *Local Government Act 2009* Council resolves to delegate its powers as 'Assessment Manager' under the *Sustainable Planning Act 2009* and *Planning Act 2016* to the Chief Executive Officer for the period 4 December 2019 until 20 January 2020, both dates inclusive, subject to the following limitation: (1) The exercise of this delegation will only occur after obtaining written concurrence from the Mayor and Deputy Mayor (inclusive of an Acting Mayor or Acting Deputy Mayor).

**BACKGROUND**

Council's role under the *Sustainable Planning Act 2009* and *Planning Act 2016* is both specific and time constrained in terms of decision making. Prescribed timeframes under the legislation will require the determination of development applications over the December/January period.

**COMMENTARY**

To ensure legislative compliance during the December-January period, Council must consider the delegation of its powers as Assessment Manager. This delegation can be achieved under section 257 of *Local Government Act 2009*:

*Delegation of local government powers*

*(1) A local government may, by resolution, delegate a power under this Act or another Act to—*

- (a) the mayor; or*
- (b) the chief executive officer; or*
- (c) a standing committee, or joint standing committee, of the local government; or*
- (d) the chairperson of a standing committee, or joint standing committee, of the local government; or*
- (e) another local government, for the purposes of a joint government activity.*

*(2) However, a local government must not delegate a power that an Act states must be exercised by resolution.*

*(3) A joint standing committee, of the local government, is a committee consisting of councillors of two or more of the local governments.*

*(4) A delegation to the chief executive officer under subsection (1) must be reviewed annually by the local government.*

In response to the need to decide applications pursuant to the requirement of the planning legislation and the *Local Government Act*, officers are seeking temporary delegations to the Chief Executive Officer where consultation and concurrence occurs with two elected members during the period. In determining this position, consideration has been given to the following items:

- elected member availability;

- transparency of decision making;
- accountability of decision making;
- efficiency of decision making;

The exercise of this delegation will only occur following written concurrence (inclusive of email) being obtained from the Mayor and Deputy Mayor (inclusive of an Acting Mayor or Acting Deputy Mayor).

The recommendation as proposed is considered to provide the greatest flexibility to council in meeting its statutory requirements over this period whilst maintaining the integrity, transparency and accountability of the administration of planning process.

### **PREVIOUS DECISIONS**

Similar decisions have been made in past years during this same period with the same structure of delegation and consultation.

### **BUDGET IMPLICATIONS**

No budget implications are anticipated as a result of this determination.

### **LEGISLATIVE CONTEXT**

The Sustainable Planning Act 2009 and Planning Act 2016 identifies Council as the Assessment Manager types of development. This Act also prescribes the process and timeframes by which Council must discharge its obligations as an Assessment Management. Local Government Act 2009 provides the mechanism by which the Council may delegate its powers as Assessment Manager.

### **LEGAL IMPLICATIONS**

Legal implications are not anticipated as a result of this determination.

### **STAFFING IMPLICATIONS**

Staffing implications are not anticipated as a result of this determination.

### **RISK ASSESSMENT**

Failure to meet the statutory requirements of the planning legislative is considered high risk in the absence of mitigating action. The action as proposed alleviates the risk.

### **CORPORATE/OPERATIONAL PLAN**

Strategy GO4: of Council's Corporate Plan states: *"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**

There are no Council meetings scheduled from 4 December 2019 to 20 January 2020. Consequently, some development applications that would normally be referred to Council for determination may not be able to be processed in accordance with the requirements of the planning legislation. Accordingly, it is considered appropriate to provide a temporary delegation to the Chief Executive Officer, subject to the limitations identified in the recommendation, to facilitate the statutory requirements of planning legislation in terms of decision making.

**12.7 LIVINGSTONE PLANNING SCHEME 2018 - PROPOSED PLANNING SCHEME AMENDMENTS**

**File No:** LU18.3.5  
**Attachments:** 1. **Proposed Amendment Items**[↓](#)  
**Responsible Officer:** Liam Saxby - Strategic Planning Officer  
David Battese - Manager Liveability  
**Author:** Liam Saxby - Strategic Planning Officer

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**SUMMARY**

Council has the ability under legislation to make progressive amendments to its planning scheme. This report recommends that amendments be made to the Livingstone Planning Scheme 2018 as part of a package of amendments. The details pertaining to the proposed amendments are outlined in the attachment to the report.

**OFFICER'S RECOMMENDATION**

THAT Council resolve to:

- 1) Make amendments to the *Livingstone Planning Scheme 2018* in accordance with the changes identified in Attachment 1; and
- 2) Advance the amendments to the *Livingstone Planning Scheme 2018* in accordance with the *Planning Act 2016* and the *Minister's Guidelines and Rules July 2017*.

**BACKGROUND**

The commencement date for the Version 1 of the *Livingstone Planning Scheme 2018* was 1 May 2018. The first amendment was made for the purpose of including Part 4 - Local Government Infrastructure Plan. That amendment resulted in the *Livingstone Planning Scheme 2018 Version 2* which became effective on 25 June 2018.

The process for the preparation of planning scheme amendments is set by the *Minister's Guidelines and Rules July 2017*. The guidelines and rules state the minimum requirements which must be followed by a local government for making or amending a local planning instrument. The *Planning Act 2016* also has provisions which must be adhered to.

The amendment process timeframe is dependent on the category of the kind of change. An amendment may involve an 'administrative amendment', a 'minor amendment', a 'qualified state interest amendment' or a 'major amendment'.

For a 'minor amendment' or 'administrative amendment', the process may only involve two stages, being the Planning and Preparation Stage (which may range from 35 business days to 12 months) and an Adoption Stage (up to 30 business days). Noteworthy is that these timeframes are dependent on Council hence timeframes could be less.

For a 'major amendment', the time involved in undertaking the amendment is longer than for a 'minor amendment' or 'administrative amendment' because it involves extra stages. Extra stages include a State Interest Review Stage (indicative timeframe up to 60 business day), a Public Consultation Stage (indicative timeframe up to 70 business days), and a Minister's Consideration Stage (indicative timeframe up to 40 business days). The adoption stage remains (indicative timeframe up to 30 business days).

**COMMENTARY**

The proposed amendment items are identified in Attachment 1. The items proposed for amendment are considered important for the following reasons:

- The proposed changes have planning merit and are justifiable;

- Growth Management is of the opinion that the changes are consistent with State Planning Policies;
- It is anticipated that the proposed changes, if made:
  - improve the accuracy of the planning scheme;
  - improving the useability of the planning scheme;
  - enhance the ability to administer the planning scheme in a practical and effective manner;
  - minimise the potential for adverse development outcomes that may arise should some changes not be made.

The rules for Local Government to follow to undertake amendments are stated in the *Planning Act 2016* and the *Minister's Guidelines and Rules July 2017*. Steps include: planning and preparation, State interest review, public consultation (including changing the proposed amendment), Minister's consideration, adoption, and providing a copy to the chief executive.

Council may resolve to make all, some or none of the amendments in Attachment 1. The amendment items that are advanced through the statutory process will result ultimately in a new version of the *Livingstone Planning Scheme 2018*. Although the proposed 'administrative amendments' can be made in a shorter time frame compared to the 'major amendments', Growth Management will hold off on finalising these changes until such time as the 'major amendments' can be made effective.

### **PREVIOUS DECISIONS**

There have not been any previous Council decisions regarding the proposed amendment items identified in Attachment 1. Many of the proposed amendment items were discussed with Councillor's at the Council workshop held on 3 December 2018. Council has also recently made a decision to progress an amendment to the planning scheme to facilitate other changes in relation to land described as Lot 39 on LN2298 at 4 Lagoon Place Yeppoon.

### **BUDGET IMPLICATIONS**

The process set out by the state for making or amending planning schemes does have some implications for costs for notices and advertising. An amount of \$4000.00 has been allocated for advertising costs in the 2018/2019 budget. If there are works to be done as stated above, council will be reported to with specific details of any project costs.

### **LEGISLATIVE CONTEXT**

The primary legislation dealing with matters associated with local planning instruments are the *Planning Act 2016* and the *Planning Regulation 2017*. The processes and procedural requirements for the preparation of planning scheme amendments are prescribed by the *Minister's Guidelines and Rules July 2017*. The *Minister's Guidelines and Rules July 2017* sets out the minimum requirements which must be followed by a local government for making or amending a local planning instrument.

### **LEGAL IMPLICATIONS**

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

### **STAFFING IMPLICATIONS**

The requirement to follow the processes and procedures set out in *Minister's Guidelines and Rules July 2017*, involves internal staff resources. The work involved in the preparation and advancing amendments to the planning scheme will largely fall within the existing resources within the growth management team. Where there are key stakeholders in other teams within council, these resources will also be called upon to support the process.



**RISK ASSESSMENT**

There are no significant risks to Council associated with the consideration of this matter – that is to make amendments. There is however amendments that we have highlighted which if made will mitigate risk to council for potential future compensation claims. The process to be followed is set out under the *Planning Act 2016* and *Ministers Guidelines and Rules July 2017*, which when adhered to do not result in any risks.

**CORPORATE/OPERATIONAL PLAN**

Strategy GO2 of Council's Corporate Plan is relevant to the proposed amendments as it is to 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**

The amendment items are identified in Attachment 1. It is recommended that these amendments be made to the Livingstone Planning Scheme 2018. If Council resolves to make the recommended amendments to the *Livingstone Planning Scheme 2018*, the amendment will be progressed in accordance with the relevant statutory process.

# **12.7 - LIVINGSTONE PLANNING SCHEME 2018 - PROPOSED PLANNING SCHEME AMENDMENTS**

## **Proposed Amendment Items**

**Meeting Date: 3 December 2019**

**Attachment No: 1**

## Attachment 1: Amendment Items Livingstone Planning Scheme 2018

1.0 Administrative Amendments	
Number	Amendment Details
1.1	<p>Amendment:  <b>Amendment to Part 1 of the planning scheme. The amendment involves deletion of the 'Note' located on Page P1-2 under the heading 'Planning scheme components'.</b></p> <p>Reason:  This change is consistent with State Guidelines for an administrative amendment. The note makes reference to Council not currently having a Local Government Infrastructure Plan. This statement is no longer applicable as Council included a Local Government Infrastructure Plan as part of the previous amendment to the planning scheme. This change corrects an explanatory matter about the planning scheme.</p>
1.2	<p>Amendment:  <b>Amendment to the Schedule 1 Definitions of the planning scheme. The amendment involves updating various definitions as per the versions shown in the <i>Planning Regulation 2017</i>.</b></p> <p>Reason:  This change is consistent with State Guidelines for an administrative amendment. The Livingstone Planning Scheme 2018 (Version 2) definitions are based on the former mandatory Queensland Planning Provision (QPP) definitions; however, these have since been updated by the State Government and they are reflected in the <i>Planning Regulation 2017</i>. The <i>Planning Regulation 2017</i> definitions are not significantly different to those already in the planning scheme; nevertheless, the change will ensure alignment with the Planning Regulation where suitable.</p>
1.3	<p>Amendment:  <b>Update the format (scale) of some overlay maps so that all areas in the inset areas are visible.</b></p> <p>Reason:  This change is consistent with State Guidelines for an administrative amendment. The overlay maps in the planning scheme generally consist of a Shire map and a series of maps covering different areas of the Shire. The first map is generally the Shire map which identifies the other specific areas in the shire which are mapped at a larger scale. Some of the non-shire maps do not show the entire specific area as displayed on the Shire map. Some of the overlays are therefore not visible on Hard Copy or PDF maps.</p>
1.4	<p>Amendment:  <b>Update the planning scheme zone code figures which show the height limit restrictions for specific areas. The change involves replacing the existing figures with new figures which show the height limits in different colours.</b></p> <p>The figures to be amended are:</p> <ul style="list-style-type: none"> <li>i. Figure 6.2.2.4.1.1 – Emu Park Business District Height Limits</li> <li>ii. Figure 6.2.4.4.1.1 – Yeppoon Business District Height Limits</li> <li>iii. Figure 6.2.4.4.1.2 – Yeppoon Central Shopping Centre Height Limits</li> <li>iv. Figure 6.6.1.4.1.1 – Yeppoon Foreshore Tourism and Recreation Precinct Height Limits</li> </ul> <p>Reason:  This change is consistent with State Guidelines for an administrative amendment. The change does not result in any change in policy; rather it is an administrative change which updates the presentation of the planning scheme. The change will make the figures more reader friendly as the new figures will use different colours to distinguish the different height limits compared to the existing maps which show different shades of grey.</p>

2.0 Minor Amendments	
Number	Amendment Details
<b>Zones</b>	
2.1	<p>Amendment:  <b>Amendment to Schedule 6 - Land Designated for Community Infrastructure, so as to make sure that the list of designations is up to date.</b></p> <p>Reason:  This change is consistent with State Guidelines for a minor amendment in so far as this change is of a minor nature. Land can be designated for community infrastructure by the Minister or by the Local Government. Such designations occur via a legislative process in which public notification occurs. The designations have already occurred. Council must be satisfied that this amendment is of a minor nature. Examples of recent designations include the Emu Park State School on 20 January 2017, Yeppoon secondary school 18 December 2018, and the Capricorn Coast Memorial Gardens.</p>
2.2	<p>Amendment:  <b>Amendment to Schedule 8 – Notations required under the Planning Act 2016 so as to make sure that the notations are up to date.</b></p> <p>Reason:  This change is consistent with State Guidelines for a minor amendment in so far as this change is of a minor nature. Schedule 8 notates decisions that have already occurred. The decisions may relate to development approvals that vary the effect of the planning scheme or it may relate to information about infrastructure charges that have been adopted by Council. Council must be satisfied that this amendment is of a minor nature.</p>
3.0 Major Amendments	
Number	Amendment Details
<b>Zones</b>	
3.1	<p>Amendment:  <b>Amendment to Zone Map ZM-45 for the Locality of Pacific Heights. The change involves removing the Rural Zone and the Community Facilities zone from areas now located within the alignment of Panorama Drive.</b></p> <p>Reason:  At the time of completing the planning scheme zone maps for public notification the boundaries for Panorama Drive had not been determined. The alignment, boundaries and construction of the road has since been completed. The zone map for the site could be updated to reflect the new status of the road.</p>
3.2	<p>Amendment:  <b>Amendment to Zone Map ZM-04 for the Locality of Barmaryee. The change involves allocation of Lot 40 on RP859982 to the Special Purpose Zone instead of the Community Facilities Zone.</b></p> <p>Reason:  The zone change more accurately reflects the current and future use of Lot 40 on RP859982. The Community Facilities zone was intended for allocation to sites expected to have community focused land use that members of the public are likely to travel to and utilise such as Education Establishments, Libraries, Town Halls, Child Care Facilities and similar. Lot 40 is currently vacant. The lot is unlikely to be used for any land use that would be expected to occur in the Community Facilities zone of the planning scheme given that it adjoins an industrial estate. The zone allocation to the Community Facilities zone was an oversight given the small size of the lot and the closeness in colour of the Community Facilities zone and the Special Purpose zone. The more suitable zone allocation is the Special Purpose zone, which has generally been allocated to sites likely to be used primarily for some kind of government utilities or infrastructure.</p>
3.3	<p>Amendment:  <b>Amendment to Zone Map ZM-56 for the Locality of The Caves. The change</b></p>

	<p><b>involves allocation of Lot 2 on RP603000 to the Special Purpose Zone instead of the Community Facilities Zone.</b></p> <p>Reason: The zone change more accurately reflects the current and future use of Lot 2 on RP603000. The Community Facilities zone was intended for allocation to sites expected to have community focused land use that members of the public are likely to travel to and utilise such as Education Establishments, Libraries, Town Halls, Child Care Facilities or similar. This lot is unlikely to be used for any land use that would be expected to occur in the Community Facilities. Lot 2 is a long narrow lot which aligns with other long narrow lots located to the south east. These long narrow lots connect with local water reservoir infrastructure at The Caves. The similar shaped lots that connect with the local water reservoir are allocated to the Special Purpose zone. The zone allocation to the Community Facilities zone was an oversight given the closeness in colour of the Community Facilities zone and the Special Purpose zone. The more suitable zone allocation is the Special Purpose zone, which has generally been allocated to sites likely to be used primarily for some kind of government utilities or infrastructure.</p>
3.4	<p>Amendment: <b>Amendment to Zone Map ZM-08 for the Locality of Byfield. The change involves allocation of Lot 2 on RP862284 to the Community Facilities Zone instead of the Rural Zone. As a consequence of the zone change, the lot will be removed from the Capricorn Coast Rural Precinct which it currently is located within.</b></p> <p>Reason: The Byfield School is located approximately four lots further north of this site and it has been allocated to the Community Facilities zone. On Council's database, the lot located at 2195 Byfield Road (Lot 2 on RP862284) is stated to be owned by the Byfield Hall Association Inc. Although it may not be a QLD Education Department School, it is possible that the building on the site is used for education or other activities that would normally be associated with community use of a hall. The aerial imagery also indicates that the site has outbuildings and possibly a tennis court. A community hall used for a generic range of community purposes would normally be consistent with an allocation to a Community Facilities zone.</p>
3.5	<p>Amendment: <b>Amendment to Zone Map ZM-55 for the Locality of Taroomball. The change involves allocation of Lot 55 on SP203612 to the Low Density Residential Zone instead of the Neighbourhood Centre Zone.</b></p> <p>Reason: A recent development application has been made at 552 Lakeside Drive Taroomball seeking Reconfiguring a Lot (1 lot into 13 lots). The development application material states that the lot reconfiguration is for the purpose of creating residential lots. The development assessment unit requested that the applicant reconfirm that the intention is that the lots proposed over land in the Neighbourhood Centre zone is for the purpose of future residential development. This was confirmed.</p> <p>Council has placed a Property Note on each lot to indicate that the purpose of the creation of the lot was to provide for residential development, and that Council's Growth Management section will pursue an amendment of the <i>Livingstone Planning Scheme 2018</i> to change the zone of all of the proposed lots to Low Density Residential Zone, so as to facilitate the future development of accommodation activities.</p> <p>Overall there will be more potential for land use conflict and poor development outcomes if the lot remains in the neighbourhood centre zone.</p>
3.6	<p>Amendment: <b>The zones in the locality of Byfield are to be realigned with the most up to date cadastre. A small section of Community Facilities Zone (identified as Lot 19 on PS46) should be changed to the Rural Zone.</b></p>

	<p>Reason:</p> <p>At the time of preparing the Version 1 Zone Maps for the Planning Scheme, the Shire Wide Cadastre displayed on the maps was used without any further change as at June 2016 (i.e. it remained static as at that point in time). While perusing the locality of Byfield, it has been noted that the cadastre has since changed slightly and some of the zones no longer align with the cadastre. It is also noted that a small lot exists in the Version 1 zones which is allocated to the Community Facilities Zone. It is possible that this may have been a carry-over from the 2005 planning scheme where the site and surrounding area was within the Special Purpose zone and the colour of that zone was also yellow. The site does not contain any Community Facilities and it should therefore be allocated to the rural zone. The new position of Lot 19 on PS46 is identified as a reserve for quarry purposes and to be consistent with the rest of the planning scheme it should be allocated to the rural zone.</p>
3.7	<p>Amendment:</p> <p><b>All zone maps are updated to show the current cadastre. Where the cadastre has shifted compared to the current zones, the zones are to be realigned with the new position of the cadastre boundaries.</b></p> <p>Reason:</p> <p>While perusing various localities, it is evident that the most recent cadastre is slightly different compared to the version used for the Version 1 Zones. The deviation in cadastre is mainly around waterways and roads. It occurs in various localities throughout the Shire. The cadastre changes do not result in any significant issues as waterways, roads and the like take the adjoining zones as their own zone up to the centre line. Despite this the zones should be corrected. This amendment ensures consistency throughout the planning scheme and it ensures that the zone maps are up to date.</p>
3.8	<p>Amendment:</p> <p><b>Amendment to Zone Map ZM-44-1 and ZM44-2 for the Locality of Ogmoo. The change involves allocation of Lot 29 on MPH14441 and Lot 308 on O7501 to the Township Zone instead of the Limited Development Zone.</b></p> <p>Reason:</p> <p>The allocation of these two privately owned lots is justifiable. The lots are privately owned, they have potential to have a dwelling house, they are not affected by MSES Overlays, and they have similar characteristics to the majority of other residential sized lots in the surrounding area which are allocated to the Township Zone.</p>
3.9	<p>Amendment:</p> <p><b>Amendment to Zone Map ZM-38 for the Locality of Mount Chalmers. The change involves allocation of Lot 23 on RP601901 (552 Sleipner Road) to the Rural Zone instead of the Limited Development Zone.</b></p> <p>Reason:</p> <p>The allocation of this lot to the Rural Zone instead of the Limited Development Zone is justifiable. Historical aerial imagery indicates that the dwelling house located on Lot 23 on RP601901 has been in existence since the late 1980s. The lot is rural in nature and it has sufficient area for on-site sewage treatment, rainwater tanks, and it does have frontage to the constructed Sleipner Road. If the lot was allocated to the Rural Zone, the Rural Zone Code would apply to the lot and it would potentially allow for a rebuild of the dwelling house and shed (if needed) and/or small extensions if proposed. Changing the zone of only this lot to the Rural Zone would acknowledge the existing development situation on this lot and provides a means to suitably regulate development on this lot in the future.</p>
3.10	<p>Amendment:</p> <p><b>Amendment to Zone Map ZM-64 for the Locality of Yeppoon. The change involves allocation of Lot 1 on RP602464 (1 Ocean Circle) to the Low Density Residential Zone instead of the Medium Density Residential Zone.</b></p> <p>Reason:</p>

	<p>The allocation of this lot to the Medium Density Residential Zone was a like for like translation of the historic zone allocation of this lot. An approval had been over the site for Multiple Dwellings however this approval has since lapsed.</p> <p>Public requests have been made that Council investigate changing the zone for the site, particularly as Council is now the owner of the lot. Council's Infrastructure Projects section has also indicated that a zone change to the Low Density Residential Zone would be consistent with current project objectives. That is to undertake a boundary realignment to create two similar size lots that are relatively flat and divided by a new retaining wall on or near the relocated boundary. The retaining wall to Gus Moore Street would be removed. Lot 1 on RP602464 and also the adjoining Lot 20 on RP611855 will provide for the potential development of a dwelling house on each lot. The low density residential zone is an appropriate zone which can provide for this outcome.</p>
<b>Zone Precincts</b>	
<b>3.11</b>	<p>Amendment:</p> <p><b>Amendment to the Zone Precinct (ZP-02) boundary shown on Zone Map ZM-53 for the Locality of Tanby and shown on Zone Precinct Map ZPM-14 for the Locality of Tanby, to more accurately reflect the existing zone of Lot 302 on SP203603. Other minor inconsistencies in the alignment of the precinct boundary should also be corrected so that non-rural residential zones are not within the precinct.</b></p> <p>Reason:</p> <p>Lot 302 on SP203603 is Council owned land and it is used for Council infrastructure purposes, namely sewerage infrastructure including a rising main and pump station. The site has been suitably allocated to the Special Purpose zone. The change to the zone precinct boundary appropriately provides for the exclusion of this Council land from the Park Residential Precinct. It is an error that the lot had been included within the Park Residential Precinct boundary. A zone precinct should only apply to land within one specific zone.</p>
<b>3.12</b>	<p>Amendment:</p> <p><b>Amendment to the Zone Precinct (ZP-01) boundary shown on Zone Map ZM-20 for the Locality of Farnborough and shown on Zone Precinct Map ZPM-08 for the Locality of Farnborough, to more accurately reflect the existing zone of Lot 3 on SP286139.</b></p> <p>Reason:</p> <p>A Zone Precinct should apply only over one base zone. There is an error in so far as a Lot 3 on SP286139 which is located to the south of Panorama Drive is allocated to the Emerging Community Zone but it is also located within the Zone Precinct Boundary for the Capricorn Coast Rural Precinct. The Capricorn Coast Rural Precinct applies only to Rural Zoned land. The amendment appropriately provides for the exclusion of this land from the Capricorn Coast Rural Precinct as the lot is currently allocated to the Emerging Community Zone.</p>
<b>3.13</b>	<p>Amendment:</p> <p><b>As a consequence of the proposed zone precinct changes in item 3.11 and item 3.12, it is recommended that all Zone Precinct Maps be updated. This will also allow for an update to the cadastre.</b></p> <p>Reason:</p> <p>Changes to zone precinct boundaries located within one locality are often visible on other locality maps. Consequently, there is a need to update the other maps also. This situation applies to both zone precinct maps and zone maps.</p>
<b>Overlays</b>	
<b>3.14</b>	<p>Amendment:</p> <p><b>Inclusion of a new layer on the Acid Sulfate Soil series of overlay maps. The layer is to cover land located generally between 5 metres AHD and 20 metres AHD.</b></p>



	<p>Reason:</p> <p>The existing overlay map version only shows an indicative twenty metre and a five metre contour. The proposed new overlay makes it clear to the planning scheme user when they need to check the tables of assessment to see if they require an application. Updated contours will be used where they are available to give further guidance to the planning scheme user. The land located between the two contours will be coloured for clarity.</p>
3.15	<p>Amendment:</p> <p><b>Amendment to the Scenic Amenity series of overlay maps. The change involves amendment to the Green Break Overlay shown on these maps. Specifically the changes involve the following:</b></p> <ol style="list-style-type: none"> <li>1. Remove the Farnborough School site from the Greenbreak Overlay.</li> <li>2. Remove the residential zoned lots located along Todd Avenue and Corbett Street from the Greenbreak Overlay.</li> <li>3. Remove the Sports and Recreation zoned lots at Yeppoon from the Greenbreak Overlay (where the lots have been substantially cleared of vegetation). These lots consist of Swan Park, Apex Park, the Basketball Stadium, and Webb Park.</li> <li>4. Remove Open Space zoned lots at Yeppoon and Emu Park from the Greenbreak Overlay. These lots contain the Yeppoon Foreshore Recreation and Tourist Precinct (i.e. Appleton Park, Yeppoon Lagoon, Council Office Building, and Merv Anderson Park).</li> <li>5. Remove Open Space zoned lots at Emu Park from the Greenbreak Overlay. These lots contain the Hartley Street Park.</li> <li>6. Remove all lots located between Cordingley Street and Yeppoon Road from the Greenbreak Overlay (i.e. the future Home Maker Centre Site, Council Depot, Cemetery, and adjoining public land).</li> <li>7. Remove the residential zoned lots located along Coolwater Esplanade at Kinka Beach from the Greenbreak Overlay.</li> <li>8. Remove the Emu Park Waste Transfer station site from the Greenbreak Overlay.</li> <li>9. Remove from the overlay the established urban development at the Haven Site Emu Park, described as Lot 3 on RP620313 (but retain the layer over the protected vegetation overlay areas).</li> <li>10. Remove from the overlay the unconstrained eastern part of the Lot 2 on RP620301. The lot is located to the south of the Scenic Highway, east of Kinka Wetlands, and to the north of Abermarle Street. The lot adjoins the existing urban area of Emu Park. The unconstrained eastern part of the lot has potential for future urban development.</li> <li>11. Remove the area shown over west Emu Park between the Kinka Wetlands Greenreak and Emu Park Road (i.e., land in the Emerging Community Zone which generally reflects historic development approvals or preliminary approvals and which is also shown as new urban and future urban land on the current planning scheme Strategic Framework maps).</li> <li>12. Remove the urban and new urban land at the Great Barrier Reef International Resort/Keppel Cove site from the greenbreak overlay, so that the overlay generally aligns with the Coastal Beach Protection Reserve boundary.</li> <li>13. Realign the overlay where appropriate (for example, where the GIS Cadastre has shifted over time and the overlay does not align with lot boundaries or greenbreak areas and values).</li> <li>14. Include in the green break overlay, land directly adjoining the existing overlay areas if it is a reserve or similar tenure, and it is allocated to the Environmental Management and Conservation Zone.</li> </ol> <p>Reason:</p> <p>The current planning scheme greenbreak overlay is identical to the layer used in the <i>Livingstone Shire Planning Scheme 2005</i>. The source of the layer was the <i>Capricorn</i></p>

	<p><i>Coast Landscape Study 2003</i>. The majority of the proposed changes are considered to be generally consistent with the original study recommendations for managing development pressures on potential strategic greenbreak areas.</p> <p>For lots allocated to the Open Space Zone and the Sport and Recreation Zone, the Open Space Zone Code and Sport and Recreation Zone Code have development restrictions to limit the type of development, height of development and the site cover of development.</p> <p>The change to the overlay in the location to the west of Emu Park is justifiable as this change removes a clear conflict in the planning scheme and it reflects Council's current planning intention for this area. The publicly notified planning scheme identifies this area on Strategic Framework maps as a new urban area and a future urban area. Much of this area is also allocated to the Emerging Community Zone. It is clear that Council's longer term intent is that parts of this location will be needed for the future growth of the Emu Park urban area. Noteworthy is that removing the greenbreak overlay does not affect other overlay matters which apply to land at this location and which need to be addressed as part of future development applications.</p> <p>Realignment of the overlay with cadastre and other existing features so as to more accurately reflect the features present and to limit unnecessary development requirements in specific circumstances is justifiable.</p>
3.16	<p>Amendment:</p> <p><b>Inclusion of a new overlay and overlay map in the planning scheme to regulate Building Heights. As a consequence of the new overlay and overlay map for building heights, other changes are to be made to the planning scheme to ensure that height limits can be regulated in a fair and consistent manner for all land use types. Other changes involve the inclusion of a new table of assessment in the overlay section of the planning scheme. The categories of development and categories of assessment are to remain consistent with those currently identified in the applicable tables of assessment for zones albeit with removal of references to 'storeys' for all zones other than the centre category zones or the Yeppoon Foreshore Tourism and Recreation Precinct (to ensure consistency with other identified amendments). Impact assessment remains as the category of assessment for development which exceeds the height limits and the assessment benchmark will be the entire planning scheme as relevant.</b></p> <p>Reason:</p> <p>The change ensures that the 'impact assessment' category of assessment for building heights can be applied in a consistent manner throughout the planning scheme area. The 'impact assessment' category of assessment requires public notification. The change ensures that the 'impact assessment' category of assessment for building heights can apply to dwelling houses located in a residential category zone. Having one overlay minimises work involved in future planning scheme amendments, as change to the overlay is not needed every time that Council changes the zones for different areas of the planning scheme.</p>
<b>Tables of Assessment</b>	
3.17	<p>Amendment:</p> <p><b>Amendment to the Tables of Assessment for Overlays (flood hazard) as relevant to Operational Work for earthwork and building work not associated with a material change of use. The change involves amending the categories of assessment so as to make appropriate circumstances of earthwork and building work not associated with a material change of use 'accepted with requirements' as opposed to code-assessable. As a result of this amendment, changes are also to be made to the acceptable outcomes of the Flood Hazard Overlay Code.</b></p> <p>Reason:</p> <p>The Flood Hazard Overlay Code contains acceptable outcomes which can be used</p>

	to appropriately regulate low risk development such as small extensions to existing buildings and small volumes of earthwork. Some modification of the existing acceptable outcomes of the Flood Hazard Overlay Code will be undertaken and additional acceptable outcomes will be included where appropriate to facilitate this.
3.18	<p>Amendment:</p> <p><b>Amendment to the Tables of Assessment for Overlays (coastal hazard – storm tide) as relevant to Operational Work for earthwork and building work not associated with a material change of use. The change involves amending the categories of assessment so as to make appropriate circumstances of earthwork and building work not associated with a material change of use ‘accepted with requirements’ as opposed to code-assessable. As a result of this amendment, changes are also to be made to the acceptable outcomes of the Coastal Hazard Overlay Code.</b></p> <p>Reason:</p> <p>The Coastal Hazard Overlay Code contains numerous acceptable outcomes which can be used to appropriately regulate low risk development such as small extensions to existing buildings and small volumes of earthwork. Some modification of the existing acceptable outcomes of the Coastal Hazard Overlay Code will be undertaken and additional acceptable outcomes will be included where appropriate to facilitate this.</p>
3.19	<p>Amendment:</p> <p><b>Amendment to the Tables of Assessment for Overlays (coastal greenbreak overlay). The change involves allowing development classified as ‘accepted development’ or ‘accepted with requirements’ in zones to remain categorised as ‘accepted with requirements’ if affected by the greenbreak overlay.</b></p> <p>Reason:</p> <p>This change is required if an associated change is to be made to the Scenic Amenity Overlay Code by including acceptable outcomes such as the proposed restriction on site cover (500 square metres) and building height (8.5 metres) (refer item 3.32 in this attachment). The inclusion of new acceptable outcomes in the Scenic Amenity Overlay Code will provide suitable assessment requirements to ensure that development will not compromise values associated with the greenbreak overlay areas. This change provides an opportunity to allow development that was already identified as ‘accepted’ or ‘accepted with requirements’, to be ‘accepted with requirements’. This means that an application to Council is not required provided that the two acceptable outcomes are complied with.</p>
3.20	<p>Amendment:</p> <p><b>Amendment to the Tables of Assessment for Building Work. The change involves deleting one of the assessment benchmarks identified as being applicable for Class10a buildings. The assessment benchmark addresses privacy between closely located habitable buildings. Class 10a buildings are not considered to be ‘habitable’ therefore the assessment benchmark is not relevant.</b></p> <p>Reason:</p> <p>Although the Class 10a building for a shed and garage comply with the Acceptable Outcome (because they are not ‘habitable rooms’), because the Acceptable Outcome is not relevant to Class 10a buildings, this acceptable outcome could be removed from the list of applicable assessment benchmarks for Class 10a sheds and garages in the Table of Assessment for all zones. This will make the Tables of Assessment more relevant and simpler to administer and it will improve the useability of the planning scheme.</p>
3.21	<p>Amendment:</p> <p><b>Amendment to the Tables of Assessment for Building Work. The change involves amending the existing words in the circumstance which is used to require an assessment of secondary dwellings against applicable acceptable outcomes in the planning scheme. Rewording of the circumstance for assessment provides greater clarity and ensures that all circumstances</b></p>

	<p>requiring assessment are covered. The amended circumstance is to be consistent with the following: 'building work involving a dwelling house which results in there being a primary dwelling house and a secondary dwelling on the lot'.</p> <p>Reason: There has been a scenario provided where there is a proposal to construct a new primary dwelling house on a lot, thereby resulting in the existing lawful dwelling house becoming the secondary dwelling house. It is arguable that the current circumstance for assessment written in the planning scheme tables of assessment does not clearly cater for this scenario. For the scenario, the argument is that no building work 'for the purpose of the secondary dwelling' is occurring, as the building work is for the purpose of the primary dwelling. The argument is that the circumstance for assessable development is not applicable as it clearly states 'building work for the purpose of a secondary dwelling'. To improve clarity, the circumstance for assessment should be reworded to capture all potential scenarios. This would make it clear that it does not matter whether the building work is for a primary dwelling house, or it is for a secondary dwelling, or both at the same time, if this circumstance occurs, then an assessment against the relevant codes of the planning scheme is required.</p>
3.22	<p>Amendment: <b>Amendment to the Tables of Assessment for Material Change of Use for all zones where dual occupancy and dwelling house is identified as 'accepted subject to requirements'. The change involves reformatting of the table and removing the Accommodation Activities Code as an assessment benchmark.</b></p> <p>Reason: The Version 2 Tables of Assessment identify the Accommodation Activities Code as an assessment benchmark for dual occupancies and in some instances for a dwelling house. Other than the generic Overall Outcomes, there are no specific assessment requirements in this code for dual occupancies and dwelling houses because they are a low risk use. There is no need to identify the Accommodation Activities Code as an assessment benchmark for the zones where Dual Occupancies and dwelling houses are identified as 'accepted development with requirements' because there are no acceptable outcomes that apply.</p>
3.23	<p>Amendment: <b>Amendment to the Tables of Assessment for Building Work (5.6. Categories of development and assessment — Building work). The change involves inclusion of the following category of assessment and development for building work in the Specialised Centre Zone:</b></p> <p><b><i>Accepted subject to requirements</i></b> <b><i>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.</i></b></p> <p><b>The change also involves inclusion of assessment benchmarks for the building work relating to building height, site cover, setbacks, privacy for adjoining residential areas, and the appearance of the development (i.e., AO1.1, AO1.2, AO2.2, AO2.3, AO2.4).</b></p> <p>Reason: The amendment corrects a missing category of development and category of assessment for building work in the Specialised Centre Zone. The change ensures that building work is treated in a consistent manner in all zones. The provisions only apply where there is an increase in site cover or height (so internal building work is not affected). The assessment category means that the acceptable outcomes of the zone code relating to built form and appearance need to be checked for compliance. If the new building work complies, then no application to Council is required. The assessment benchmarks relate to maximum building height, site cover, setbacks,</p>

	and privacy for any adjoining residential zones (if applicable).
3.24	<p>Amendment:</p> <p><b>Amendment to the Tables of Assessment for Building Work (5.6. Categories of development and assessment — Building work). The change involves updating the applicable assessment benchmarks for building work as it relates to any new changes or amendments to the built form acceptable outcomes in zone codes resulting from other proposed amendments (e.g. changes to boundary setback requirements).</b></p> <p>Reason:</p> <p>Other proposed amendments identified elsewhere in this attachment may result in new acceptable outcomes, amendment of existing acceptable outcomes, or renumbering of acceptable outcomes in various codes. The specific references to the applicable assessment benchmarks will need to be updated to reflect the changes.</p>
3.25	<p>Amendment:</p> <p><b>Amendment to the Tables of Assessment for Overlays (Table 5.9.3 Biodiversity Overlays). The amendment involves amending the categories of development and categories of assessment for Operational Work if it is not associated with reconfiguring a lot and it involves clearing native vegetation.</b></p> <p><b>Specifically the amendment involves the following:</b></p> <ul style="list-style-type: none"> <li>• Including a new category of assessment and circumstance in order to classify the majority of activities defined as 'exempt clearing work' in the <i>Planning Regulation 2017</i> as 'accepted development' or alternatively ensuring that such 'exempt clearing work' is not categorised as 'accepted with requirements' or 'code-assessable'.</li> <li>• This might apply to the full extent of biodiversity overlays or a partial selection of overlays (pending State Interest review and final confirmation).</li> <li>• Some of the following matters are not to be categorised as 'accepted':             <ul style="list-style-type: none"> <li>◦ If the clearing is 'residential clearing' under the <i>Planning Regulation 2017</i>;</li> <li>◦ If the clearing is for 'urban purposes in an urban area' under the <i>Planning Regulation 2017</i>.</li> </ul> </li> </ul> <p>Reason:</p> <p>This planning matter arose as a result of some public concerns over the planning scheme's strict regulation of clearing native vegetation for essential management on rural land (as defined under the <i>Planning Regulation 2017</i>) particularly where it was for the purpose of fire management (which includes establishing and maintaining necessary fire breaks, fire management lines, reduction of fuel loads and the like). Many of the matters within the definition of essential management are included in the definition of 'exempt clearing work' under the <i>Planning Regulation 2017</i>. Members of the public and officers of the Queensland Fire and Rescue Service interpreted the Regulations to mean that 'exempt clearing work' was exempt from planning scheme requirements. Council's interpretation is that this definition does not exempt such clearing work and consequently the assessment levels in the planning scheme apply.</p> <p>The Livingstone Planning Scheme 2018 regulates clearing of native vegetation as assessable development via various Biodiversity Overlays and the associated Biodiversity Overlay Code. It also regulates clearing native vegetation if there are no overlays under the category 'accepted with requirements', and there are some Acceptable Outcomes in the Development Works Code which must be complied with in order to allow the clearing without an application to Council for approval.</p> <p>The current regulatory approach of the planning scheme for managing clearing native vegetation was endorsed by the State as this position is consistent with the State Planning Policy 2017 policies and benchmarks relating to the Environment. Noteworthy is that the State Planning Policy 2017 does not prioritise one state</p>


	<p>interest over another. The policy clearly identifies that State Government and Local Government must identify, balance and manage potentially competing state interests. Because of this, it is a potential option for Council to place a greater priority on managing impacts from natural hazards or other development circumstances as opposed to the competing interest of protecting vegetation and biodiversity values.</p> <p>While investigating the matter of options for potentially allowing clearing for bushfire management purposes (where undertaken in a manner consistent with the specific circumstances identified under the <i>Planning Regulation 2017</i> definition of 'exempt clearing work'), it was noted that there are many other potentially important circumstances within the definition of 'exempt clearing work' that should also be considered for classification as 'accepted development' under the planning scheme. Other important circumstances include those for the purpose of routine management, disaster management, significant infrastructure projects, electricity purposes, airport purposes, Aboriginal and Torres Strait Islander cultural purposes and the like.</p> <p>A review of the <i>Planning Regulation 2017</i> definition of 'exempt clearing work' by Growth Management and Natural Resource Management Officers of Council has led to general agreement that there is a low risk for any significant adverse environmental consequences if Council did seek to amend the planning scheme at this point in time to classify the majority of clearing work matters identified in the <i>Planning Regulation 2017</i> definition of 'exempt clearing work' as 'accepted development' (i.e. no additional requirements under the planning scheme irrespective of whether an overlay applies or not). A preliminary meeting was held with Officers from the Department of the Department of State Development, Manufacturing, Infrastructure and Planning, and Department of Environment and Natural Resource Management to discuss this approach. State Government Officers highlighted the balancing approach of the State Planning Policy where competing interests are involved, and provided a preliminary indication that this approach might be considered acceptable even if State Interest overlays applied.</p>
3.26	<p>Amendment:</p> <p><b>Amendment to the Tables of Assessment for Operational Work (Table 5.7.1 Operational Work). The amendment involves amending the categories of development and categories of assessment for Operational Work if it is not associated with reconfiguring a lot and it involves clearing native vegetation.</b></p> <p><b>Specifically the amendment involves the following:</b></p> <ul style="list-style-type: none"> <li>• Including a new category of assessment and circumstance in order to classify the activities defined as 'exempt clearing work' in the <i>Planning Regulation 2017</i> as 'accepted development' or alternatively ensuring that such 'exempt clearing work' is not categorised as 'accepted with requirements' or 'code-assessable'.</li> <li>• Some of the following matters are not to be categorised as 'accepted': <ul style="list-style-type: none"> <li>◦ If the clearing is 'residential clearing' under the <i>Planning Regulation 2017</i>;</li> <li>◦ If the clearing is for 'urban purposes in an urban area' under the <i>Planning Regulation 2017</i>.</li> </ul> </li> </ul> <p>Reason: As per the reasons identified for item 3.25.</p>
<b>Codes</b>	
3.27	<p>Amendment:</p> <p><b>Amendment to the boundary setback acceptable outcomes for development as applicable to different zones. The amendment involves changes associated with the following:</b></p> <ul style="list-style-type: none"> <li>• Changes to zone code acceptable outcomes for boundary setbacks so that there is better alignment between the planning scheme zone codes and the Queensland Development Code.</li> <li>• Changes to zone code acceptable outcomes for boundary setbacks with regard given to how setbacks are determined relative to the height</li> </ul>

	<p>of buildings and structures, relative to the size and width of lots, and relative to character and amenity.</p> <ul style="list-style-type: none"> <li>Amending the acceptable outcomes in all zone codes relating to setbacks from road frontage boundaries to improve clarity in relation to the setbacks that apply to lots which have more than one road frontage.</li> </ul> <p>Reason: The Queensland Development Code has its own set of definitions which vary how some acceptable outcomes in the Queensland Development Code are to be interpreted and applied (for dwelling houses and outbuildings) compared to those in the planning scheme, particularly in relation to boundary setbacks. The differences occur because the Queensland Development Code has different definitions for some design and siting matters, and also a slightly different method for calculating the setbacks.</p> <p>The Queensland Development Code also contains a different set of boundary setback acceptable outcomes that can be applied to regular shaped lots which have a width of 15 metres or less. The method of setback in the Queensland Development Code utilises a sliding scale of setbacks depending on the width of the lot and the height of the building. The current planning scheme setbacks are difficult to achieve on small narrow lots.</p> <p>There are also instances where the Queensland Development Code does not apply to development (i.e. for non-residential purposes). Where appropriate, it is important that the planning scheme zone codes clearly identify the acceptable boundary setbacks for non-residential development.</p> <p>Amendment to planning scheme zone code benchmarks relating to boundary setbacks will assist with interpretation and administration of the planning scheme. This will assist with consistency of decisions and interpretation.</p>
3.28	<p>Amendment:</p> <p><b>Amendment to the boundary setback acceptable outcomes for development as applicable to the Rural Zone and Emerging Community zone. In addition to changes identified in item 3.27, the amendment involves changes associated with the following:</b></p> <ul style="list-style-type: none"> <li>Simplifying the acceptable outcomes for boundary setbacks for the Rural Zone Code and Emerging Community Zone Code by removing the setback calculation method expressed in point (c) of AO1.1 and AO1.2.</li> <li>Providing acceptable outcomes for setbacks in the rural zone and emerging community zone which cater for circumstances where there are existing lawful dwellings which are sited within the required boundary setbacks. The acceptable outcome is to allow new extensions and additions, provided that they are no closer to the nearest boundary of non-compliance than the nearest outermost projection of the existing building.</li> <li>Similar to matters identified in item 3.27, changes are to be made involving the inclusion of new acceptable outcomes for building boundary setback distances if proposed on the range of different lot sizes that have historically been approved throughout the planning scheme area (if they are already smaller than 10 Hectares). The setback distances are to be consistent with the building boundary setbacks that apply to similar sized lots for other zones where relevant.</li> </ul> <p>Reason: Removing the setback calculation method expressed in point (c) of AO1.1 and AO1.2 for the Rural Zone Code and Emerging Community Zone Code will assist with interpretation and administration of the planning scheme. The setback calculation is difficult to apply where lots are not regular in shape (which is often the case in rural</p>



	<p>areas), and it is also overly restrictive for very large rural lots.</p> <p>In relation to changes affecting existing dwellings, although the aim is not to provide for dwelling houses in close proximity to rural property boundaries, there are circumstances where there are existing lawful dwellings which are located within the acceptable minimum property boundary setbacks. This means that any small or minor extensions often require development applications due to the non-compliance. Inclusion of new acceptable outcomes for specific circumstances to cater for this situation has merit. The new acceptable outcomes are to be based around the principle of no further encroachment towards the boundary of non-compliance (that is, extensions are acceptable provided that they are no closer than the existing outermost projection of the dwelling towards the boundary of non-compliance).</p> <p>The reason for making changes that are associated with providing different setbacks for different lot sizes is because there is a legacy of small rural lots having areas less than 10 hectares scattered throughout the planning scheme area. Some of these lots were the result of historical planning scheme 'family subdivision' provisions (which are no longer supported). Other lots were the result of historic approvals given for other reasons under superseded planning schemes. A large percentage of these small lots already contain dwelling houses and domestic outbuildings on them. The current Zone Code acceptable outcomes for boundary setbacks are sometimes difficult to comply with; hence, a code assessment development application is often required to gain approval for extensions to existing dwelling houses, for new dwelling houses or for new domestic outbuildings.</p> <p>Inclusion of a sliding scale for boundary setbacks over a range of small lot sizes is considered to be a reasonable approach to regulate development on these small lots going forward. Because these lots are a legacy from years past and many already contain dwelling houses and domestic outbuildings on them, the proposed amendment will strike a balance between the practicability of siting development on these lots given their small area and dimensions, maintaining rural character, and minimising potential land use conflict. The proposed sliding scale of setbacks is to be consistent with the acceptable setbacks that are applied to other similar sized lots located in other zones. The changes do not alter other setback requirements that may apply due to natural hazards or due to other existing land use on adjoining lots. This amendment does not imply that Council is supportive of the creation of new lots smaller than 10 Hectares in area and 200 metres in width in Rural zones going forward.</p>
3.29	<p>Amendment:</p> <p><b>Amendment to the Township Zone Code built form acceptable outcomes as applicable to standalone Class 10a buildings. The change involves deleting acceptable outcomes for standalone Class 10a Sheds relating to volume and maximum width of the shed as viewed from the street. As a consequence of this amendment, changes to the Table of Assessment for Building Work in the township zone are also to be made as necessary.</b></p> <p>Reason:</p> <p>The character of many township zoned areas is considered to not be significantly adversely affected by the design and siting of sheds. The expectation for size and siting restrictions on sheds is not the same as that for urban residential zoned areas. Design and siting and amenity considerations will still exist in relation to height, boundary setbacks, and site cover of buildings.</p>
3.30	<p>Amendment:</p> <p><b>Amendment to the Development Works Code as relevant to advertising devices. The change involves deleting the Acceptable Outcome AO3.4 which makes reference to the non-preferred advertising device types. The change also involves the deletion of Table 9.3.2.4.5 – Non-preferred advertising devices. The definition for 'third party advertising device' be retained in the administrative definitions schedule of the planning scheme, however, the word 'devices' be deleted from column 1 so that only 'third party advertising'</b></p>

	<p><b>remains as the administrative term.</b></p> <p>Reason: The table (Table 9.3.2.4.5 – Non-preferred advertising devices) is not required if AO3.4 is deleted. Reference is made in the Development Works Code AO4.1(e) to 'third party advertising'. The change to the Schedule 1 Administrative Definitions ensures that there is a link between the two parts of the scheme by making sure that the terms are identical.</p>
3.31	<p>Amendment: <b>Amendment to the Major Centre Zone Code. The change involves the correction of an error in Acceptable Outcome (AO22.5). AO22.5 currently makes reference to AO21.4, when it should make reference to the acceptable outcomes stated in AO22.4.</b></p> <p>Reason: The acceptable outcome relates to landscaping requirements. The current AO cross references the wrong acceptable outcome. This change corrects a clear error.</p>
3.32	<p>Amendment: <b>Amendment to the Scenic Amenity Overlay Code by adding Acceptable Outcomes (AO) for development affected by the Greenbreak Overlay. One Acceptable Outcome addressing height (i.e. an 8.5 metre height limit) and one Acceptable Outcome addressing site cover for buildings or structures (i.e. site cover is not to exceed 500 square metres).</b></p> <p>Reason: Inclusion of the acceptable outcomes to the Scenic Amenity Overlay Code, as relevant to the greenbreak overlay affected areas, provides an opportunity for Council to more clearly express what is considered to be an acceptable size for development in potential greenbreak areas. This change provides an opportunity to allow development that was already identified as 'accepted' or 'accepted with requirements', to be 'accepted with requirements'. This means that an application to Council is not required (if located in the greenbreak overlay area) provided that the two acceptable outcomes are complied with (assuming no other overlays are involved). An associated change to the Tables of Assessment is required and this change is identified in proposed amendment item 3.19 in this Attachment.</p>
3.33	<p>Amendment: <b>Amendment to zone code assessment benchmarks relating to height limits.</b></p> <p><b>The amendment involves:</b></p> <ul style="list-style-type: none"> <li>(a) In zone codes, amending the acceptable outcomes by retaining all height limits that are expressed in metres above ground level but removing the height limit that is expressed in 'storeys' (excluding those that apply to the centre category zone codes where references to storeys is to remain, and those that apply to the Yeppoon Foreshore Tourism and Recreation Precinct).</li> <li>(b) An update to the planning scheme zone code figures which show the height limit restrictions for specific areas. References to storeys will be removed (as per (a) above) and the change will also involve new figures which show the height limits in different colours.</li> <li>(c) The figures to be amended are: <ul style="list-style-type: none"> <li>i. Figure 6.6.1.4.1.1 – Yeppoon Foreshore Tourism and Recreation Precinct Height Limits</li> <li>ii. Figure 6.7.3.4.1.1 – Farnborough Road Height Limits</li> <li>iii. Figure 6.7.3.4.1.2 – Yeppoon Height Limits</li> <li>iv. Figure 6.7.3.4.1.3 – Rosslyn Bay Height Limits</li> <li>v. Figure 6.7.3.4.1.4 – Cooe Bay Height Limits</li> </ul> </li> </ul> <p>Reason: The change proposed is considered appropriate for zones other than the centre category zones and the Yeppoon Foreshore Tourism and Recreation Precinct</p>

	<p>(including the site of the proposed major amendment for 4 Lagoon Place). There have been examples where dwelling houses have been proposed where the entire dwelling house is within the height limit expressed in metres, but given site characteristics, the dwelling house has been able to accommodate an extra storey by definition. This has generally only been for an additional room and has occurred on sloping land where the dwelling is stepped up or down the slope. In such situations there is potential for numerous storeys within the overall height limit expressed in metres. This same situation could occur for other uses in other zones.</p> <p>Example of non-compliance with height limit expressed in storeys but compliance with height limit expressed in metres:</p> 
3.34	<p>Amendment:</p> <p><b>Amendment to 9.3.2 Development Works Code.</b> The amendment involves making changes to Table 9.3.2.4.1 as applicable to Clearing Native Vegetation by:</p> <ul style="list-style-type: none"> <li>(a) Deleting Acceptable Outcome AO1.1.</li> <li>(b) Deleting Acceptable Outcome AO1.2 which makes reference to no clearing above the 50 metres AHD contour.</li> <li>(c) Amending AO6.3 by adding some distances so as to assist with determination of the biodiversity corridors. The outcome is also to provide exemptions for the following clearing: lawful forestry, landscape gardening purposes, cropping, and clearing within a building location envelope or located outside and approved environmental covenant area.</li> <li>(d) Amending AO6.4 so as to provide exemptions for the following clearing: lawful forestry, landscape gardening purposes, cropping, and clearing within a building location envelope or located outside and approved environmental covenant area.</li> <li>(e) Including a new Acceptable Outcome which identifies the clearing that is exempt from the other Acceptable Outcomes in this code.</li> <li>(f) Update of numbering.</li> <li>(g) Amending Performance Outcome PO6 so that it more clearly articulates the environmental matters and values being protected.</li> </ul> <p>Reason:</p> <p>Many of the vegetation clearing matters proposed for deletion from AO1.1 are covered in the <i>Planning Regulation 2017</i> definition of 'exempt clearing work'. If amendment items 3.25 and 3.26 of this attachment are made, there is no need to list these same matters as an Acceptable Outcome for clearing in this part of the planning scheme. The other proposed amendments in 3.25 and 3.26 will make the</p>

	<p>majority of circumstances for 'exempt clearing work' under the <i>Planning Regulation 2017</i> as 'accepted development' under the planning scheme. Deleting AO1.1 will assist with minimising potential for inconsistencies in wording between the planning scheme and the <i>Planning Regulation 2017</i>.</p> <p>The original intent behind AO1.2 was to provide a means for ensuring that clearing did not occur in potentially visually sensitive areas that are not otherwise mapped by scenic amenity overlays. Following review, it has been noted that a large proportion of inland rural areas are located at a height that is over 50 metres AHD despite being flat and not visually prominent. Consequently, this acceptable outcome unintentionally triggers development applications for clearing in circumstances where scenic amenity is not likely to be an issue. It is proposed that this Acceptable Outcome be deleted at this point in time.</p> <p>Performance Outcome PO6 should be amended so that it more clearly articulates the environmental matters and values being protected (particularly as result of the other proposed amendments being made to the Acceptable Outcomes.</p>
3.35	<p>Amendment:</p> <p><b>Amendment to 8.2.7 Flood Hazard Overlay Code to accommodate the amendment identified in item 3.17. The amendment involves making changes to the code by:</b></p> <ul style="list-style-type: none"> <li>• Reformatting the code so that there are clearly identifiable assessment benchmarks that apply to development categorised as 'accepted with requirements' compared to development categorised as 'assessable';</li> <li>• Amending existing acceptable outcomes and including new acceptable outcomes where appropriate so as to allow for a self-assessment of low risk development associated with earthwork or building work not associated with a material change of use.</li> </ul> <p>Reason: Changes are required so as to accommodate the amendment identified in item 3.17.</p>
3.36	<p>Amendment:</p> <p><b>Amendment to 8.2.5 Coastal Hazard Overlay Code to accommodate the amendment identified in item 3.18. The amendment involves making changes to the code by:</b></p> <ul style="list-style-type: none"> <li>• Reformatting the code so that there are clearly identifiable assessment benchmarks that apply to development categorised as 'accepted with requirements' compared to development categorised as 'assessable';</li> <li>• Amending existing acceptable outcomes and including new acceptable outcomes where appropriate so as to allow for a self-assessment of low risk development associated with earthwork or building work not associated with a material change of use.</li> </ul> <p>Reason: Changes are required so as to accommodate the amendment identified in item 3.18.</p>
3.37	<p>Amendment:</p> <p><b>Amendment to 9.3.2 Development Works Code. The amendment involves making changes to Table 9.3.2.4.1 as applicable to 'earthworks' by rewording some of the existing assessment benchmarks and including some new outcomes relating to the quality of the fill material that can be used for earthwork. The amendment will also make clear that assessment outcomes relating to retaining walls are contained within this part of the Development Works Code. Any duplication of issues among the existing acceptable outcomes is to be corrected where appropriate.</b></p> <p>Reason: The change proposed has planning merit and is considered reasonable. The development of retaining walls is closely associated with earthwork and hence making some minor changes to the current assessment outcomes will assist with administration of the planning scheme. Identifying the type of material that can be</p>

	used when filling on a lot also has merit. Acceptable materials are generally those identified in the Australian Standard AS3798-2007.
<b>Schedules</b>	
<b>3.38</b>	<p>Amendment:  <b>Amendment to Schedule 1 – Definitions. Table SC1.2.2 – Administrative definitions is to be updated by amending the administrative definition for ‘setback’. The current definition will be changed by deleting the definition where it makes reference to ‘excluding any eaves and sun shading devices’.</b></p> <p>Reason:  This amendment will ensure that this part of the definition for setback is consistent with the Queensland Development Code and its definition for setback and boundary clearance. Eaves and sunshade devices can still be excluded in specific circumstances, and this can be done by direct references in the acceptable outcomes of relevant zone codes.</p>
<b>3.39</b>	<p>Amendment:  <b>Amendment to Schedule 1 – Definitions. Table SC1.2.2 – Administrative definitions is to be updated on an ‘as needed basis’ to improve clarity and useability of the planning scheme.</b></p> <p>Reason:  Some administrative definitions may be needed in order to improve how to interpret performance outcomes or acceptable outcomes contained within planning scheme codes.</p>
<b>3.40</b>	<p>Amendment:  <b>Amendment to Schedule 4 - Standards for separating conflicting land use. This schedule is to be updated to improve clarity and useability of the planning scheme. Updates involve amending the schedule by providing new statements to make it clear that column 4 and column 5 of Table SC4.1.1 (which make reference to ‘Site Boundary Circumstance 1’ and ‘Site Boundary Circumstance 2’) are only applicable to the development of a new land use from within the rural activities group. New statements are to be added to make it clear that the separations distances between rural activities and the sensitive land use circumstances (as identified in column 1, column 2 and column 3 of Table SC4.1.1) are applicable to the development of a new land use from the rural activities group and to the development of new sensitive land uses.</b></p> <p>Reason:  This amendment will assist with the improving the clarity and useability of the planning scheme. The heading descriptions in Column 4 and Column 5 of Table SC4.1.1 are currently focussed only on specific circumstances associated with the development of rural activities and an acceptable minimum setback from property boundaries. Adding new clarifying statements will assist with interpretation of Column 4 and Column 5 of this Table as some of these acceptable setbacks are different to the setback distances that are identified as acceptable outcomes in different zone codes (which apply to non-rural land use). Similarly it is important to make it clear to the planning scheme user that the separation distances between rural activities and sensitive land use (as stated in column 1, column 2, and column 3) apply to the development of new rural activities and new sensitive land use.</p>

3.41	<p>Amendment:</p> <p><b>Amendment to Schedule SC7.17 Road infrastructure and hierarchy planning scheme policy. The amendment involves deleting Column 3 in Table SC7.17.3.1.1 - Road classification, function and guide to maximum traffic volumes.</b></p> <p>Reason:</p> <p>Column 3 in Table SC7.17.3.1.1 - Road classification, function and guide to maximum traffic volumes contains some general comments about the different roads in the road hierarchy. These general comments are not essential for describing the road hierarchy and they are therefore a potential source for confusion. The deletion of column 3 helps minimise potential for misinterpretation by the reader by ensuring that there are no unintentional inconsistencies between the Planning Scheme Policy and the Capricorn Municipal Development Guidelines.</p>
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**12.8 LOCAL GOVERNMENT INFRASTRUCTURE PLAN INTERIM AMENDMENT****File No:** LU 18.3.5**Attachments:**

1. [Schedule of Works 2021 Projects](#)
2. [Schedule of Works 2026 Projects](#)
3. [Schedule of Works 2031 Projects](#)
4. [LGIP Projects Completed](#)

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

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**SUMMARY**

*This report is seeking to discuss making changes to Council's Local Government Infrastructure Plan (LGIP) in a statutory process that is described as an interim LGIP amendment. The Plan is part of the planning scheme which has triggered the need for an amendment process outlined in the Minister's Guidelines and Rules and the Planning Act 2016.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves to make an interim Local Government Infrastructure Plan amendment, as detailed in this report, in accordance with s21 of the Planning Act 2016.

**BACKGROUND**

All Councils in Queensland are required to have a Local Government Infrastructure Plan (LGIP) that nominates standards of service and therefore related infrastructure, and identifies the location, type and cost of these trunk infrastructure items. Livingstone had its Local Government Infrastructure Plan approved by the State in 2018 and it is now in Council's planning scheme. The LGIP is a living document that should be reviewed frequently to ensure currency as the various infrastructure demands fluctuate with development activity. There is a statutory requirement for LGIP's to be formally reviewed every 5 years, with Council's LGIP due for such a review in 2022/23. Officers have recently undertaken an interim review of Council's LGIP and identified a number of required amendments to update the currency of the document, mainly to align with the actual trunk infrastructure demands arising from the level and type of development activity that has occurred since the original calculations were undertaken. The proposed amendments would also bring the LGIP into line with the current Forward Works Program.

**COMMENTARY**

While the need to undertake an interim review of Council's LGIP (before the scheduled 2022/23 review) is not a statutory requirement, the conduct and implementation of the review is, and is termed an *interim LGIP amendment*. The first step in this process is to present to Council for consideration, details of the proposed changes to be made to the LGIP, followed by a recommendation at an Ordinary Meeting of Council for a resolution to agree to amend as needed Schedule 3 and Part 4 of Livingstone's Planning Scheme 2018, as it relates to the Local Government Infrastructure Plan.

This is followed by a 15 day public consultation period. There is no requirement for a State Interest check. Third parties with a material interest in a particular item of planned trunk infrastructure must be consulted – Department of Main Roads for example.

The current LGIP review has resulted in a number of proposed changes, almost exclusively associated with the timing of projects within the Schedule of Works. The preliminary details of the proposed changes in this *interim LGIP amendment* are shown in attachments 1 to 3 inclusive.



A number of LGIP listed projects have already been completed – Attachment 4 lists these projects with the percentage of the project that has been completed noted in the schedule.

### **PREVIOUS DECISIONS**

Council adopted its Local Government Infrastructure Plan as Part of the Livingstone Planning Scheme 2018 to commence on 25 June 2018.

### **BUDGET IMPLICATIONS**

It is believed that the proposed *interim LGIP amendment* can be accommodated within existing budget allocations and that no additional staff resources will be required to complete the process.

### **LEGISLATIVE CONTEXT**

The applicable legislation is the *Planning Act 2016* and the process for amending an LGIP is prescribed in *Minister's Guidelines and Rules* (Department of Infrastructure Local Government and Planning).

### **LEGAL IMPLICATIONS**

The *interim LGIP amendment*, if prepared and executed in accordance with the defined statutory process, will result in an amended Local Government Infrastructure Plan as Part of the Livingstone Planning Scheme.

### **STAFFING IMPLICATIONS**

The proposed *interim LGIP amendment* can be accommodated by existing staff resources across the Infrastructure and Growth Management teams.

### **RISK ASSESSMENT**

There is a risk that Council's LGIP could be challenged in terms of currency of information in the Schedule of Works if the proposed *interim LGIP amendment* does not proceed.

### **CORPORATE/OPERATIONAL PLAN**

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

### **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**

A review of Council's Local Government Infrastructure Plan has identified a number of required changes to the Schedule of Works to ensure the LGIP reflects current planning with respect to trunk infrastructure planning and provision.

## **12.8 - LOCAL GOVERNMENT INFRASTRUCTURE PLAN INTERIM AMENDMENT**

### **Schedule of Works 2021 Projects**

**Meeting Date: 3 December 2019**

**Attachment No: 1**

**LGIP Review September 2019 – January 2020**

(only Projects in at 2021 in Local Government Infrastructure Plan - LGIP)

Network	Map Ref & Description	Project Description	Proposed LGIP Amendment
<b>Water</b>	WAT- 31 KS BPS upgrade	Upgrade Keppel Sands Booster Pump Station	Review and define scope and timing of required works
<b>Water</b>	WAT – 33 Pacific Hgts HZ BPS upgrade	Upgrade Pacific Heights High Zone Booster Pump Station	Amend timing to 2026 which will align with Forward Works Program (FWP) (2022/23)
<b>Sewerage</b>	SEW-53 CCEP 150 RM Aug	Augmentation of existing 150 dia Rising Main to Bell Park	Amend timing to 2026 which will align with FWP (2022/23)
<b>Sewerage</b>	SEW-60 CCY 300 RM Cordingley Street	New 300 dia Rising main Cordingley Street to Shaw Avenue Pump Station	Amend timing to 2026 which will align with FWP (2022/23)
<b>Sewerage</b>	SEW-70 CCY 300 GM Smith Street	Smith St to Farnborough Rd 300 dia gravity main upgrade for wet weather flow	Amend timing to 2031 which will align with FWP ('OUT'). Further review timing in 2021 LGIP Review
<b>Sewerage</b>	SEW-75 CSEP SPS Hill Street	Upgrade No 1 Pump Station – pumps, pipes, valves, electrical	Amend timing to 2026 which will align with FWP (2023/24)
<b>Sewerage</b>	Sew-81 CSY SPS 2 Farnborough Rd	Upgrade No 2 Pump Station – pumps, pipes, valves, electrical	Amend timing to 2026 which will align with FWP (2024/25)
<b>Drainage</b>	D-12 Trunk easement	Secure tenure over Q100 flow path west of Hidden Valley Road	Amend timing to 2031 which will align with FWP ('OUT'). Further review timing in 2021 LGIP Review
<b>Drainage</b>	D-15 Trunk easement	Tenure over Q100 flow path west of Hoskyn Drive	Amend timing to 2031 and further review timing in 2021 LGIP Review
<b>Drainage</b>	D55- Todd Avenue trunk easement Smith - Kean	Tenure over Q100 flow path between Smith and Kean Streets	Amend LGIP timing to 2026 on basis of not urgent but strategic to start at downstream end
<b>Drainage</b>	D-67 Zilzie trunk easement	Tenure over Q100 flow path Claude St to Svendsen Road	Amend timing to 2026 which will align with FWP (2023/24)
<b>Drainage</b>	D-72 District Treatment Facility	New bio-retention and detention basin Williamson Creek	Amend timing to 2031 which will align with FWP (2029/30). Further review timing in 2021 LGIP Review
<b>Transport</b>	T33- new intersection Scenic Hwy and new Mulambin Road	New intersection for Mulambin Road deviation between Statue Bay and Kempsea Ave	Amend timing to 2026 which will align with FWP (2024/25).
<b>Transport</b>	T37- part Chandler Road 970-300	New Chandler Road west of Bottlebrush Drive	Amend timing to 2031 which will align with FWP ('OUT'). Further review timing in 2021 LGIP Review
<b>Transport</b>	T-39 (part) Limestone Creek Road 0 – 1800	Upgrade to rural major collector Adelaide Park Rd to Neils Rd	Amend timing to 2026 which will align with FWP (2022/23)

Network	Map Ref & Description	Project Description	Proposed LGIP Amendment
<b>Transport</b>	T39- (part) Limestone Creek Road 1800 - 2700	Upgrade to rural major collector Adelaide Park Rd to Neils Rd	Amend timing to 2026 which will align with FWP (2024/25).
<b>Transport</b>	T-44 Barmaryee Road	Upgrade to urban major collector Rockhampton Rd - Rail Trail (0 -775)	Amend timing to 2026 which will align with FWP (2022/23).
<b>Transport</b>	T-65 Intersection Queen and Anzac	Intersection upgrade to signalized	Amend timing to 2031 (needs BC to add to FWP)
<b>Transport</b>	T-79 Intersection James & Arthur	Intersection upgrade to roundabout or signals	Amend timing to 2026 which will align with FWP (2023/24).
<b>Transport</b>	T-103 Intersection Limestone Creek Rd & Neils Road	Intersection upgrade (signals subject to DTMR determination)	Amend timing to 2026 which will align with FWP (2025/26).
<b>Transport</b>	T-123 Mulambin Road relocation	New rural major collector road 760m	Amend timing to 2031 which will align with FWP (2026/27). Further review timing in 2021 LGIP Review
<b>Transport</b>	T-124 Intersection Tanby Rd & Taranganba Rd	Upgrade intersection to signals	Amend timing to 2026 which will align with FWP (2022/23).
<b>Transport</b>	T-126 culverts/bridge Taranganba Road	Upgraded crossing of Ross Creek – Stage 1; standard to be determined	Amend timing to 2026 and further review scope and timing at 2021 LGIP review
<b>Transport</b>	T-130 Jabiru Dr extension	New industrial collector road. Exist end to signals on Yeppoon Rd	Amend timing to 2026 which will align with FWP (2022/23).
<b>Parks etc</b>	PCL-509 Barmaryee Sports Park	Staged multi-sports regional facility	Amend timing to 2031
<b>Parks etc</b>	PCL-511 District Sports Park Emu Park	Staged multi-sports regional facility	Amend timing to 2031
<b>Parks etc</b>	PCL-530 Capricorn Coast Memorial Gardens	Staged Memorial Gardens	Amend timing to 2031
<b>Parks etc</b>	PCL-531 Daniel Park	Upgrade regional park	Amend timing to 2026 which will align with FWP (2024/25).
<b>Parks etc</b>	PCL-532 Beaman Park	Civic park upgrade; paths, seating, shade	Amend timing to 2026 which will align with FWP (2023/24).
<b>Parks etc</b>	PCL-534 Glendale Park upgrade	Upgrade details to be reviewed and confirmed	Amend timing to 2026.
<b>Parks etc</b>	PCL-537 Sarah's Garden upgrade, Rockyview	Upgrade details to be reviewed and confirmed	Amend timing to 2026
<b>Parks etc</b>	PCL-538 EP Singing Ship upgrade	Peace Park upgrade : paths, seating	Amend timing to 2026.

# **12.8 - LOCAL GOVERNMENT INFRASTRUCTURE PLAN INTERIM AMENDMENT**

## **Schedule of Works 2026 Projects**

**Meeting Date: 3 December 2019**

**Attachment No: 2**

**LGIP Review September 2019 – January 2020**

(only Projects in at 2026 in LGIP)

Network	Map Ref & Description	Project Description	Proposed LGIP Amendment
<b>Sewerage</b>	SEW-59 100 RM Stage 3 Kinka Beach	New 100 dia rising main from Island View Caravan Park	Amend timing to 2031 which will align with FWP (2027/28)
<b>Sewerage</b>	SEW-80 SPS Stg 3 Kinka Beach	New pump station for SEW-59 above	Adjust timing to 2031 which will align with FWP (2028/29)
<b>Drainage</b>	D-47 Rockhampton Road trunk drainage tenure	Secure tenure over Q100 flow path in properties south of Rockhampton Road	Adjust timing to 2031 which will align with FWP (2027/28)
<b>Transport</b>	T-45 Barmaryee Road 750 to 2700	Upgrade to rural major collector 750m to 2700m	Adjust timing to 2031 which will align with FWP (2027/28)

# **12.8 - LOCAL GOVERNMENT INFRASTRUCTURE PLAN INTERIM AMENDMENT**

## **Schedule of Works 2031 Projects**

**Meeting Date: 3 December 2019**

**Attachment No: 3**



**LGIP Review September 2019 – January 2020**

(only Projects in at 2031 in LGIP)

Network	Map Ref & Description	Project Description	Proposed LGIP Amendment
There are no projects recommended for amendment in the 2013 tranche			

# **12.8 - LOCAL GOVERNMENT INFRASTRUCTURE PLAN INTERIM AMENDMENT**

## **LGIP Projects Completed**

**Meeting Date: 3 December 2019**

**Attachment No: 4**

**LGIP Review September 2019 – January 2020**

(Projects completed or partly completed as at 14 November 2019)

Network	Map Ref & Description	Project Description	Completed Status
<b>Water</b>	WAT- 59 CCW 375 trunk main Kinka Beach Road	Kinka West Low Zone new 375 trunk main	100% completed
<b>Drainage</b>	D-9 Williamson Creek floodplain tenure	Secure tenure over Q100 flow path and tidal watercourse	100% completed
<b>Drainage</b>	D-69 drainage corridor	Cordingley Street drainage corridor to Yeppoon Creek. Secure tenure over trunk drainage connectivity	100% completed
<b>Drainage</b>	D-70 Cordingley Street depot drainage	Q100 easement/path through depot including works	100% completed
<b>Transport</b>	T-13 Panorama Drive (part)	Construct new rural major collector Ch1393 to Ch3500	100% completed
<b>Transport</b>	T-26 Intersection Taranganba Rd and Frangipani Drive	Construct new urban sub-arterial signalised intersection	100% completed
<b>Transport</b>	T-30 Intersection Matthew Flinders Drive and Scenic Highway (south)	Construct new urban sub-arterial signalised intersection	100% completed
<b>Transport</b>	T-37 (part) Chandler Road 0 to 300	Construct new urban major collector Ch0 to Ch300	100% completed
<b>Transport</b>	T-43 Panorama Drive (part)	Construct new rural major collector Ch0 to Ch1393	100% completed
<b>Transport</b>	T-93 Pacific Heights Road (west)	Upgrade to sealed standard Ch0 to Ch200	100% completed
<b>Transport</b>	T-97 Hoskyn Drive 0-100	Construct new urban major collector Ch0 to Ch100	100% completed
<b>Transport</b>	T-105 intersection Queen and Mary Streets, Yeppoon	Construct new major urban intersection – roundabout	100% completed
<b>Transport</b>	T-106 intersection Panorama Drive and Lacey Road	Construct new rural major collector, non-signalised intersection	100% completed
<b>Transport</b>	T-107 intersection Limestone Creek Road and Adelaide Park Road	Construct new signalised intersection	100% completed
<b>Transport</b>	T-113 intersection Tanby Rd and Mulambin Road	Construct new rural major collector, non-signalised intersection	100% completed

Network	Map Ref & Description	Project Description	Completed Status
<b>Transport</b>	T-115 intersection Panorama Dr and Pacific Heights Road	Construct new rural major collector, non-signalised intersection	100% completed
<b>Transport</b>	T-116 intersection Rockhampton Rd, Barmaryee Rd, Condon Drive	Construct new major intersection – roundabout	100% completed
<b>Transport</b>	T-117 intersection Hidden Valley Rd and Hoskyn Drive	Construct new rural major collector, non-signalised intersection	100% completed
<b>Transport</b>	T-128 intersection Queen and Barry Streets, Yeppoon	Construct new urban major collector intersection – signalised	100% completed
<b>Transport</b>	T-134 Hill St multi-deck carpark	Construct new 300+ car park with multiple decks	100% completed
<b>Community Facilities</b>	PCL-508 Appleton Park upgrade	Upgrade Regional Park with paths, seating, shade, play equipment	100% completed
<b>Community Facilities</b>	PCL-526 Yeppoon Beachfront	Upgrade Regional Park with paths, seating, shade, play equipment	100% completed
<b>Community Facilities</b>	PCL-527 Yeppoon Foreshore	New Regional Park with paths, seating, shade, BBQ, play equipment	100% completed
<b>Community Facilities</b>	PCL-528 Kerr Park upgrade Emu Park	Upgrade Regional Park with paths, seating, shade, play equipment	100% completed
<b>Community Facilities</b>	PCL-509 Barmaryee Sports Park	Multi-function Regional Sports Facility delivered in Stages	75% completed approx.
<b>Community Facilities</b>	PCL-511 District Sports Park Emu Park	Multi-function District Sports Facility delivered in Stages	75% completed approx.
<b>Community Facilities</b>	PCL-530 Capricorn Coast Memorial Gardens	Develop new Memorial Gardens	75% completed approx.

**12.9 INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY (V3)****File No:** 4.7.28**Attachments:**

1. Draft Policy (v3)[↓](#)
2. Briefing Session Report 27 May 2019[↓](#)

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

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**SUMMARY**

*This report was presented to Council Meeting on 20 June 2019. The matter was 'layed on the table' for further discussion before coming back to a future Council Meeting.*

*This report seeks Council's adoption of Version 3 of the Intermittent Sealing of Unsealed Rural Roads Policy.*

**OFFICER'S RECOMMENDATION**

THAT Council adopt the Intermittent Sealing of Unsealed Rural Roads Policy (v3).

**BACKGROUND**

Version 2 of the policy was adopted by Council at its 8 November 2016 meeting. Councillors have previously been provided a briefing on Version 3 on 27 May 2019 and the policy is now presented to Council for adoption.

**COMMENTARY**

Staff undertake reviews of policy documents to ensure currency and relevance to Council practices.

**PREVIOUS DECISIONS**

At its 8 November 2016 Meeting, Council resolved:

*'THAT Council:*

1. *Adopt the Intermittent Sealing of Unsealed Rural Roads Policy (V2); and*
2. *Endorse the approval of the Intermittent Sealing of Unsealed Rural Roads Procedure (V2) by the Director Infrastructure Services.'*

**BUDGET IMPLICATIONS**

The review of the Intermittent Sealing of Unsealed Rural Roads Policy has no impact on the budget.

**LEGISLATIVE CONTEXT**

The relevant legislation is identified in Item 3 References in the policy.

**LEGAL IMPLICATIONS**

Not applicable

**STAFFING IMPLICATIONS**

Existing staff and resources are utilised to implement the policy.

**RISK ASSESSMENT**

There is no risk associated with the proposed amendments to the Intermittent Sealing of Unsealed Rural Roads Policy as they are only administrative in nature and do not change current practices.

**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**

It is important that Council policy documents remain current and are reflective of relevant work practices. Council should adopt the Intermittent Sealing of Unsealed Rural Roads Policy (v3) to ensure that requests the subject of this policy can be addressed in a consistent manner.

## **12.9 - INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY (V3)**

### **Draft Policy (v3)**

**Meeting Date: 3 December 2019**

**Attachment No: 1**





## INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY (COMMUNITY POLICY)

### 1. Scope

The Intermittent Sealing of Unsealed Rural Roads Policy (this 'Policy') applies to all unsealed rural roads under Council's jurisdiction.

### 2. Purpose

From time to time Council receives requests for the sealing of a short section of an unsealed rural road adjacent to dwellings. The purpose of this Policy is to:

- a) provide guidelines and scoring criteria for the consistent assessment of such requests; and
- b) bring the associated construction into line with the Main Geometric Design Standards for Unsealed Roads.

### 3. References (legislation/related documents)

#### Legislative reference

*Local Government Act 2009* s 60(1)

#### Related documents

ARRB Group

Unsealed roads manual – Guidelines to good practice (3<sup>rd</sup> ed March 2009)

AUSTROADS

Guide to Road Design Part 3: Geometric Design

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

AADT	Annual Average Daily Traffic.
Application for Operational Works	DA Form 1 – Development application details.
Dwelling	A building or structure which has been approved for use as a habitable building or structure.
Gravel Paved Road	A road that has been formed and surfaced with imported gravel paving material.
Road	Has the same meaning as road in the <i>Local Government Act 2009</i> .
Rural Road	A road servicing allotments in a rural area, for which the majority of allotments have a road frontage in excess of 40m.

Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Approved; DRAFT

Version: 3

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Portfolio: Infrastructure  
Business Unit: Construction and Maintenance

## 5. Policy Statement

Intermittent sealing of unsealed rural roads is concerned with minimising the effects of dust on dwellings that are in close proximity to an unsealed road. While Council does not commit to the provision of intermittent seals on its unsealed road network, it may authorise an applicant to undertake such work at their own cost, subject to the requirements of this Policy.

### 5.1 Assessment

Applications will be assessed by Infrastructure Services using the scoring criteria in Table 1 to determine if an intermittent seal is warranted.

### 5.2 Procedure

5.2.1 The decision to approve the sealing of a short section of gravel paved road for the purpose of dust suppression will be assessed by the Manager Construction & Maintenance against the following factors:

- a) Current and projected traffic volumes (AADT);
- b) Costs incurred in maintaining the sealed road;
- c) Type of traffic that uses the road;
- d) Speed environment of the road;
- e) Proximity of a dwelling to the road frontage;
- f) Geometric standard of the unsealed road; and
- g) Road pavement and drainage system of the unsealed road.

5.2.2 If the assessment determines that a section of a gravel paved road is suitable for an intermittent seal the applicant will be:

- a) Provided with a quote from Council to undertake the works and informed that Council is prepared to undertake the works subject to payment at least four weeks prior to commencement of the works; or
- b) Informed that they may lodge an Application for Operational Works if they wish to engage a contractor to undertake the works.

### 5.3 Design Standards of Intermittent Seal of an Unsealed Road

5.3.1 Roads which are deemed suitable for the application of an intermittent seal as a dust suppressant are to receive a two coat bitumen seal for a maximum length of 200m, adjacent to the affected property.

5.3.2 The applicant is responsible for meeting the cost of:

- a) Any required formation widening;
- b) Supply and installation of gravel to ensure a minimum 150mm thick layer of minimum CBR 40 pavement layer;
- c) Sealing the road; and
- d) Installation of any required road furniture.

5.3.3 To qualify for an intermittent seal, the road must meet the following evaluation criteria:

#### a) Traffic volumes

A road will not be considered for an intermittent seal if there is less than 30 AADT unless there are significant issues shown in the assessment score. A road that has an AADT greater than 150 may require a minimum standard seal along its entire length.

- b) Proximity of a dwelling  
The dwelling must be within 100m of the road frontage.
- c) Minimum width  
The proposed road has the ability to be easily upgraded to the appropriate formation and seal width of six metres.
- d) Reasonable alignment  
The road must have reasonable vertical and horizontal alignment and sight distance that will not compromise safety if sealed.
- e) Solid base  
The road must have a solid, well compacted road base that is able to support the proposed overlay for the expected traffic loads. Having a solid road base will minimise future pavement failures if the road is sealed.
- f) Drainage system  
If the unsealed road has a poor longitudinal drainage system then every effort should be made to provide adequate longitudinal drainage to minimise future pavement failures.

5.3.4 If a road meets the criteria identified above, it is then evaluated using the scoring points and weighting method displayed in Table 1. Scores less than 150 do not justify approval of an intermittent seal.

Table 1: Scoring and Assessment Method

Criteria	Points	Weighting
Traffic volumes	0 – AADT 0-30. 20 – AADT 31-49. 40 – AADT 50-74. 70 – AADT 75-99. AADT ≥100, 1 point for every vehicle. Additional 1 point for every commercial vehicle (max of 20% of AADT).	1
Proximity of a dwelling to the road and prevailing winds	10 – Dwelling 0-15m from road frontage. 9 – Dwelling 16-30m from road frontage. 6 – Dwelling 31-50m from road frontage. 3 – Dwelling 51-69m from road frontage. 1 – Dwelling 70-100m from road frontage. 0 – Dwelling >100m from road frontage. Additional 5 points if dwelling is downwind of prevailing breezes.	10
Geometric design	Take into account the standard of the current geometric design of the unsealed road. This includes vertical/horizontal alignment, sight distance, etc. 0 – Width <6.0m. 6 – Poor horizontal, vertical alignment and width ≥6.0m. 8 – Good horizontal, vertical alignment and width ≥6.0m.	5

Intermittent Sealing of Unsealed Rural Roads Policy

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Speed environment	4 – Operating speed $\geq 100\text{km/h}$ . 3 – Operating speed 51-99km/h. 1 – Operating speed $\leq 50\text{km/h}$ .	10
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#### 6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

- 1) The related information is amended/replaced; or
- 2) Other circumstances as determined from time to time by the Council.

#### 7. Repeals/Amendments

This Policy repeals Livingstone Shire Council Policy titled 'Intermittent Sealing of Unsealed Rural Roads Policy (v2.1)' and 'Roads – Intermittent Sealing of Unsealed Rural Roads Procedure (v2.1)'.

Version	Date	Action
1	22/04/2014	Adopted
2	08/11/2016	Amended Policy Adopted
2.1	31/08/2018	Administrative Amendments – reflect organisational restructure
3		Draft

**CHRIS MURDOCH**  
CHIEF EXECUTIVE OFFICER

Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Approved: DRAFT  
Version: 3

Portfolio: Infrastructure  
Business Unit: Construction and Maintenance

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APPENDIX 1

Guidelines for the main geometric design standards for unsealed roads																			
Road Classification (Operational Class)	150			125			100			75			50			10			Comments
Typical Traffic Counts	125-150			100-125			75-100			30-75			Oct-30			<10			
Terrain type <sup>1</sup>	Flat	Rolling	Mt/une	Flat	Rolling	Mt/une	Flat	Rolling	Mt/une	Flat	Rolling	Mt/une	Flat	Rolling	Mt/une	Flat	Rolling	Mt/une	
Main geometric characteristic																			
based on safety, cost and environmental considerations																			
Operating speed value km/h	80	70	50	70	50	30	70	50	30	60	40	20	60	40	20	n/a	n/a	n/a	based on 85th percentile speed
Cross-section elements																			
Number of traffic lanes	2	2	2	2	2	1	1	1	1	1	1	1	1	1	1	1	1	1	unsealed lanes
minimum cross fall unsealed road	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	4	4	4	min of 4% to drain rainfall off tracks
maximum superelevation % <sup>2</sup>	6	8	10	6	8	10	6	8	10	6	8	10	6	8	10	n/a	n/a	n/a	
minimum traffic lane width m <sup>3</sup>	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
minimum shoulder width m	0.25	0	0	0	0	1	1.25	1	0.75	1	0.75	0.5	0.5	0.5	0	0	0	0	
minimum carriageway width (lanes+shoulder) m	6.5	6	6	6	6	5	5.5	5	4.5	5	4.5	4	4	3.5	3	3	3	3	
Horizontal geometry																			
minimum radius curve m <sup>4</sup>	320	250	140	250	100	35	250	100	35	170	60	15	170	60	15	n/a	n/a	n/a	
minimum stopping sight distance m <sup>5</sup>	150	120	70	120	70	30	120	70	30	90	50	30	90	50	30	n/a	n/a	n/a	
minimum meeting sight distance m <sup>6</sup>	250	230	130	230	130	60	230	130	60	180	100	60	180	100	60	n/a	n/a	n/a	
Vertical geometry																			
maximum vertical grade % <sup>7</sup>	8	8	12	8	8	12	8	8	12	8	8	12	8	8	12	n/a	n/a	n/a	for tracks avoid steep grades to reduce soil erosion
minimum crest vertical curve K values <sup>8</sup>	50	30	10	30	10	5	30	10	5	18	8	2	18	8	2	n/a	n/a	n/a	
minimum sag vertical curve K values <sup>9</sup>	11	8	4	8	4	3	8	4	3	8	3	2	8	3	2	n/a	n/a	n/a	
Drainage																			
Cross Road Drainage frequency <sup>10</sup>	Q1	Q1	Q1	Q1	Q1	Q1	Q1	Q1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Longitudinal Drainage frequency <sup>11</sup>	Q1	Q1	Q1	Q1	Q1	Q1	Q1	Q1	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
RCP & RCP-BC measurable length	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2	4.6	4.6	4.6	4.6	4.6	4.6	can be longer at curve widening, intersections, etc
Floodway desirable width	6.5	6.5	6.5	6.5	6.5	6.5	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4.2	can be longer at curve widening, intersections, etc
Gravel Pavement																			
% of road length covered with imported gravel meeting unsealed road guidelines	75%	75%	75%	70%	70%	70%	60%	60%	60%	55%	55%	50%	25%	25%	25%	10%	10%	10%	

<sup>1</sup> Flat, rolling or mountainous terrain<sup>2</sup> The maximum superelevation values will need to take into account the use of the road by high loaded heavy vehicles, speed and curve radii<sup>3</sup> In cases where there are a high percentage of heavy vehicles (>20%) minimum lane widths can be increased by 0.5m<sup>4</sup> Values rounded up. For minimum radius curves widening on the inside of a curve may be necessary to accommodate longer vehicles<sup>5</sup> Based on a reaction time of 2 seconds and surface coefficients relating to unsealed surfaces and values rounded up. Values based on flat grades and allowances will need to be made for up and down grades.<sup>6</sup> This is mainly a requirement of single lane two-way roads. Values rounded up.<sup>7</sup> In some cases higher grades of up to 20% can be allowed for short sections (about 150m). Keep grades on unsealed roads lower due to rutting and scouring of surface.<sup>8</sup> Calculation of these values is to be based on information contained in Austroads (2003). The length of the vertical curve (L) is based on the production of K multiplied by the algebraic difference in grades percentage A (i.e. L = K x A).<sup>9</sup> Sag values are based on comfort or control criteria<sup>10</sup> Class 5c & 5d roads will require suitable gravel or hard surface treatments at gullies and creek crossings<sup>11</sup> Class 5c & 5d roads shall have formation 300mm above natural surface or 300mm deep table drains

## Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Approved: DRAFT

Version: 3

Dariusz R. et al

Portfolio: Infrastructure  
Business Unit: Construction and Maintenance

# **12.9 - INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY (V3)**

## **Briefing Session Report 27 May 2019**

**Meeting Date: 3 December 2019**

**Attachment No: 2**

## BRIEFING SESSION

27 MAY 2019

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9.2 VERSION 3 INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY

File No: 4.7.28

Attachments:

1. Draft Policy (v3) with track changes
2. Draft Policy (v3)
3. Procedure with track changes
4. Ordinary Meeting Agenda 8 November 2016

Responsible Officer: Dan Toon - Executive Director Infrastructure

Author: Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

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

**RECOMMENDATION**

*Not applicable for Briefing Session report.*

**BACKGROUND**

The Intermittent Sealing of Unsealed Rural Roads Policy applies to all unsealed rural roads under Council's control and provides guidelines and scoring criteria to ensure there is a consistent approach to addressing requests the subject of this policy.

**COMMENTARY**

Staff undertake reviews of policy documents to ensure currency and relevance to Council practices. Version 2 of the Intermittent Sealing of Unsealed Rural Roads Policy and Procedure were adopted/endorsed by Council at its 8 November 2016 meeting and Version 3 of the policy is now presented for Council consideration.

Item 5.1 of the policy has been deleted. Council would not have control of the roads described in the two scenarios detailed in Item 5.1. These roads would be under the control of a developer and the Intermittent Sealing of Unsealed Rural Roads Policy cannot be applied to these roads. Once the roads come under Council's control, then the policy may apply.

Council's Manager Engineering Services Mike Prior has advised that roads provided by way of development would be suitably conditioned to be constructed in accordance with the prevailing technical standards, for example the Capricorn Municipal Development Guidelines. Circumstances along such roads may change to the extent that the Intermittent Sealing of Unsealed Rural Roads Policy may apply after the road comes under Council's control.

In addition to the above, the only other change of note is the combining of the policy and procedure. When Item 5.1 is deleted from the policy, all that remains is a one paragraph Policy Statement in Item 5. The author considered it appropriate to amalgamate the policy and procedure into one document.

**PREVIOUS DECISIONS**

At its 8 November 2016 Meeting, Council resolved:

*'THAT Council:*

1. *Adopt the Intermittent Sealing of Unsealed Rural Roads Policy (V2); and*
2. *Endorse the approval of the Intermittent Sealing of Unsealed Rural Roads Procedure (V2) by the Director Infrastructure Services.'*



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**BRIEFING SESSION**27 MAY 2019

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**BUDGET IMPLICATIONS**

The review of the Intermittent Sealing of Unsealed Rural Roads Policy and Procedure has no impact on the budget.

**LEGISLATIVE CONTEXT**

The relevant legislation is identified in Item 3 References in the policy.

**LEGAL IMPLICATIONS**

Not applicable

**STAFFING IMPLICATIONS**

Existing staff and resources are utilised to implement the policy.

**RISK ASSESSMENT**

There is no risk associated with the proposed amendments to the Intermittent Sealing of Unsealed Rural Roads Policy as they are only administrative in nature and do not change current practices.

**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**

After discussion at the briefing session, it is proposed to present the Intermittent Sealing of Unsealed Rural Roads Policy (v3) to the next Council meeting seeking a resolution for its adoption.



## INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY (COMMUNITY POLICY)

### 1. Scope

The Intermittent Sealing of Unsealed Rural Roads Policy (this 'Policy') applies to all unsealed rural roads under Council's jurisdiction, ~~but is not applicable to the sealing of a rural road required as a result of an application under the Sustainable Planning Act 2009.~~

### 2. Purpose

From time to time Council receives requests for the sealing of a short section of an unsealed rural road adjacent to dwellings. The purpose of this Policy ~~and associated Procedure~~ is to:

- a) Provide ~~guidelines a framework and scoring criteria~~ for the consistent assessment of such requests; and
- b) Bring the associated construction into line with the Main Geometric Design Standards for Unsealed Roads.

### 3. References (legislation/related documents)

#### Legislative reference

Local Government Act 2009 s 60(1)

#### Related documents

ARRB Group

Unsealed roads manual – Guidelines to good practice (3<sup>rd</sup> ed March 2009)

#### AUSTROADS

Guide to Road Design Part 3: Geometric Design

Local Government Act 2009 s 60(1)

Intermittent Sealing of Unsealed Rural Roads Procedure

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

<u>AADT</u>	<u>Annual Average Daily Traffic.</u>
<u>Application for Operational Works</u>	<u>DA Form 1 – Development application details.</u>
<u>Dwelling</u>	<u>A building or structure which has been approved for use as a habitable building or structure.</u>
<u>Gravel Paved Road</u>	<u>A road that has been formed and surfaced with imported gravel paving material.</u>

Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Approved: Adopted, 8 November 2016 DRAFT

Version: 3.12

Portfolio: Infrastructure  
Business Unit: Construction and Maintenance

Page 3 of 6

## Item 9.2 - Attachment 1

## Draft Policy (v3) with track changes

Road	Has the same meaning as road in the Local Government Act 2009.
Rural Road	A road servicing allotments in a rural area, for which the majority of allotments have a road frontage in excess of 40m.

## 5. Policy Statement

Intermittent sealing of unsealed rural roads is concerned with minimising the effects of dust on dwellings that are in close proximity to an unsealed road. While Council does not commit to the provision of intermittent seals on its unsealed road network, it may authorise an applicant to undertake such work at their own cost, subject to the requirements of the Policy: Intermittent Sealing of Unsealed Rural Roads Procedure.

## 5.1 Exemptions

This Policy does not apply to:

New road reserves created by the re-configuration of a lot; or

Sealing of a rural road required as a result of an application under the Sustainable Planning Act 2009.

## 5.1 Assessment

Applications will be assessed by Infrastructure Services using the scoring criteria in Table 1 to determine if an intermittent seal is warranted.

## 5.2 Procedure

5.2.1 The decision to approve the sealing of a short section of gravel paved road for the purpose of dust suppression will be assessed by the Manager Construction & Maintenance against the following factors:

- Current and projected traffic volumes (AADT);
- Costs incurred in maintaining the sealed road;
- Type of traffic that uses the road;
- Speed environment of the road;
- Proximity of a dwelling to the road frontage;
- Geometric standard of the unsealed road; and
- Road pavement and drainage system of the unsealed road.

5.2.2 If the assessment determines that a section of a gravel paved road is suitable for an intermittent seal the applicant will be:

- Provided with a quote from Council to undertake the works and informed that Council is prepared to undertake the works subject to payment at least four weeks prior to commencement of the works; or
- Informed that they may lodge an Application for Operational Works if they wish to engage a contractor to undertake the works.

## 5.3 Design Standards of Intermittent Seal of an Unsealed Road

5.3.1 Roads which are deemed suitable for the application of an intermittent seal as a dust suppressant are to receive a two coat bitumen seal for a maximum length of 200m, adjacent to the affected property.

5.3.2 The applicant is responsible for meeting the cost of:

- Any required formation widening;

Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Approved: Adopted, 8 November 2019 (DRAFT)

Version: 3.13

Portfolio: Infrastructure  
Business Unit: Construction and Maintenance

Page 7 of 9

## Item 9.2 - Attachment 1

## Draft Policy (v3) with track changes

- b) Supply and installation of gravel to ensure a minimum 150mm thick layer of minimum CBR 40 pavement layer;
- c) Sealing the road; and
- d) Installation of any required road furniture.

5.3.3 To qualify for an intermittent seal, the road must meet the following evaluation criteria:

- a) Traffic volumes

A road will not be considered for an intermittent seal if there is less than 30 AADT unless there are significant issues shown in the assessment score. A road that has an AADT greater than 150 may require a minimum standard seal along its entire length.

Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Approved: Adopted, 8 November 2016 (DRAFT)  
Version: 3.52

Portfolio: Infrastructure  
Business Unit: Construction and Maintenance

Page 5 of 6

b) Proximity of a dwelling

The dwelling must be within 100m of the road frontage.

c) Minimum width

The proposed road has the ability to be easily upgraded to the appropriate formation and seal width of six metres.

d) Reasonable alignment

The road must have reasonable vertical and horizontal alignment and sight distance that will not compromise safety if sealed.

e) Solid base

The road must have a solid, well compacted road base that is able to support the proposed overlay for the expected traffic loads. Having a solid road base will minimise future pavement failures if the road is sealed.

f) Drainage system

If the unsealed road has a poor longitudinal drainage system then every effort should be made to provide adequate longitudinal drainage to minimise future pavement failures.

5.3.4. If a road meets the criteria identified above, it is then evaluated using the scoring points and weighting method displayed in Table 1. Scores less than 150 do not justify approval of an intermittent seal.

Table 1: Scoring and Assessment Method

Criteria	Points	Weighting
Traffic volumes	0 – AADT 0-30. 20 – AADT 31-49. 40 – AADT 50-74. 70 – AADT 75-99. AADT ≥100, 1 point for every vehicle. Additional 1 point for every commercial vehicle (max of 20% of AADT).	1
Proximity of a dwelling to the road and prevailing winds	10 – Dwelling 0-15m from road frontage. 9 – Dwelling 16-30m from road frontage. 6 – Dwelling 31-50m from road frontage. 3 – Dwelling 51-69m from road frontage. 1 – Dwelling 70-100m from road frontage. 0 – Dwelling >100m from road frontage. Additional 5 points if dwelling is downwind of prevailing breezes.	10
Geometric design	Take into account the standard of the current geometric design of the unsealed road. This includes vertical/horizontal alignment, sight distance, etc. 0 – Width <6.0m.	5

Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Approved: Adopted, 8 November 2014 (CRAFT)  
Version: 3.52

Portfolio: Infrastructure  
Business Unit: Construction and Maintenance

Page 6 of 6

## Item 9.2 - Attachment 1

## Draft Policy (v3) with track changes

	6 – Poor horizontal, vertical alignment and width $\geq 6.0m$ 8 – Good horizontal, vertical alignment and width $\geq 6.0m$	
Speed environment	4 – Operating speed $\geq 100km/h$ 3 – Operating speed 51-99km/h 1 – Operating speed $\leq 50km/h$	10

## 6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

- 1) The stated information is amended, neglected, or
- 2) Other circumstances as determined from time to time by the Council

## 7. Repeals/Amendments

This Policy repeals ~~the former~~ Livingstone Shire Council Policy titled 'Intermittent Sealing of Unsealed Rural Roads Policy (v2.1)' and 'Roads – Intermittent Sealing of Unsealed Rural Roads Procedure (v2.1)'.

Version	Date	Action
1	22/04/2014	Adopted
2	08/11/2016	Amended Policy Adopted
2.1	31/08/2018	Administrative Amendments – reflect organisational restructure
3		Draft

CHRIS MURDOCH  
CHIEF EXECUTIVE OFFICER

Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Approved: ~~Adopted, 8 November 2016~~ DRAFT

Version: 3.02

Portfolio: Infrastructure  
Business Unit: Construction and Maintenance

Page 7 of 6



APPENDIX 3

Guidelines for the main geometric design standards for unsealed roads

Road Classification (Operational Class)	110	120	130	25	30	35	40	45
Typical Traffic, Country	125-150	150-225	25-100	30-75	Over 50	1-10		
Terrain type <sup>1</sup>	Flat	Rolling/Hilly	Flat	Rolling/Hilly	Flat	Rolling/Hilly	Flat	Rolling/Hilly
Main geometric characteristics: Based on safety, cost and environmental considerations	80	70	60	50	40	30	20	10
Operating speed (km/h) min								
Access to electric electricity	Based on 200m perimeter system							
Number of traffic lanes	2	2	2	2	2	1	1	1
Minimum cross fall (unsealed) road	5	5	5	5	5	5	5	5
Maximum super-elevation % <sup>2</sup>	8	8	8	8	8	8	8	8
Minimum built-up lane width m <sup>3</sup>	3	3	3	3	3	3	3	3
Minimum shoulder width m	3.25	3	3	3	3	3	3	3
Minimum carriageway width (lane+shoulder) m	6.5	6	6	6	6	5.5	5	5
Horizontal geometry								
Minimum radius curve m <sup>4</sup>	320	240	160	120	80	60	40	30
Minimum stopping sight distance m <sup>5</sup>	150	120	90	70	50	40	30	20
Minimum meeting sight distance m <sup>6</sup>	240	190	130	90	60	40	30	20
Vertical geometry								
Maximum vertical grade %	8	8	12	8	8	12	8	8
Minimum clear vertical curve K values <sup>7</sup>	58	32	35	30	10	8	10	8
Minimum sag vertical curve K values <sup>8</sup>	11	8	4	8	4	3	8	3
Drainage								
Cross Road Drainage Intensity <sup>9</sup>	121	121	121	121	121	121	121	121
Longitudinal Drainage Intensity <sup>10</sup>	121	121	121	121	121	121	121	121
W/F & W/L <sup>11</sup> (average length)	7.2	7.2	7.2	7.2	7.2	7.2	7.2	7.2
Woodchip drainage width <sup>12</sup>	8.5	8.5	8.5	8.5	8.5	8.5	8.5	8.5
Green Environment								
% of road (m/s) covered with installed green installing unsealed road guidelines	15%	15%	15%	15%	15%	15%	15%	15%

<sup>1</sup> Flat, rolling or mountainous terrain

<sup>2</sup> The maximum super-elevation values will need to take into account the use of the road by high loaded heavy vehicles, speed and curve radii

<sup>3</sup> For cases where there are a high percentage of heavy vehicles (>20%) minimum lane width can be increased by 0.5m

<sup>4</sup> Values rounded up. For minimum radius curve widening or the radius of a curve may be necessary to accommodate longer vehicles

<sup>5</sup> Based on a reaction time of 2 seconds and surface coefficients relating to unsealed surfaces and values rounded up. Values based on dry grades and allowances will need to be made for up and down grades

<sup>6</sup> This is merely a requirement of single lane two-way roads. Values rounded up

<sup>7</sup> For cases where higher grades of up to 20% can be allowed for short sections (about 100m). Keep grades on unsealed roads lower due to dusting and scoring of surface

<sup>8</sup> Calculation of these values is to be based on information contained in Australia (2003). The length of the vertical curve (L) is based on the production of K multiplied by the algebraic difference in grades percentage (A).  $L = K \times A$

<sup>9</sup> Tag values are based on comfort on control criteria

<sup>10</sup> Class 3, 4 & 5 roads will require suitable grass or hard surface treatments at gullies and creek crossings

<sup>11</sup> Class 1, 2 & 3 roads that have no drain, 300mm above natural surface or 300mm deep side drains

Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Approved: Adopted, 8 November 2014/2014/17

Version: 2.40

Portfolio: Infrastructure  
Business Unit: Construction and Maintenance

Received 15 July 1998





## INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY (COMMUNITY POLICY)

### 1. Scope

The Intermittent Sealing of Unsealed Rural Roads Policy (this 'Policy') applies to all unsealed rural roads under Council's jurisdiction.

### 2. Purpose

From time to time Council receives requests for the sealing of a short section of an unsealed rural road adjacent to dwellings. The purpose of this Policy is to:

- a) Provide guidelines and sealing criteria for the consistent assessment of such requests; and
- b) Bring the associated construction into line with the Main Geometric Design Standards for Unsealed Roads.

### 3. References (legislation/related documents)

#### Legislative reference

*Local Government Act 2009* s 60(1)

#### Related documents

ARFB Group

Unsealed roads manual – Guidelines to good practice (3<sup>rd</sup> ed March 2008)

AUSTROADS

Guide to Road Design Part 5: Geometric Design

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

AADT	Annual Average Daily Traffic.
Application for Operational Works	DA Form 1 – Development application details.
Dwelling	A building or structure which has been approved for use as a habitable building or structure.
Gravel Paved Road	A road that has been formed and surfaced with imported gravel paving material.
Road	Has the same meaning as road in the <i>Local Government Act 2009</i> .
Rural Road	A road servicing allotments in a rural area, for which the majority of allotments have a road frontage in excess of 40m.

Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Amended: DP/PT

Version: 3

Page 1 of 5

Portfolio Infrastructure  
Bushland Unit Construction and Maintenance

## 5. Policy Statement

Intermittent sealing of unsealed rural roads is concerned with minimising the effects of dust on dwellings that are in close proximity to an unsealed road. While Council does not commit to the provision of intermittent seals on its unsealed road network, it may authorise an applicant to undertake such work at their own cost, subject to the requirements of this Policy.

### 5.1 Assessment

Applications will be assessed by Infrastructure Services using the scoring criteria in Table 1 to determine if an intermittent seal is warranted.

### 5.2 Procedure

5.2.1 The decision to approve the sealing of a short section of gravel paved road for the purpose of dust suppression will be assessed by the Manager Construction & Maintenance against the following factors:

- a) Current and projected traffic volumes (AADT);
- b) Costs incurred in maintaining the sealed road;
- c) Type of traffic that uses the road;
- d) Speed environment of the road;
- e) Proximity of a dwelling to the road frontage;
- f) Geometric standard of the unsealed road; and
- g) Road pavement and drainage system of the unsealed road.

5.2.2 If the assessment determines that a section of a gravel paved road is suitable for an intermittent seal the applicant will be:

- a) Provided with a quote from Council to undertake the works and informed that Council is prepared to undertake the works subject to payment at least four weeks prior to commencement of the works; or
- b) Informed that they may lodge an Application for Operational Works if they wish to engage a contractor to undertake the works.

### 5.3 Design Standards of Intermittent Seal of an Unsealed Road

5.3.1 Roads which are deemed suitable for the application of an intermittent seal as a dust suppressant are to receive a two coat bitumen seal for a maximum length of 200m, adjacent to the affected property.

5.3.2 The applicant is responsible for meeting the cost of:

- a) Any required formation widening;
- b) Supply and installation of gravel to ensure a minimum 150mm thick layer of minimum DBF-40 pavement layer;
- c) Sealing the road; and
- d) Installation of any required road furniture.

5.3.3 To qualify for an intermittent seal, the road must meet the following evaluation criteria:

#### a) Traffic volume

A road will not be considered for an intermittent seal if there is less than 30 AADT unless there are significant issues shown in the assessment score. A road that has an AADT greater than 150 may require a minimum sealed seal along its entire length.

- b) Proximity of a dwelling  
The dwelling must be within 100m of the road frontage.
- c) Minimum width  
The proposed road has the ability to be easily upgraded to the appropriate formation and seal width of six metres.
- d) Reasonable alignment  
The road must have reasonable vertical and horizontal alignment and sight distances that will not compromise safety if sealed.
- e) Solid base  
The road must have a solid, well compacted road base that is able to support the proposed overlay for the expected traffic loads. Having a solid road base will minimise future pavement failures if the road is sealed.
- f) Drainage system  
If the unsealed road has a poor longitudinal drainage system then every effort should be made to provide adequate longitudinal drainage to minimise future pavement failures.

5.3.4 If a road meets the criteria identified above, it is then evaluated using the scoring points and weighting method displayed in Table 1. Scores less than 150 do not justify approval of an intermittent seal.

Table 1: Scoring and Assessment Method

Criteria	Points	Weighting
Traffic volumes	0 – AADT 0-30. 20 – AADT 31-49. 40 – AADT 50-74. 70 – AADT 75-99. AADT ≥100, 1 point for every vehicle. Additional 1 point for every commercial vehicle (max of 20% of AADT).	1
Proximity of a dwelling to the road and prevailing winds	10 – Dwelling 0-15m from road frontage. 9 – Dwelling 16-30m from road frontage. 6 – Dwelling 31-50m from road frontage. 3 – Dwelling 51-60m from road frontage. 1 – Dwelling 70-100m from road frontage. 0 – Dwelling >100m from road frontage. Additional 2 points if dwelling is downwind of prevailing winds.	10
Geometric design	Take into account the standard of the current geometric design of the unsealed road. This includes vertical/horizontal alignment, sight distance, etc. 0 – Width <6.0m. 8 – Poor horizontal, vertical alignment and width ≥6.0m. 8 – Good horizontal, vertical alignment and width ≥6.0m.	5

## Item 9.2 - Attachment 2

## Draft Policy (v3)

Speed environment	4 – Operating speed $\geq 100\text{km/h}$ . 3 – Operating speed 81-99km/h. 1 – Operating speed $\leq 60\text{km/h}$ .	10
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## 6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

- 1) The related information is amended/replaced; or
- 2) Other circumstances as determined from time to time by the Council

## 7. Repeals/Amendments

This Policy repeals Livingstone Shire Council Policy titled 'Intermittent Sealing of Unsealed Rural Roads Policy (v2.1)' and 'Roads – Intermittent Sealing of Unsealed Rural Roads Procedure (v2.1)'.

Version	Date	Action
1	22/04/2014	Adopted
2	08/11/2016	Amended Policy Adopted
2.1	31/08/2018	Administrative Amendments – reflect organisational restructure
3		Draft

CHRIS MURDOCH  
CHIEF EXECUTIVE OFFICER

Intermittent Sealing of Unsealed Rural Roads Policy  
Adopted/Amended: CPOPT  
Version: 3

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Part 6/16 Introduction  
Budget Unit Construction and Maintenance

APPENDIX 1

Guidelines for the main geometric design standards for unsealed roads

Road Classification (Operational Class)	150			120			100			75			50			10			Comments	
Typical Traffic Counts	125-150			100-125			75-100			50-75			25-50			10-25				
Design Speed <sup>1</sup>	Flat	Rolling	Mountain	Flat	Rolling	Mountain	Flat	Rolling	Mountain	Flat	Rolling	Mountain	Flat	Rolling	Mountain	Flat	Rolling	Mountain		
Main geometry characteristics																				
Based on safety, cost and environmental considerations																				
Operating speed (km/h)	80	100	120	100	120	140	80	100	120	60	80	100	40	60	80	20	40	60	Based on 20th percentile speed	
Design section width (m)																				
Number of traffic lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	Standard 2-lane	
Minimum grade for unsealed road	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	4	4	4	Min of 4% to drain rainfall off drains	
Maximum superelevation % <sup>2</sup>	5	5	10	5	5	10	5	5	10	5	5	10	5	5	10	10	10	10		
Maximum traffic lane width m <sup>3</sup>	7	8	9	8	9	9	8	9	9	8	9	9	8	9	9	8	8	8		
Minimum shoulder width m <sup>3</sup>	0.25	0	0	0	0	0	1	1.25	1	0.75	1	0.75	0.25	0.5	0.25	0	0	0		
Minimum kerbside width (lanes+shoulders) m	6.5	6	6	6	6	6	6.5	6	6.5	6	6.5	6	6	6.5	6	5	5	5		
Horizontal geometry																				
Minimum radius curve m <sup>4</sup>	320	240	160	200	160	80	240	160	80	160	80	160	80	80	80	10	10	10		
Minimum stopping sight distance m <sup>5</sup>	150	120	70	120	70	30	120	70	30	80	50	30	80	50	30	10	10	10		
Minimum meeting sight distance m <sup>6</sup>	200	150	100	150	100	60	150	100	60	100	50	60	100	50	60	10	10	10		
Vertical geometry																				
Maximum vertical grade %	5	5	10	5	5	10	5	5	10	5	5	10	5	5	10	10	10	10	In track, even steep grades in loose to avoid	
Maximum crest vertical curve K values <sup>7</sup>	10	30	70	30	70	5	30	70	5	70	5	2	70	5	2	10	10	10		
Maximum sag vertical curve K values <sup>8</sup>	10	5	4	5	4	3	5	4	3	5	3	2	5	3	2	10	10	10		
Drainage																				
Side Road Drainage Frequency <sup>9</sup>	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1		
Longitudinal Drainage Frequency <sup>10</sup>	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1		
60, 80 & 100 km/h design speeds	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	Can be larger in low drainage, reductions in	
Woodchip topsoil width	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	Can be larger in low drainage, reductions in	
Current Placement																				
% of road length covered with imported gravel meeting unsealed road guidelines	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%	15%		

<sup>1</sup> Flat, rolling or mountainous terrain

<sup>2</sup> This maximum superelevation values will need to take into account the use of the road by high loaded heavy vehicles, speed and curve radii

<sup>3</sup> In cases where there are a high percentage of heavy vehicles (>20%) minimum lane width can be increased by 0.5m.

<sup>4</sup> Values rounded up. For minimum radius curves, widening on the inside of a curve may be necessary to accommodate single vehicles.

<sup>5</sup> Based on a reaction time of 2 seconds and sufficient coefficients needed to unsealed surfaces and values rounded up. Values based on dry grades and skewness will need to be made for wet and loose grades.

<sup>6</sup> This is mainly a requirement of single lane two-way roads. Values rounded up.

<sup>7</sup> In some cases higher grades of up to 20% can be allowed for short sections (about 100m). Keep grades on unsealed roads lower due to rutting and scouring of surface.

<sup>8</sup> Calculation of these values is not based on information contained in Austroads (2003). The lengths of the vertical curve (L) is based on the product of K multiplied by the required difference in grades percentage (i.e. L = K x i).

<sup>9</sup> Bag values are based on symbol on control orders.

<sup>10</sup> Class 10 & 50 roads will require surface gravel or hard surface treatments at gullies and creek crossing.

<sup>11</sup> Class 10 & 50 roads that have formation 300mm above natural surface or 300mm deep table drains.

<sup>1</sup> Flat, rolling or mountainous terrain

<sup>2</sup> The maximum superelevation values will need to take into account the use of the road by high loaded heavy vehicles, speed and curve radii

<sup>3</sup> In cases where there are a high percentage of heavy vehicles (>20%) minimum lane widths can be increased by 0.5m

<sup>4</sup> Values rounded up. For minimum radius curves widening on the inside of a curve may be necessary to accommodate longer vehicles

<sup>5</sup> Based on a reaction time of 2 seconds and surface coefficients relating to unsealed surfaces and values rounded up. Values based on fat grades and allowances will need to be made for up and down grades

<sup>6</sup> This is mainly a requirement of single lane two-way roads. Values rounded up

<sup>7</sup> In some cases higher grades of up to 20% can be allowed for short sections (about 100m). Keep grades on unsealed roads lower due to rutting and scouring of surface

<sup>8</sup> Calculation of these values is to be based on information contained in Austroads (2003). The length of the vertical curve (L) is based on the product of K multiplied by the required offset (in grades percentage) i.e.  $L = K \times e$

<sup>9</sup> Sag values are based on comfort on control criteria

<sup>10</sup> Class 50 & 50 roads will require suitable gravel or hard surface treatments at gullies and creek crossings

<sup>11</sup> Class 50 & 50 roads shall have formation 300mm above natural surface or 300mm deep side drains

Intermittent Review of Unsealed Rural Roads Policy

Approved/Approved: DRAFT

Version: 0

Issue 0.1 of 0

Porterfield Infrastructure  
Business Unit: Construction and Maintenance



## ROADS – INTERMITTENT SEALING OF UNSEALED RURAL ROADS PROCEDURE

### 1. Scope

The Intermittent Sealing of Unsealed Rural Roads Procedure (this 'Procedure') applies to all unsealed rural roads under Council's jurisdiction, but is not applicable to the sealing of an unsealed rural road required as a result of an application under the Sustainable Planning Act 2009.

### 2. Purpose

The purpose of this Procedure is to establish guidelines and scoring criteria for assessing the approval of intermittent seals to unsealed rural roads. This Procedure deals with evaluating applications based on a scoring criteria to determine if an intermittent seal should be approved. Applications will be assessed by Infrastructure Services using the scoring criteria to determine if an intermittent seal is warranted.

### 3. Related Documents

#### Primary

Roads – Intermittent Sealing of Unsealed Rural Roads Policy

#### Legislative reference

Local Government Act 2009 (s 60(1))

#### Related documents

ARRB

Unsealed roads manual – Guidelines to good practice (3<sup>rd</sup> ed March 2009)

AUSTROADS

Guide to Road Design Part 3: Geometric Design

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

AADT	Annual Average Daily Traffic.
Dwelling	A building or structure which has been approved for use as a habitable building or structure.
Gravel paved road	A road that has been formed and surfaced with imported gravel paving material.
Road	Has the same meaning as road in the Local Government Act 2009.
Rural Road	A road servicing allotments in a rural area, for which the majority of allotments have a road frontage in excess of 40m.

#### Intermittent Sealing of Unsealed Rural Roads Procedure

Adopted/Approved: Approved: 8 November 2015

Version: 3.1

Portfolio: Infrastructure

Business Unit: Construction and Maintenance

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**5. Procedure**

The decision to approve the sealing of a short section of gravel paved road for the purpose of dust suppression will be assessed by the Manager Construction & Maintenance against the following factors:

- 1) Current and projected traffic volumes (AADT);
- 2) Costs incurred in maintaining the sealed road;
- 3) Type of traffic that uses the road;
- 4) Speed environment of the road;
- 5) Proximity of a dwelling to the road frontage;
- 6) Geomec standard of the unsealed road; and
- 7) Road pavement and drainage system of the unsealed road.

If the assessment determines that a section of a gravel paved road is suitable for an intermittent seal the applicant will be:

- a) Provided with a quote from Council to undertake the works and informed that Council is prepared to undertake the works subject to payment at least four weeks prior to commencement of the works; or
- b) Informed that they may lodge an Application for Operational Works if they wish to engage a contractor to undertake the works.

**5.1 Design Standards of Intermittent Seal of an Unsealed Road****Seal Standard and Cost**

Roads which are deemed suitable for the application of an intermittent seal as a dust suppressant are to receive a two coat bitumen seal for a maximum length of 200m, adjacent to the affected property.

The applicant is responsible for meeting the cost of any required formation widening, supply and installation of gravel to ensure a minimum 150mm thick layer of minimum CBR 40 pavement layer, sealing the road and the installation of any required road furniture.

To qualify for an intermittent seal, the road must meet the following evaluation criteria:

- 1) Traffic volumes – a road will not be considered for an intermittent seal if there is less than 30 AADT unless there are significant issues shown in the assessment score. A road that has an AADT greater than 150 may require a minimum standard seal along its entire length.
- 2) Proximity of a dwelling – the dwelling must be within 100m of the road frontage.
- 3) Minimum width – the proposed road has the ability to be easily upgraded to the appropriate formation and seal width of six metres.
- 4) Reasonable alignment – the road must have reasonable vertical and horizontal alignment and sight distance that will not compromise safety if sealed.
- 5) Solid base – the road must have a solid, well compacted road base that is able to support the proposed overlay for the expected traffic loads. Having a solid road base will minimise future pavement failures if the road is sealed; and
- 6) Drainage system – if the unsealed road has a poor longitudinal drainage system then every effort should be made to provide adequate longitudinal drainage to minimise future pavement failures.

**Intermittent Sealing of Unsealed Rural Roads Procedure**

Adopted/Approved: Approved: 8 November 2015

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Portfolio: Infrastructure

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## Item 9.2 - Attachment 3

## Procedure with track changes

If a road meets the criteria identified above, it is then evaluated using the scoring points and weighting method displayed in Table 1.

Table 1: Scoring and Assessment Method

Criteria	Points	Weighting
Traffic volumes	0 – AADT 0-30. 20 – AADT 31-49. 40 – AADT 50-74. 70 – AADT 75-99. AADT ≥100: 1 point for every vehicle. Additional 1 point for every commercial vehicle (max of 20% of AADT).	1
Proximity of a dwelling to the road and prevailing winds	10 – Dwelling 0-15m from road frontage. 9 – Dwelling 16-30m from road frontage. 6 – Dwelling 31-50m from road frontage. 3 – Dwelling 51-69m from road frontage. 1 – Dwelling 70-100m from road frontage. 0 – Dwelling >100m from road frontage. Additional 5 points if dwelling is downwind of prevailing breezes.	10
Geometric design and safety features of unsealed road	Take into account the standard of the current geometric design of the unsealed road. This includes vertical/horizontal alignment, sight distance, etc. Safety features of the unsealed road include actual/potential accidents. 0 – Width <6.0m. 6 – Poor horizontal, vertical alignment and width >6.0m. 15 – Good horizontal, vertical alignment and width >6.0m.	5
Speed environment	4 – Operating speed ≥100km/h. 3 – Operating speed 51-99km/h. 1 – Operating speed ≤50km/h.	10

Scores less than 150 do not justify approval of an intermittent seal.

#### 6. Changes to this Procedure

This Procedure is to remain in force until otherwise amended/replaced by the Executive Director Infrastructure.

#### 7. Repeals/Amendments

This Procedure repeals the former Livingstone Shire Council Procedure titled 'Intermittent Sealing of Unsealed Rural Roads Procedure v1'.

Version	Date	Action
1	22/04/2014	Approved
2	08/11/2016	Amended Procedure Approved

#### Intermittent Sealing of Unsealed Rural Roads Procedure

Adopted/Approved: Approved: 8 November 2016

Version: 3.1

Portfolio: Infrastructure

Business Unit: Construction and Maintenance

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## Item 9.2 - Attachment 3

## Procedure with track changes

2.1	04/12/2018	Administrative Amendments—reflect organisational restructure
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DAN TOON  
EXECUTIVE DIRECTOR INFRASTRUCTURE

Intermittent Sealing of Unsealed Rural Roads Procedure  
Adopted/Approved: Approved: 8 November 2018  
Version: 2.1  
Portfolio: Infrastructure  
Business Unit: Construction and Maintenance  
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Intermittent Sealing of Unsealed Rural Roads Procedure

*Addressed Applicant:* \_\_\_\_\_, B Number: 0000

View photo: 2/1

Warren E. LeFebvre

Business Unit: Construction and Maintenance.

## Item 9.2 - Attachment 4

## Ordinary Meeting Agenda 8 November 2016

## ORDINARY MEETING AGENDA

8 NOVEMBER 2016

**12.4 POLICY REVIEW - INTERMITTENT SEALING OF UNSEALED RURAL ROADS  
POLICY AND PROCEDURE**

File Ref: GIM.7.22

Attachments: 1. Policy Version 2  
2. Procedure Version 2

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Carrie Burnett - Policy &amp; Planning Officer

**SUMMARY***This report seeks Councils adoption of version 2 of the Intermittent Sealing of Unsealed Rural Roads Policy.***OFFICER'S RECOMMENDATION**

THAT Council:

1. Adopt the Intermittent Sealing of Unsealed Rural Roads Policy (V2); and

*Endorse the approval of the Intermittent Sealing of Unsealed Rural Roads Procedure (V2) by the Director Infrastructure Services.***COMMENTARY**

Version 1 of the policy and procedure were adopted/approved by Council at its 22 April 2014 Meeting. Staff undertake reviews of policy documents to ensure currency and relevance to Council practices.

Version 2 of the documents were discussed at Council's 26 October 2016 Workshop and the Policy is now presented to Council for adoption. The Director Infrastructure Services seeks Council endorsement of the Procedure before he authorises it.

**BACKGROUND**

Not applicable.

**PREVIOUS DECISIONS**

At its 22 April 2014 Meeting Council resolved as follows:

That Council:

1. Adopt the Intermittent Sealing of Unsealed Rural Roads Policy; and
2. Endorse the approval of the Intermittent Sealing of Unsealed Rural Roads Procedure by the Director Infrastructure Services.

**BUDGET IMPLICATIONS**

Not applicable.

**LEGISLATIVE CONTEXT**

Not applicable.

**LEGAL IMPLICATIONS**

Not applicable.

**STAFFING IMPLICATIONS**

Not applicable.

**RISK ASSESSMENT**

Not applicable.

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**Item 9.2 - Attachment 4****Ordinary Meeting Agenda 8 November 2016****ORDINARY MEETING AGENDA**

8 NOVEMBER 2016

**CORPORATE/OPERATIONAL PLAN**

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

**CONCLUSION**

It is important that Council policy documents remain current and are reflective of relevant work practices. Council should adopt the Intermittent Sealing of Unsealed Rural Roads Policy and endorse the associated Procedure to ensure staff and the community are aware of Council's requirements.

## **12.4 - POLICY REVIEW - INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY AND PROCEDURE**

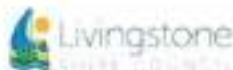
### **Policy Version 2**

**Meeting Date: 8 November 2016**

**Attachment No: 1**

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## ROADS – INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY (COMMUNITY POLICY)

### 1. Scope

The Intermittent Sealing of Unsealed Rural Roads Policy (this "Policy") applies to all unsealed rural roads under Council's jurisdiction, but is not applicable to the sealing of a rural road required as a result of an application under the Sustainable Planning Act 2009.

### 2. Purpose

From time to time Council receives requests for the sealing of a short section of an unsealed rural road adjacent to dwellings. The purpose of this Policy and associated Procedure is to:

- a) Provide a framework for the consistent assessment of such requests; and
- b) Bring the associated construction into line with the Main Geometric Design Standards for Unsealed Roads.

### 3. References (legislation/related documents)

ARRB Group  
Unsealed roads manual – (Guidelines to good practice (3<sup>rd</sup> ed March 2008))  
Local Government Act 2009 s 60(1)  
Roads - Intermittent Sealing of Unsealed Rural Roads Procedure

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

Dwelling	A building or structure which has been approved for use as a habitable building or structure.
Road	Has the same meaning as road in the Local Government Act 2009.
Rural Road	A road servicing allotments in a rural area, for which the majority of allotments have a road frontage in excess of 40m.

### 5. Policy Statement

Intermittent sealing of unsealed rural roads is concerned with minimising the effects of dust on dwellings that are in close proximity to an unsealed road. While Council does not commit to the provision of intermittent seals on its unsealed road network, it may authorise an applicant to undertake such work at their own cost, subject to the requirements of the Intermittent Sealing of Unsealed Rural Roads Procedure.

Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Approved: Draft  
Version: 2

Pages: 4 of 9

Department: Infrastructure Services  
Section: Construction and Maintenance



## Item 9.2 - Attachment 4

## Ordinary Meeting Agenda 8 November 2016

## ORDINARY MEETING AGENDA

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## 5.1 Exemptions

This Policy does not apply to:

- a) New road reserves created by the re-configuration of a lot; or
- b) Sealing of a rural road required as a result of an application under the Sustainable Planning Act 2008.

## 6 Changes to this Policy

This Policy is to remain in force until any of the following occur:

- 1) The related information is amended/replaced; or
- 2) Other circumstances as determined from time to time by the Council

## 7. Repeals

This Policy repeals the former Livingstone Shire Council Policy titled Intermittent Sealing of Unsealed Rural Roads Policy v1 adopted 22 April 2014.

CHRIS MURDOCH  
CHIEF EXECUTIVE OFFICER

Intermittent Sealing of Unsealed Rural Roads Policy

Adopted/Approved: Draft  
Version: 1

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Department: Infrastructure Services  
Section: Construction and Maintenance

## **12.4 - POLICY REVIEW - INTERMITTENT SEALING OF UNSEALED RURAL ROADS POLICY AND PROCEDURE**

### **Procedure Version 2**

**Meeting Date: 8 November 2016**

**Attachment No: 2**

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## ROADS – INTERMITTENT SEALING OF UNSEALED RURAL ROADS PROCEDURE

### 1. Scope

The Intermittent Sealing of Unsealed Rural Roads Procedure (this 'Procedure') applies to all unsealed rural roads under Council's jurisdiction, but is not applicable to the sealing of an unsealed rural road required as a result of an application under the Sustainable Planning Act 2009.

### 2. Purpose

The purpose of this document is to establish guidelines and scoring criteria for assessing the approval of intermittent seals to unsealed rural roads. This Procedure deals with evaluating applications based on a scoring criteria to determine if an intermittent seal should be approved. Applications will be assessed by Infrastructure Services using the scoring criteria to determine if an intermittent seal is warranted.

### 3. Related Documents

#### Primary

Roads - Intermittent Sealing of Unsealed Rural Roads Policy

#### Secondary

##### AFRRB

Unsealed roads manual - Guidelines to good practice (3<sup>rd</sup> ed March 2008)

##### AUSTROADS

Guide to Road Design Part 3: Geometric Design

Local Government Act 2009 s 60(1)

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

AAOT	Annual Average Daily Traffic
Dwelling	A building or structure which has been approved for use as a habitable building or structure.
Gravel paved road	A road that has been formed and surfaced with imported gravel paving material.
Road	Has the same meaning as road in the <i>Local Government Act 2009</i> .
Rural Road	A road servicing allotments in a rural area, for which the majority of allotments have a road frontage in excess of 40m.

Intermittent Sealing of Unsealed Rural Roads Procedure

Adopted/Approved: Draft

Version: 2

Pages 4 of 6

Department: Infrastructure Services

Section: Construction and Maintenance

## Item 9.2 - Attachment 4

## Ordinary Meeting Agenda 8 November 2016

## ORDINARY MEETING AGENDA

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## 5. Procedure

The decision to approve the sealing of a short section of gravel paved road for the purpose of dust suppression will be assessed by the Manager Construction & Maintenance against the following factors:

- 1) Current and projected traffic volumes (AADT);
- 2) Costs incurred in maintaining the sealed road;
- 3) Type of traffic that uses the road;
- 4) Speed environment of the road;
- 5) Proximity of a dwelling to the road frontage;
- 6) Geometric standard of the unsealed road; and
- 7) Road pavement and drainage system of the unsealed road.

If the assessment determines that a section of a gravel paved road is suitable for an intermittent seal the applicant will be:

- a) Provided with a quote from Council to undertake the works and informed that Council is prepared to undertake the works subject to payment at least four weeks prior to commencement of the works; or
- b) Informed that they may lodge an Application for Operational Works if they wish to engage a contractor to undertake the works.

## 5.1 Design Standards of Intermittent Seal of an Unsealed Road

Seal Start and Cost

Roads which are deemed suitable for the application of an intermittent seal as a dust suppressant are to receive a two coat bituminous seal for a maximum length of 200m, adjacent to the affected property.

The applicant is responsible for meeting the cost of any required formation widening, supply and installation of gravel to ensure a minimum 150mm thick layer of minimum CBR 40 pavement layer, sealing the road and the installation of any required road furniture.

To qualify for an intermittent seal, the road must meet the following evaluation criteria:

- 1) Traffic volumes – a road will not be considered for an intermittent seal if there is less than 30 AADT unless there are significant issues shown in the assessment score. A road that has an AADT greater than 150 may require a minimum standard seal along its entire length;
- 2) Proximity of a dwelling – the dwelling must be within 100m of the road frontage;
- 3) Minimum width – the proposed road has the ability to be easily upgraded to the appropriate formation and seal width of six metres;
- 4) Reasonable alignment – the road must have reasonable vertical and horizontal alignment and sight distance that will not compromise safety if sealed;
- 5) Solid base – the road must have a solid, well compacted road base that is able to support the proposed overlay for the expected traffic loads. Having a solid road base will minimise future pavement failures if the road is sealed; and
- 6) Drainage system – if the unsealed road has a poor longitudinal drainage system then every effort should be made to provide adequate longitudinal drainage to minimise future pavement failures.

Intermittent Sealing of Unsealed Rural Roads Procedure

Adopted/Approved/ Draft  
Version: 1

Road Sealing

Department: Infrastructure Services  
Section: Construction and Maintenance

## Item 9.2 - Attachment 4

## Ordinary Meeting Agenda 8 November 2016

## ORDINARY MEETING AGENDA

8 NOVEMBER 2016

If a road meets the criteria identified above, it is then evaluated using the scoring points and weighting method displayed in Table 1.

Table 1: Scoring and Assessment Method

Criteria	Points	Weighting
Traffic volumes	0 – AADT 0-30. 20 – AADT 31-49. 40 – AADT 50-74. 70 – AADT 75-99. AADT ≥100, 1 point for every vehicle. Additional 1 point for every commercial vehicle (max of 20% of AADT).	1
Proximity of a dwelling to the road and prevailing winds	10 – Dwelling 0-15m from road frontage. 9 – Dwelling 16-30m from road frontage. 6 – Dwelling 31-50m from road frontage. 3 – Dwelling 51-69m from road frontage. 1 – Dwelling 70-100m from road frontage. 0 – Dwelling >100m from road frontage. Additional 5 points if dwelling is downwind of prevailing breezes.	10
Geometric design and safety features of unsealed road	Take into account the standard of the current geometric design of the unsealed road. This includes vertical/horizontal alignment, sight distance, etc. Safety features of the unsealed road include actual/potential accidents. 0 – Width <6.0m. 6 – Poor horizontal, vertical alignment and width <6.0m. 8 – Good horizontal, vertical alignment and width ≥6.0m.	8
Speed environment	4 – Operating speed ≥100km/h. 3 – Operating speed 51-99km/h. 1 – Operating speed ≤50km/h.	10

Scores less than 150 do not justify approval of an intermittent seal

#### 6. Changes to this Procedure

This Procedure is to remain in force until otherwise amended/replaced by the Director Infrastructure Services.

#### 7. Repeals

This Procedure repeals the former Livingstone Shire Council Procedure titled 'Intermittent Sealing of Unsealed Rural Roads Procedure v1' approved 22 April 2014.

**DAN TOOM**  
DIRECTOR INFRASTRUCTURE SERVICES

Intermittent Sealing of Unsealed Rural Roads Procedure

Adopted/Approved/ Draft

Version: 1

Issue/Status

Department: Infrastructure Services

Section: Construction and Maintenance

8 NOVEMBER 2016

ORDINARY MEETING AGENDA

APPENDIX 1

Main geometric design standards for unsealed roads											
Road Classification (Operational Class)		196		128		100-125		75-100		50-75	
Traffic Volume (AADT)		100-150		150-250		250-500		500-1000		1000-2000	
Road Type		Rural		Rural		Rural		Rural		Rural	
Main geometric standards		196		128		100-125		75-100		50-75	
Road width (m)		10.0		8.5		7.5		6.5		5.5	
Shoulder width (m)		2.0		1.5		1.0		0.75		0.5	
Slope of left of way		1:1		1:1		1:1		1:1		1:1	
Slope of right of way		1:1		1:1		1:1		1:1		1:1	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
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Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
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Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)		100		80		60		40		30	
Minimum sight triangle (m)											

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

### 13.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - NOTICE TO RESCIND

File No: GV13.4.4

Attachments: 1. Notice of Motion [↓](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

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#### SUMMARY

*Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 3 December 2019 , as follows:*

#### RECOMMENDATION

THAT Council rescind the following motion which was moved at Council Meeting held on 19 November 2019:-

That Livingstone Shire Council resolves to be a Welcoming City and commits to achieving the Established level of membership.

Moved by Deputy Mayor Cr Nigel Hutton  
Seconded by Cr Jan Kelly

#### 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 GLENDA MATHER -  
NOTICE TO RESCIND**

**Notice of Motion**

**Meeting Date: 3 December 2019**

**Attachment No: 1**

PO Box 5186  
Red Hill PO  
Rockhampton Q 4701  
19 November 2019

Chief Executive Officer  
Livingstone Shire Council  
Yeppoon Q 4703

**Notice to Rescind**

Dear Madam CEO,

I hereby give Notice of my intention to move for the rescission of the following motion which was carried at the Ordinary Meeting of 19 November 2019:

**"Moved by Deputy Mayor Cr Hutton. Seconded by Cr J Kelly**

**That Livingstone Shire Council resolves to be a Welcoming City and commits to achieving the Established level of membership.**

**Carried Unanimously."**

**Background:**

My reasoning for having this matter referred to the new Council was the potential resourcing and financial impacts a membership of this nature may incur into the future.

While these contributions may be negative or minimal at initial membership, history has shown that demands have a tendency to grow.

Livingstone has resolved to adhere to prudent financial control in the future to be able to provide good responsible governance. WE must remember that people are hurting everywhere, and our resources must identify their immediate needs as a priority.

I don't believe it's necessary to "join the club" so to speak in order to display the qualities of a welcoming community. These attributes come in many forms which I was denied the right to explain.

There is no need to rush such a membership, but allow the new caretakers to analyse the benefits, and any possible detractors - they will be the ones to assess its value.

This matter needs the attendance of the full table before such a commitment is resolved, one way or the other. Two members were absent, despite the Minutes claiming the vote was "unanimous."

Yours faithfully,

Glenda Mather Cllr

**13.2 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - LIGHT SPILL****File No:** GC13.4.4**Attachments:** 1. Notice of Motion [↓](#)**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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**SUMMARY**

*Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 3 December 2019, as follows:*

**RECOMMENDATION**

THAT Council take the necessary action, with the relevant authority if necessary, to place a light shade over the street light opposite 35 Reef Street, Zilzie, due to the excessive light spill into the homes of five residents in that vicinity affected by this ongoing intrusion.

Further, Council treat this matter as a priority due to the adverse impacts on health and quality of life.

**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.

**13.2 - NOTICE OF MOTION -  
COUNCILLOR GLENDA MATHER -  
LIGHT SPILL**

**Notice of Motion**

**Meeting Date: 3 December 2019**

**Attachment No: 1**

PO Box 5186  
Red Hill PO  
Rockhampton Q 4701  
25 November 2019

Chief Executive Officer  
Livingstone Shire Council  
Yeppoon Q 4703

Notice of Motion

Dear Madam CEO,

I hereby give Notice of my intention to move the following motion at the next Ordinary Meeting of Council set down for Tuesday 3 December 2019:

"That Council take the necessary action, with the relevant authority if necessary, to place a light shade over the street light opposite 35 Reef Street Zilzie, due to the excessive light spill into the homes of five residents in that vicinity affected by this on-going intrusion.

Further, Council treat this matter as a priority due to the adverse impacts on health and quality of life."

**Background:**

This matter was brought to my attention recently after 18 months of Council communications without effect.

I visited the site two days ago, on dark, and confirm the spillage.

The residents have been advised that this particular light model is meant for intersections where wider vision is needed for safety reasons.

One such light is in Hill Street, and has earned a part-shade to prevent spill away from the road itself.

Speaking with some of the affected residents during my visit, it is very clear this light intrusion has affected their health, where half the house is constantly "lit" during the night, causing sleep disturbance and subsequent chronic lethargy. One resident is forced to medicate to induce sleep.

Windows can't be opened for the sea breeze, and heavy curtains are necessary to drown out the light.

According to correspondence, this intrusion has been "dominating their lives for many years" and they want it to stop. This "assault" has been compounded by the lack of assistance from Council over eighteen months. The matter needs to be treated as a priority.

Many thanks, Glenda Mather Clr

**13.3 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - BANGALEE BEACH ACCESS CONSULTATION.****File No:** GV13.4.4**Attachments:** 1. Notice of Motion [↓](#)**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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**SUMMARY**

*Councillor Adam Belot has indicated his intention to move the following Notice of Motion at the next Council Meeting 3 December 2019, as follows:*

**RECOMMENDATION**

THAT Livingstone Shire Council undertake meaningful community consultation with the Bangalee community and (any other key stakeholders) to determine their level of support for the following in relation to vehicle access onto Farnborough Beach

1/ Do you support Council investigating an alternate northern vehicle beach access point accessing onto Farnborough Beach.

**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.

**13.3 - NOTICE OF MOTION -  
COUNCILLOR ADAM BELOT -  
BANGALEE BEACH ACCESS  
CONSULTATION.**

**Notice of Motion**

**Meeting Date: 3 December 2019**

**Attachment No: 1**



To the Chief Executive officer of Livingstone Shire Council,

I Cr Adam Belot hereby submit the following Notice of Motion for inclusion into a future Ordinary Meeting of Council.

**RECOMMENDATION:**

1 That Livingstone Shire Council undertake meaningful community consultation with the Bangalee community and (and other key stakeholders) to determine their level of support for the following in relation to vehicle access onto Farnborough Beach.

1/ do you support Council investigating an alternate northern vehicle beach access point accessing onto Farnborough Beach.

**Background**

Essentially, Farnborough Beach is gaining significant popularity as a destination to enjoy a range of coastal activities like; surfing, fishing, swimming and lazy days under a shady spot. Recent traffic counts have seen as many as 800 plus vehicle movements in one day, all traversing the Bangalee ramp often in close proximity to families/individuals utilising the beach from neighbouring properties.

It is reasonable to believe that vehicle movements will continue to increase over time and this increase will have a significant impact on the liveability and amenity for beach users. Whilst there has been unsuccessful attempts in the past to look for alternate entry points onto Farnborough beach with little success, I believe the time is right to revisit this issue and consultation with those directly affected should be undertaken to ascertain current community attitudes.

Regards,

Cr Adam Belot

25/11/19

## **14 URGENT BUSINESS/QUESTIONS**

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

## 15 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.

#### 16.1 Lease of Land for Temporary Carpark

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.

#### 16.2 Restaurant Lease – Livingstone Shire Council and The Rocks Yeppoon Pty Ltd

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

#### 16.3 Proposed Trustee Lease to NBN Co Limited over part of Lot 50 om Survey Plan 207050 – Keppel Sands

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

#### 16.4 Management Arrangements – Keppel Sands Caravan Park

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

#### 16.5 Write Off - Unrecoverable Debt

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.

#### 16.6 Potential Sale of Council Land in Hidden Valley to an Adjoining Property Owner

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

#### 16.7 Notice of Motion - Councillor Glenda Mather - Blue Cards for Emergency Services

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.

## 16 CONFIDENTIAL REPORTS

### 16.1 LEASE OF LAND FOR TEMPORARY CARPARK

**File No:** 5.9.1-004

**Attachments:** 1. Plan of Leased Land

**Responsible Officer:** Dan Toon - Executive Director Infrastructure

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

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

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#### SUMMARY

*This report seeks a resolution of Council regarding the lease of land for a temporary carpark at the intersection of Queen and Barry Streets Yeppoon.*

**16.2 RESTAURANT LEASE - LIVINGSTONE SHIRE COUNCIL AND THE ROCKS  
YEPPON PTY LTD****File No:** LEA396**Attachments:**  
1. Sketch Plan of Lease B1  
2. Sketch Plan of Lease B2**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Mark McLean - Principal Property Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

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**SUMMARY**

*The purpose of this report is to provide information regarding the use of the balcony on the first floor of the Lagoon Precinct building.*

**16.3 PROPOSED TRUSTEE LEASE TO NBN CO LIMITED OVER PART OF LOT 50 ON SURVEY PLAN 207050 - KEPPEL SANDS****File No:** CP5.9.2**Attachments:**

1. Plan and Aerial - Lot 28 on Crown Plan 861679 and Lot 50 on Survey Plan 207050
2. Plan of Proposed NBN Co Limited Lease Area

**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Mark McLean - Principal Property Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

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**SUMMARY**

*This report provides information in relation to a proposed trustee lease to NBN Co Limited over part of Reserve for Recreation (R547) – Lot 50 on Survey Plan 207050 Schofield Parade, Keppel Sands.*

**16.4 MANAGEMENT ARRANGEMENTS - KEPPEL SANDS CARAVAN PARK****File No:** PR21.5.2-3**Attachments:** 1. Council Report 17 September 2019**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Mark McLean - Principal Property Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

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**SUMMARY**

*The report provides information in relation to the future management arrangements for the Keppel Sands Caravan Park.*



**16.5 WRITE OFF - UNRECOVERABLE DEBT****File No:** FM12.1.9**Attachments:** Nil**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Priscilla Graham - Coordinator Revenue

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.

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**SUMMARY**

*This report addresses the need to write off the aged arrears and interest for the assessment 136482-5, L A AP 2344, Great Keppel Island, The Keppels QLD 4703 (DNRM Lease). The Lease has been cancelled by the relevant State Department. The rate and charges in arrears have been identified as unrecoverable and to be written off as a bad debt.*

**16.6 POTENTIAL SALE OF COUNCIL LAND IN HIDDEN VALLEY TO AN ADJOINING PROPERTY OWNER****File No:** ED8.5.5**Attachments:** 1. Location Map**Responsible Officer:** Jan Anfruns - Manager Economy and Places  
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Elle Wallin - Project Support Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

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**SUMMARY**

*Council received an enquiry from an adjoining land owner who is interested in purchasing a parcel of land to expand an existing business. The purpose of this report is to determine Council's willingness to dispose of this parcel to the adjoining land owner.*

**16.7 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - BLUE CARDS FOR EMERGENCY SERVICES****File No:** GV13.4.4**Attachments:** 1. Notice of Motion**Responsible Officer:** Chris Murdoch - Chief Executive 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.

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**SUMMARY**

*Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 3 December 2019, as follows:*

## **17 CLOSURE OF MEETING**