



ORDINARY MEETING

AGENDA

4 DECEMBER 2018

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

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

CHIEF EXECUTIVE OFFICER
28 November 2018

Next Meeting Date: 18.12.18

Please note:

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

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1 OPENING

2 ATTENDANCE

Members Present:

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

In Attendance:

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

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 20 November 2018.

7 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

9 PRESENTATION OF PETITIONS

Nil

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 CHANGING CLASSIFICATION APPLICATION AND RENAMING OF LIVINGSTONE SHIRE COUNCIL

File No:	ED8.5.12
Attachments:	Nil
Responsible Officer:	Brett Bacon - Executive Director Liveability and Wellbeing
Author:	Debra Howe - Director Strategic Growth & Development
Previous Items:	12.2 - City Status Classification Application - Ordinary Council - 25 Feb 2014 9:00am

SUMMARY

This report relates to an outstanding Action Item from Council Meeting in February 2014 regarding City Status Classification which was reallocated in late 2017 from Governance to Economy and Places to progress and has been discussed on several occasions since.

OFFICER'S RECOMMENDATION

THAT Council resolve to:

- 1) reconfirm its commitment to proceed with a formal change of classification application for the Livingstone Shire Council area;
- 2) prior to submitting the change of classification application, utilise Council's 'Get Involved' software to inform the community members with a registered address within Livingstone Shire local government area of the intention to undertake the change of classification process and that the preferred new local government area name is Capricorn Coast Regional Council; and
- 3) subject to the findings of the community information sharing, resolve to proceed with the change of classification process, and submit a formal written application to the Minister for Local Government responding to the legislative criteria, nominating Capricorn Coast Regional Council as its preferred name for the local government area.

BACKGROUND

On 22 February 2014, Council resolved to proceed with a formal city status classification; however, the application was not actioned. This report further explores the change of the classification of a local government area and the formal city status classification change from Livingstone Shire Council to Capricorn Coast City Council, as previously desired by Council, taking into consideration the recent community speculation.

Council previously supported this transition, and in consideration of the numerous benefits that are likely to arise from city status classification, endorsed proceeding.

As Livingstone Shire Council area meets legislative requirements; it is worthwhile giving further consideration to the requirements, prior to proceeding with the formal change of classification application process and revisit if Capricorn Coast City Council remains the preferred name for the local government area, should this be supported by the community, or whether pursuing change classification with a name change to Capricorn Coast Regional Council is more suitable.

Since the initial resolution in 2014, there have been several discussions with the Queensland Government regarding the subject, however, no substantial progress has been made on the

initiative due to the organisation's focus on the delivery of a substantial programme of capital works and other projects and initiatives.

With the completion of the bulk of the extra-ordinary programme of capital works and the recent general commentary in the public domain regarding city status and alternative names for the Livingstone Shire, it is now timely to refocus on the issue.

Officers have sought additional advice from the Department of Local Government, Racing and Multicultural Affairs to confirm if Livingstone Shire Council can pursue name change to regional council when seeking city status classification. As outlined in the *Local Government Regulation 2012* the criterion for a Local Government area to be declared a region is that the area be created as a result of the amalgamation of two or more local government areas of any class. However, Mayor Ludwig has previously flagged with the Minister for Local Government the prospect of pursuing the name of regional council instead of city council.

It is also worth noting that the current draft Terms of Reference for the Local Government Boundary Change Proposal referred to the Change Commission includes the requirement to consult with the impacted community regarding the name of each local government area. So Council's intention to advise the community is congruent with that direction.

More recent discussions with the Department have yielded another minor amendment to the draft Terms of Reference which will be provided to the Local Government Change Commission. The Departmental officers advised that the Terms of Reference now directs the Change Commission to, among other things, determine the classification of each Local Government area as part of the Boundary Change review process.

It is also possible for Council to pursue a name change and change classification, potentially Capricorn Coast Regional Council, in advance of the outcomes of the Boundary Change being determined.

COMMENTARY

In accordance with legislation contained in the *Local Government Act 2009* and the *Local Government Regulation 2012* it is possible for a local government to change classification of its local government area.

Section 13(2) of the *Local Government Regulation 2012* stipulates the criteria that must be adhered to in order to be considered for a classification change to city status as follows:

- a) *the area must be the centre of a region providing commercial, industrial, health and public sector services for the region.*
- b) *the area has, for the past 3 years immediately before declaration, had –*
 - (i) *a population of at least 25,000;*
 - (ii) *a population of at least 15,000 people in its urban centre; and*
 - (iii) *a population density of at least 150 people for each square kilometre of its urban centre.*

In response to section 13(2) of the *Local Government Regulation 2012* the Livingstone Shire Council area fulfils all legislative requirements as follows:

- 1) Yeppoon accommodates Council and government offices and the works depot, primary and secondary schools including two boarding schools that attract students from across Queensland and Papua New Guinea, a TAFE campus, police and emergency services, public hospital, health and community services, and shopping and business facilities.

Yeppoon is also arguably the primary focus for tourism for the Capricorn Coast and will continue to remain so with the two major developments of Capricorn Resort and Great Keppel Island and the recent \$53M Yeppoon Foreshore and Town Centre Revitalisation Project.

- 2) According to the 2017 Estimated Resident Population (as at 30 June 2017) Australian Bureau of Statistics source data:

- (a) Livingstone Shire Council area has an estimated resident population of approximately 37,290 people;
- (b) Yeppoon, Livingstone Shire's urban centre, had a population of approximately 18,741 people; and
- (c) Yeppoon, Livingstone Shire's urban centre, had a population of approximately 238 people per square kilometre.

Note: Livingstone's urban centre has been defined as the Statistical Level 2 (SA2) of Yeppoon, and this area and population meets the legislative requirements of (b)(i) and (b)(ii).

A review of the implications of achieving change of the classification city status has identified a number of advantages:

Recognition

Achieving city status would be a significant milestone in recognition of a growing and prosperous area, and has the potential to generate a substantial amount of economic benefit. Although city status does not entitle a local government to increased state or federal funding, it is certainly likely to elevate Council in the esteem of local, state and federal governments, and demonstrates the progressive and ambitious nature of Council.

Promotion and Private Investment:

Raising our profile through city status will enhance the area's ability to attract national and international private investment, and create better opportunities for residents and businesses by helping to build an increasingly diversified local economy and vibrant community. It will also allow the area to be marketed as a progressive place of choice and bolster existing tourism marketing efforts.

Community Pride:

With broad support already received from many local community and business organisations, city status signifies a commitment to the community to the provision of amenities expected of a city area, and creates a level of community confidence that will further assist in the attraction and retention of residents and businesses.

Alignment with State Government Strategy:

The Queensland Government priorities, outlined below, are all relevant within the Livingstone Shire area. The State Government's commitment to Queensland communities to attract investment and drive a stronger economy, aligns with what Council is aiming to achieve through the attainment of city status, albeit on a smaller, local scale.

State Government priorities for the Queensland community are:

- 1) create jobs in a strong economy;
- 2) give all our children a great start;
- 3) keep Queenslanders healthy;
- 4) keep communities safe;
- 5) protect the Great Barrier Reef, and
- 6) be a responsive government.

Under the provisions of the *Local Government Act 2009*, if Council resolves to proceed with the change of classification process, Council must submit a formal written application to the Minister for Local Government responding to the legislative criteria. Once the application is received by the Minister for consideration it will be assessed for public benefit and relevance to legislative provisions by the Change Commission.

In accordance with section 4(2) of the *Local Government Regulation 2012*, if a change of classification application were to be successful, the local government could be known either as Capricorn Coast Council or Capricorn Coast Regional Council. However, a change of classification and the subsequent local government name change present an opportunity to

rebrand Council and the local government area to raise the profile of the area and gain more traction with potential investors.

Currently this area is broadly known and accepted as the Capricorn Coast (on the Tropic of Capricorn) and there is substantial merit to incorporate that with Council's name, thereby being known potentially as Capricorn Coast Council, or more appropriately the Capricorn Coast Regional Council, which encompasses the hinterland areas of the Shire.

Firstly, it is a clear geographic descriptor of where Council is located. Secondly, incorporating the term 'coast' into the local government's name is an extremely favourable marketing point, as being proximate to the coastline and beaches is highly valued and regarded by Australia's population, and would likely elevate the area in the eyes of investors.

It also provides a gateway to the hinterland areas of the Shire and as with other prominently located Councils on coastline, (such as the Gold Coast and Sunshine Coast), can be used as the attractor to the region and then drive visitor dispersal across the Shire.

It is recommended that Council utilise its 'Get Involved' software to inform the community members with a registered address within Livingstone Shire local government area of the intention to undertake the change of classification process and of the preferred new Council name of Capricorn Coast Regional Council.

The draft 'Get Involved' – Name Change for Livingstone Shire Council page has been developed along with Frequently Asked Questions, and will be displayed live from Council website during the Ordinary Meeting. Once confirmed it meets Council's expectation, it will be released post the Ordinary Meeting and remain open until 2 January 2019. At which time, a report will be presented back to Council with the findings and analytics from the community information sharing before proceeding with the change classification process, and submitting a formal written application to the Minister for Local Government responding to the legislative criteria, nominating Capricorn Coast Regional Council as its preferred name.

In pursuing the change of classification, it is also proposed that in addition to the 'Get Involved' page other channels will be employed such as Council's website, Facebook and media.

PREVIOUS DECISIONS

22 February 2014 Council resolved to:

1. *Proceed with a formal city status classification application for the Livingstone Shire Council area; and*
2. *Enter into consultation with the community to determine an appropriate name, suggesting the Capricorn Coast City Council as a possible option.*

BUDGET IMPLICATIONS

There is no budget specific budget allocation for this particular matter. Some of the costs could be absorbed within existing operations however others would need an additional allocation or reallocation of resources from other projects and programmes.

There would be costs associated with undertaking to inform the community to identify the level of interest in changes to nomenclature and change of classification. Again, this can generally be absorbed within existing budget allocations, however, it could be at the expense of other initiatives or programmes.

Likewise, if Council does resolve to proceed and is successful, there will be costs associated with rebranding the area and the organisation. Any attempt to quantify the cost would be speculative. There is also an opportunity to stage the transition to new name and branding, by undertaking all the electronic changes first and foremost (such as website, Facebook, letterhead and all online documents) along with building signage.

Then the next stage of the updating other items as and when they required to be replaced, such as stationary, uniforms and vehicles signage etcetera. This will enable the Council to spread the cost of transition across multiple financial years.

LEGISLATIVE CONTEXT

Changes to nomenclature and city classification are controlled by the *Local Government Act 2009* and the *Local Government Regulation 2012*. Section 17 of the *Local Government Act 2009* states:

- (1) *This part is about making a local government change.*
- (2) *A local government change is a change of -*
 - (a) *the boundaries of a local government area; or*
 - (b) *any divisions of a local government area, other than the City of Brisbane; or*
 - (c) *the number of councillors for a local government; or*
 - (d) *the name of a local government area*
 - (e) *the classification of a local government area (from a town to a city for example).*
- (3) *In summary, the process for making a local government change is as follows*
 - *Assessment - the change commission assesses whether a proposed local government change is in the public interest*
 - *Implementation – the Governor in Council implements the local government change under a regulation.*
- (4) *The **change commission**, which conducts the assessment phase of the process, is an independent body that is created under this Act.*

The following sections of the *Local Government Regulation 2012* provides the following guidance and stipulates the criteria which must be satisfied in order to be considered for a classification change to city status as follows:

13 Changing classification of a local government area

- (1) *This section prescribes, for section 19(2)(c) of the Act, the other matters to be considered by the change commission if a proposed local government change relates to a change of the classification of a local government area.*
- (2) *The criteria for a local government area to be declared a city are that—*
 - (a) *the area is the centre of a region providing commercial, industrial, health and public sector services for the region; and*
 - (b) *the area has, for the 3 years immediately before the declaration, had—*
 - (i) *a population of at least 25,000; and*
 - (ii) *a population of at least 15,000 in its urban centre; and*
 - (iii) *a population density of at least 150 people for each square kilometre of its urban centre.*
- (3) *The criteria for a local government area to be declared a town are that the area does not meet the criteria for being declared a city but is urban in character.*
- (4) *The criterion for a local government area to be declared a shire is that the area is not urban in character.*

- (5) *The criterion for a local government area to be declared a region is that the area be created as a result of the amalgamation of 2 or more local government areas of any class.*

18 Who may start the change process

Only the Minister may propose a local government change to the change commission.

19 Assessment

- (1) *The change commission is responsible for assessing whether a local government change proposed by the Minister is in the public interest.*
- (2) *In doing so, the change commission must consider –*
- (a) *whether the proposed local government change is consistent with a Local Government Act; and*
 - (b) *the views of the Minister about the proposed local government change; and*
 - (c) *any other matters prescribed under a regulation.*
- (3) *The change commission may conduct its assessment in any way that it considers appropriate, including, for example, by –*
- (a) *asking for submissions from any local government that would be affected by the proposed local government change; or*
 - (b) *holding a public hearing (in the way set out in chapter 7, part 1) to ask the public for its views about the proposed local government change.*
- (4) *However, the Minister may direct the change commission in writing to conduct its assessment of the proposed government change in a particular way.*
- (5) *Despite subsection (3), the change commission must comply with the Minister's direction.*
- (6) *The change commission must let the public know the results of its assessment and the reasons for the results, by publishing notice of the results –*
- (a) *in a newspaper that is circulating generally in the local government area; and*
 - (b) *in the gazette; and*
 - (c) *on the electoral commission's website.*
- (7) *The change commission must also give the results of its assessment to the Minister.*
- (8) *The change commission may recommend that the Governor in Council implement the change commission's assessment.*

In accordance with section 4 of the *Local Government Regulation 2012* the protocol of naming a local government is as follows:

4 Names of local government areas:

- (1) *The name of each local government area is mentioned in schedule 1, column 1.*
- (2) *A local government may be called either—*
- (a) *'Council of the ... (insert City/Town/Shire/Region) of ... (insert name of local government area)'; or*

(b) *'... (insert name of local government area) ... (insert City/Town/Shire/Regional) Council'.*

(3) *Also, a local government mentioned in schedule 2 may be called '... (insert name of local government area) ... Aboriginal Shire Council'.*

LEGAL IMPLICATIONS

There are no legal implications associated with the consideration of this matter. So long as the process follows the Legislative requirements there is no known or anticipated legal implications in proceeding.

STAFFING IMPLICATIONS

Any resourcing demands would need to be absorbed within existing employee work programmes, which would require a reprioritisation of current tasks. The demands will be dependent upon what community engagement strategy chooses.

If Council agrees to proceed with the City Status Classification the application will be completed by Economy and Places, in conjunction with Governance, and supported by Customer Engagement and Communications to undertake the community engagement.

If the application is approved by the Minister it will require a collaborative approach from across Council, such as Customer Engagement and Communications to undertake the rebranding process including the redesign of the logo and branding image and Information Services updating information technology requirements and mediums.

RISK ASSESSMENT

The risks associated with pursuing a name include potential divides or disunity within the community over changing nomenclature or pursuing city status (the principle and/or the proposed names).

There is also the possibility that after going through the process and the public debate, the Minister and/or the Change Commission reject the proposal.

There is a risk of confusion; the change classification process for city status could be undertaken and given the original motion imply the Council name should change to Capricorn Coast City Council.

However, pursuing naming the local government area as Capricorn Coast Regional Council is likely to be more inclusive of the whole of the local government area and worthy of pursuing in conjunction with the change of classification application.

CORPORATE/OPERATIONAL PLAN

Strategy GO1 of Council's Corporate Plan states: *"Inform and empower the community through ongoing engagement and communication"*.

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

Given the recent public discussion around nomenclature and city status for Livingstone Shire, it is opportune for council to revisit its resolution of 25 February 2014 and recent discussions about undertaking a change of classification.

In consideration of the numerous benefits which are likely to arise from change of classification and that the Livingstone Shire Council area meets legislative requirements, it is recommended that Council proceeds with the formal application process and undertakes to inform the community about the alternative name to the initial resolution, specifically Capricorn Coast Regional Council, as its preferred name for the local government area.

Subject to the findings of the community information sharing, that Council resolves to proceed with the change of classification process, and submit a formal written application to the Minister for Local Government responding to the legislative criteria, nominating Capricorn Coast Regional Council as its preferred name.

12.2 LOCATION OF PATHWAYS IN URBAN AREAS

File No: RD28.1.4
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Brett Bacon - Executive Director Liveability and Wellbeing

SUMMARY

This report discusses the location of pathways within urban areas and the factors for determining which roads require a pathway.

OFFICER'S RECOMMENDATION

THAT Council receive the report regarding the location of pathways within urban areas.

BACKGROUND

At the recent Yeppoon Community meeting, a question was raised as to why not all streets in new developments have pathways. It was suggested that all streets should have footpaths as a matter of course (Central Park in Yeppoon was given as the example).

The response to that specific question was that the inclusion of a footpath is dependent upon the road category (higher order roads will have footpaths and lower order roads generally do not). Residential estates are designed as shared areas, with the emphasis on designing for people and not for cars. Speed limits are set based on the level of interaction between people and vehicles. Shared areas also assist to influence and control driver behaviour. If there is a problem with persistent speeding in particular areas, then the police can monitor and regulate (through fines) as appropriate.

The suggestion that lower order streets are shared areas and that the suburban environment should be designed for people and not treated as a mere conduit for vehicles was not universally accepted.

Since the community meeting, a resident has approached the State Member's office and indicated displeasure with the '*...perceived lack of consideration given to her proposal for walking paths on Swordfish Avenue.*' The State Member's office indicated that the resident was told that '*...the road is a shared access and virtually the children are expected to play and walk on the road, not a footpath.*'

The State Member's office has also stated:

'I should advise that ... starting a petition which we will be obliged to table in Parliament, and also going to the Mirror.

Further, ... this office will be obliged to take the issue further to the Local Government Minister the Hon. Stirling Hinchliffe.'

COMMENTARY

At the recent Yeppoon Community meeting, responses were provided to two separate questions. One question was regarding the construction of a pathway along Swordfish Avenue and the other question was in relation to footpaths along all streets in new subdivisions (with Central Park being provided as an example).

Swordfish Avenue

The question specifically pertaining to Swordfish Avenue explained by way of background that the area is used by a lot of walkers and school children and they have to walk on the road, which can be dangerous. That specific question was logged as a customer request, with no further response provided to that particular matter at the meeting.

Council has previously responded to requests for a pathway along Swordfish Avenue. In doing so, it has been publically acknowledged that the construction of a concrete footpath along a section of Swordfish Avenue is included in Council's planning, however it is currently beyond the ten (10) year forward capital works programme horizon.

It is appreciated that there are numerous examples of higher order roads which were developed prior to the current requirements for pathways, which do not have a pathway. However retrospectively constructing pathways along those roads is not an objective which can be achieved over a short timeframe.

The construction of pathways throughout the shire is prioritised, with Council currently focusing on the highest use and principal network connections. That does not mean that the importance of retrospectively constructing pathways along higher order roads is not recognised, merely that other components of the pedestrian and cycle network are more critical.

Pathways in New Developments

A separate question was then raised as to why not all streets in new developments have pathways. As part of the question, it was suggested that all streets should have footpaths as a matter of course.

The response to this question was that the inclusion of a footpath is dependent upon the road category (higher order roads will have footpaths and lower order roads generally do not). Residential estates are designed as shared areas, with the emphasis on designing for people and not for cars. Speed limits are set based on the level of interaction between people and vehicles. Shared areas also assist to influence and control driver behaviour. If there is a problem with persistent speeding in particular areas, then the police can monitor and regulate (through fines) as appropriate.

The current planning scheme requires a '*...network of bicycle and pedestrian pathways...is provided along higher order roads.*' That requirement is consistent with the *Livingstone Planning Scheme 2005*, whilst the 1991 planning scheme was silent on the subject.

Generally speaking, higher order roads are those which are classified as arterial (including sub-arterial) and collector (including sub-collector). In the urban context, such roads generally experience an average annual daily traffic count in excess of 751 vehicles.

There are several reasons for the emphasis being placed on higher order roads. The traffic volumes on higher order roads create a degree of friction with pedestrians which is often too great to effectively manage without separation (noting that the mere existence of a pathway does not imply that pedestrians or runners cannot use the road). Lower order roads, which define many suburban roads, have lower traffic volumes and are thus capable of accommodating multiple purposes (cars, cyclists and pedestrians).

The urban environment should be designed for people and not for cars. Ultimately, it should be people who define and make a place, not traffic. Unfortunately, too often the emphasis is on attempting to design or plan around the dominance of vehicles, when the reverse should be the case. The dominance of vehicles in suburban areas needs to be reduced.

Children (and occasionally the not so young) play games (such as cricket, tag, hide and seek, riding bikes, etcetera) in the road reserve and across and along the road. In areas where this is prevalent, the driver behaviour is influenced and modified accordingly. Streets which are devoid of such activities are more likely to be treated as little more than transit corridors and thus the subject of excessive speed.

A healthy friction between cars and people is okay (which is difficult to achieve in higher order roads and thus why separation occurs). Quiet (with respect to vehicle activity and behaviour) streets, where there is life and activity, are healthier environments and more liveable and desirable. Cars and people can cohabitate and they do. After all, most pedestrians are drivers. It is all about getting the balance right and not ceding urban areas over to cars.

It was explained that urban areas should be shared zones, to generate a sense of community, increased liveability and improved general wellbeing. Reclaiming suburb streets (particularly lower order roads) from vehicles is not a utopian delusion.

There is a fundamental problem in current attitudes to suburbia (or urban areas in general), where all roads are viewed as nothing more than transport corridors, for the express purpose of delivering people from one point to another in the quickest possible time (be it motorised, pedal or pedestrian). This mentality discourages social connection and interaction and directly impacts upon any sense of place which may exist in residential areas. With the gradual reduction in lot sizes and continued increase in house sizes, the available land for people to relax or recreate is also reducing. This only increases the importance of suburban public spaces (which includes road reserves), where people (and in particular youth) can still have real social interaction.

It would appear that there has been confusion arising from the responses provided to two discrete issues and that this confusion has led to unnecessary angst for parts of the community. The response as to why pathways are not mandated in lower order roads was specific to lower order roads and cannot be interpreted as a general statement about all roads or as the reason for why a pathway has not yet been constructed along Swordfish Avenue. They are two unrelated issues.

As stated earlier in this report, it has previously been publically acknowledged that the construction of a concrete footpath along a section of Swordfish Avenue is included in Council's planning, however it is currently beyond the ten (10) year forward capital works programme horizon. That position is unchanged; it is still acknowledged that a pathway will be constructed along a section of Swordfish Avenue, however, the current priorities are the principal network connections and other areas with higher usage.

PREVIOUS DECISIONS

The two matters specifically discussed within this report have not been the subject of any Council resolution.

BUDGET IMPLICATIONS

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

LEGISLATIVE CONTEXT

There is no legislation specifically relating to the consideration of this matter.

LEGAL IMPLICATIONS

There are no legal implications associated with the pathways within urban areas.

STAFFING IMPLICATIONS

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

RISK ASSESSMENT

The key risks associated with the consideration of retrospectively installing pathways along higher order roads are predominantly reputational and financial.

If Council determined to expedite the retrospective construction of pathways, it would need to remove a commensurate quantum of capital projects from its forward works programme or increase its capital spend. The former would have an immediate impact on other infrastructure networks whilst the latter would impact upon the long term financial plan.

Continuing with the current programme of focusing on the highest use and principal network connections will result in some people believing that their particular area is being neglected. Whilst it is argued that the current programme is a consequence of prioritisation, perceptions can impact upon reputation.

CORPORATE/OPERATIONAL PLAN

Strategy GO2 of Council's Plan states: *'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

At the recent Yeppoon Community meeting responses were provided to two separate questions. One question was regarding the construction of a pathway along Swordfish Avenue and the other question was in relation to footpaths along all streets in new subdivisions (with Central Park being provided as an example).

It would appear that there has been confusion arising from the responses provided to two discrete issues and that this confusion has led to unnecessary angst for parts of the community. The response as to why pathways are not mandated in lower order roads was specific to lower order roads and cannot be interpreted as a general statement about all roads or as the reason for why a pathway has not yet been constructed along Swordfish Avenue. They are two unrelated issues.

It has previously been publically acknowledged that the construction of a concrete footpath along a section of Swordfish Avenue is included in Council's planning, however it is currently beyond the ten (10) year forward capital works programme horizon. That position is unchanged; it is still acknowledged that a pathway will be constructed along a section of Swordfish Avenue, however, the current priorities are the principal network connections and other areas with higher usage.

12.3 RESPONSE TO NOTICE OF MOTION - MAINTENANCE OF SLEIPNER AND MOUNT CHALMERS ROADS, MOUNT CHALMERS

File No: CR2.13.37
Attachments: 1. Notice of Motion [↓](#)
Responsible Officer: Dan Toon - Executive Director Infrastructure Services
Author: Jeff Carter - Manager Construction & Maintenance

SUMMARY

This report provides information pertaining to the planned maintenance of Sleipner and Mount Chalmers Roads, Mount Chalmers.

OFFICER'S RECOMMENDATION

THAT Council receive the following report in response to the Notice of Motion from Councillor Mather.

BACKGROUND

On Tuesday the 20 November 2018 Council held a Community Meeting at Cawarral Hall. At this meeting a member of the public expressed their concerns at the conditions of roads in the area, particularly the unsealed section of Mt Chalmers Rd. Subsequent to this Community Meeting, the member of the public traveled roads around the area with Councillor Mather which resulted in Cr Mather's Notice of Motion requesting the grading of Sleipner Rd and Mt Chalmers Rd being undertaken in December 2018 if not already programmed to do so.

COMMENTARY

Council has a defined service level model for the grading maintenance of its unsealed road network. In general, this service level model provides for a road being programmed for maintenance when its roughness reaches an International Roughness Index (IRI) of 7.0. In addition to this roughness index, roads are also considered for grading maintenance when elements such as cross sectional profile deteriorate to below adopted limits. The model takes into account the traffic volumes using a road and predicts the interval between grading maintenance requirements. These grading intervals can be as long as 32 months for Class 10 roads (less than 10vpd) to as short as 5 months for Class 199 roads (greater than 150vpd). The model also allocates the maximum targeted imported gravel coverage on roads based on their Class, ranging from 10% coverage on Class 10 roads to 75% coverage on Class 150 roads (125 to 150vpd). Class 199 roads are also nominated for 75% gravel coverage but are also included in the Forward Works Program for upgrading to sealed standard.

Of the two roads nominated in the Notice of Motion the following classifications and maintenance history applies;

Mt Chalmers Rd – Class 100 road (75 to 100vpd) which the model indicates has a typical grading frequency of every 11 months and 60% gravel coverage. The road was last graded in April 2018, and based on its Class is due for grading in February 2019. On 12 November 2018 the road was inspected and found to have an IRI of 6.4. Rutting of the cross sectional profile was also observed which caused the planned grading to be brought forward to Jan 2019. On the 26 November 2018, The Manager of Construction and Maintenance drove the road and observed that the average roughness of 6.4 recorded on 12 November 2018 has not deteriorated. Road was comfortably (and safely) driven at 70km/hr, which considering the vertical and horizontal alignment of the road would be only slightly lower than the speed environment one would encounter immediately after the road has been graded. The cross sectional profile is displaying some rutting, particularly on steeper vertical sections hence the

planning for grading works in January 2019. There are no isolated defects that pose a safety hazard to road users.

Sleipner Rd - Class 125 road (100 to 125vpd) which the model indicates has a typical grading frequency of every 8 months and 70% gravel coverage. The road was last graded in late March 2018, and based on its Class is due for grading in December 2019. On 12 November 2018 the road was inspected and found to have an IRI of 6.0. Based on this condition programmed grading of the road was pushed back to Feb 2019, when it is forecast the road will be at intervention level subject to weather conditions. On the 26 November 2018, The Manager of Construction and Maintenance drove the road and observed that the average roughness of 6.0 recorded on 12-11 18 has not deteriorated. The road was comfortably (and safely) driven at 80km/hr, which considering the vertical and horizontal alignment of the road would be only slightly lower than the speed environment one would encounter immediately after the road has been graded. Also observed were some larger rocks exposed in the road surface which were generally rounded and not considered a hazard to the tires of road users. There are no isolated defects that pose a safety hazard to road users. The current preliminary program of grading in February 2019, with gravel coverage of sections of exposed subgrade, is considered appropriate and will be confirmed as the scheduled date gets closer.

Councils' customer request system was checked and there are only three current grading requests for the two roads, with two of the requests from the same customer.

PREVIOUS DECISIONS

As part of the fortnightly reviews of Council's entire unsealed road grading program, Mt Chalmers Rd and Sleipner Rd had previously been programed for grading maintenance in January and February 2019 respectively.

BUDGET IMPLICATIONS

Undertaking of grading to timelines currently programmed by operational staff will provide for cost effective use of Council resources as these roads will be attended to in conjunction with other roads in the area resulting in lower establishment costs to individual roads.

The grading of these roads in December 2018, as requested in the Notice of Motion, would result in significant and unnecessary establishment costs.

LEGISLATIVE CONTEXT

There is no legislative requirement that requires Council to attend to road grading above its current adopted levels of service for unsealed road grading.

LEGAL IMPLICATIONS

Adhering to the current programmed timelines for grading of Mt Chalmers Rd and Sleipner Rd will not expose Council to any additional public liability claims.

STAFFING IMPLICATIONS

A number of Council grading crews are currently working on externally funded capital works project, whose progress could be delayed should they be required to attend to grading of Mt Chalmers Rd and Sleipner Rd in December 2018.

RISK ASSESSMENT

There is no additional risk to the safety, or general comfort, of the travelling public by not grading the roads until times currently nominated in Council's grading program.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: Strategy AM4: Operate, maintain and use Council assets to deliver efficient and cost effective services 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 programmed grading of Mt Chalmers Rd in January 2019 and tentative programming of Sleipner Rd in February 2019 should remain as programmed as the timing best fits in with Council's adopted level of service for the grading of unsealed roads and provides for the most efficient and cost effective use of limited Council resources.

12.3 - RESPONSE TO NOTICE OF MOTION - MAINTENANCE OF SLEIPNER AND MOUNT CHALMERS ROADS, MOUNT CHALMERS

Notice of Motion

Meeting Date: 4 December 2018

Attachment No: 1

PO Box 5186
Red Hill PO
Rockhampton Q 4701
26 November 2018

Chief Executive Officer
Livingstone Shire Council
Yeppoon Q 4703

Notice of Motion
Roadworks Mt Chalmers

Dear Madam CEO,

I hereby give Notice to move the following motion at the next Ordinary Meeting set down for 4 December 2018:

"That due to the condition of both Sleipner and Mt Chalmers Road, maintenance be carried out on both roads prior to the Christmas break-up if there is no current plan to do so."

Background:

Anyone travelling on these two roads will identify the loss of gravel in many sections, exposing considerable areas of sharp, protruding sub-base.
This is what the locals were upset about during the last Community Forum - the lack of maintenance.
Roads such as these, being school bus routes, need greater consideration for improved maintenance in the next budget.

It would not be fair to allow the current condition in this case, extend into the New Year without attention.

Many thanks
Glenda Mather Cllr

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - ROADWORKS MT CHALMERS

File No: GV13.4.4

Attachments: 1. Notice of Motion [↓](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 4 December 2018, as follows:

RECOMMENDATION

THAT due to the condition of both Sleipner and Mt Chalmers Road, maintenance be carried out on both roads prior to the Christmas break-up if there is not current plan to do so.

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 -
ROADWORKS MT CHALMERS**

Notice of Motion

Meeting Date: 4 December 2018

Attachment No: 1

PO Box 5186
Red Hill PO
Rockhampton Q 4701
26 November 2018

Chief Executive Officer
Livingstone Shire Council
Yeppoon Q 4703

Notice of Motion
Roadworks Mt Chalmers

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Anyone travelling on these two roads will identify the loss of gravel in many sections, exposing considerable areas of sharp, protruding sub-base.
This is what the locals were upset about during the last Community Forum - the lack of maintenance.
Roads such as these, being school bus routes, need greater consideration for improved maintenance in the next budget.

It would not be fair to allow the current condition in this case, extend into the New Year without attention.

Many thanks
Glenda Mather Cllr

14 CLOSED SESSION

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

RECOMMENDATION

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

15.1 Acquisition of Easements for Drainage Purposes - Zilzie

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

15.2 Appointment of Executive Director Liveability and Wellbeing to Capricorn Enterprise Committees and Invest Capricorn Coast Region Leadership Alliance

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

15 CONFIDENTIAL REPORTS

15.1 ACQUISITION OF EASEMENTS FOR DRAINAGE PURPOSES - ZILZIE

File No: 5.2.2-002 and 5.2.2-003

Attachments:

1. Locality Plan
2. Drawing No 17-112-04

Responsible Officer: Dan Toon - Executive Director Infrastructure Services

Author: Carrie Burnett - Policy & Planning Officer

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

SUMMARY

This report relates to the acquisition of drainage easements over existing stormwater drainage pipes.

15.2 APPOINTMENT OF EXECUTIVE DIRECTOR LIVEABILITY AND WELLBEING TO CAPRICORN ENTERPRISE COMMITTEES AND INVEST CAPRICORN COAST REGION LEADERSHIP ALLIANCE**File No:** ED8.5.12**Attachments:**

1. Invest Capricorn Coast Region Leadership Alliance - Terms of Reference version Four
2. Invest Capricorn Coast Region Leadership Alliance - Terms of Reference version Four with Track Changes

Responsible Officer: Chris Murdoch - Chief Executive Officer**Author:** Debra Howe - Director Strategic Growth & Development

SUMMARY

The purpose of this report is to seek Council's support in appointing the Executive Director Liveability and Wellbeing to the Capricorn Enterprise Economic Development Committee, Capricorn Enterprise Tourism Management Committee and the Invest Capricorn Coast Region Leadership Alliance.

16 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

17 CLOSURE OF MEETING