



ORDINARY MEETING

AGENDA

4 MARCH 2019

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 4 March 2019 commencing at 10.30am for transaction of the enclosed business.

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

CHIEF EXECUTIVE OFFICER
28 February 2019

Next Meeting Date: 19.03.19

Please note:

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

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	3
2	ATTENDANCE.....	3
3	LEAVE OF ABSENCE / APOLOGIES	4
	NIL	4
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	5
5	DECLARATION OF INTEREST IN MATTERS ON THE AGENDA.....	6
6	PUBLIC FORUMS/DEPUTATIONS	7
	NIL	7
7	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	8
	7.1 LIFTING MATTERS LAYING ON THE TABLE	8
8	PRESENTATION OF PETITIONS.....	9
	NIL	9
9	MAYORAL MINUTE	10
	NIL	10
10	COUNCILLOR/DELEGATE REPORTS	11
	NIL	11
11	AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS.....	12
	NIL	12
12	REPORTS.....	13
	12.1 COUNCILLOR AGENDA ITEM REQUESTS	13
	12.2 ANNUAL PROCUREMENT POLICY RENEWAL.....	15
	12.3 DEVELOPMENT APPLICATION D-204-2017 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS) AND A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE ON PROPOSED LOT 10 LOCATED AT 480 ESPLANADE, THE KEPPELS	22
	12.4 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 1 ON RP605702	52
	12.5 NAMING OF ROAD - CAPRICORN COAST HOMEMAKER CENTRE	62
	12.6 WORKS FOR QUEENSLAND 2019-21	64
13	CLOSED SESSION	71

14.1	OUTSTANDING INFRASTRUCTURE CONTRIBUTIONS FOR MULTIPLE DWELLING UNITS (SEVEN (7) UNITS) AT 16-24 BIRDWOOD AVENUE, YEPPON	
14	CONFIDENTIAL REPORTS.....	72
14.1	OUTSTANDING INFRASTRUCTURE CONTRIBUTIONS FOR MULTIPLE DWELLING UNITS (SEVEN (7) UNITS) AT 16-24 BIRDWOOD AVENUE, YEPPON.....	72
15	URGENT BUSINESS/QUESTIONS	73
16	CLOSURE OF MEETING.....	74

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

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
Mr Nick Sheehan - Chief Human Resources Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 19 February 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: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Nicole Robertson - Coordinator Executive Support

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 during this meeting of 4th March 2019.

OFFICER'S RECOMMENDATION

THAT the following matter/s, that Council resolved to 'Lay on the Table' at a previous meeting, be lifted from the table to be dealt with later during this meeting:

- Proposed Permanent Road Closure Adjoining Lot 1 on RP605702 – 19 February 2019; and
- Outstanding Infrastructure Contributions for Multiple Dwelling Units (Seven (7) Units) at 16-24 Birdwood Avenue, Yeppoon – 19 February 2019.

PREVIOUS DECISIONS

This matter was presented to the Council meeting held on Tuesday 22 January 2019. Council resolved to lay the matter on the table to allow petitioners against the application the right of response to the appeal.

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 matter is to be lifted from the table and dealt with.

8 PRESENTATION OF PETITIONS

Nil

9 MAYORAL MINUTE

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

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

Nil

12 REPORTS

12.1 COUNCILLOR AGENDA ITEM REQUESTS

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Nicole Robertson - Coordinator Executive Support

SUMMARY

This report is to provide information in relation to Councillor requests for agenda items.

OFFICER'S RECOMMENDATION

THAT Council receive the report.

BACKGROUND

The information contained in the commentary of this report is being provided in accordance with *Council Meeting's Procedures Policy*, s2.9.2 Request by a Councillor to Place an Item on the Agenda.

COMMENTARY

Councillor	Subject	Action	Outcome / Update
Belot	Beach Accesses - Review of Positioning, Functionality and Construction Standards	Referred to a Briefing Session in the first instance - scheduled for 18/02/2019.	Councillors were advised that a comprehensive beach access review has been identified as a worthwhile and necessary project to be undertaken by the Infrastructure Portfolio which will occur during 2019-2020.
Mather; Eastwood; Wyatt; and Belot	The Non-Principle Place of Residence Differential Rate.	Referred to the 2019-2020 Budget Workshops in the first instance. First discussion occurred on 25/02/19 and Councillors will further discuss in subsequent budget workshops.	This matter will be included on the Council agenda as part of the budget adoption meeting in July 2019. The Local Government Act provides that other Councillors, at the time the Mayor's budget is presented for adoption, can put an alternate budget for consideration should they wish to.
Belot	Kerbside collection	Referred to a Briefing Session in the first instance - scheduled for 18/03/19.	
Mather	Kangaroo Signs & Dead Animal Collection	Referred to a Briefing Session in the first instance - scheduled for 18/03/19.	

Councillor	Subject	Action	Outcome / Update
Kelly	Reticulated Water to Mabel Edmund Park	Referred to a Briefing Session in the first instance – scheduled for 18/03/19.	
Mather	Email from a Resident regarding numerous concerns about maintenance on Council Infrastructure, Parks and Sporting Facilities; and query on Rating Charges.	The matters are currently being dealt with operationally, via Council's customer request system, in the first instance due to direct contact by the resident to the organisation, prior to Cr Mather raising them with Council.	Information is currently being collated on each of the matters raised. The issues raised by the resident and the organisation's response will be discussed with Councillors by 01/04/19, due to the extensive investigations that need to occur.
Mather	Parking for Service Providers – Anzac Parade.	The matter is currently being dealt with operationally due to another Councillor raising the same matter, via Council's customer request system, prior to Cr Mather raising this matter with Council.	Information is currently being collated on the matter raised. The organisation's response will be discussed with Councillors by 1/04/19, due to the extensive investigation that needs to occur.

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

This report, presented in accordance with the *Meeting Procedures Policy* is provided for the information of Councillors.

12.2 ANNUAL PROCUREMENT POLICY RENEWAL**File No:** FM12.1.12**Attachments:** 1. Draft Procurement Policy_Clean [↓](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Rachel Jackson - Coordinator Procurement

SUMMARY

This report presents a revised Procurement Policy which is required to be adopted on an annual basis.

OFFICER'S RECOMMENDATION

That Council adopt the Procurement Policy as per the Local Government Regulation (2012).

BACKGROUND

After significant amendment and review of the previous Procurement Policy, Council adopted the current Procurement policy in August 2017. A local government is required to renew its procurement policy annually under section 198 of the *Local Government Regulation 2012*. This revised *Procurement Policy* was discussed at the Council Briefing Session on 4 February, 2019.

COMMENTARY

All changes have been tracked changed in the attached policy document. There is an insignificant amount of change to the policy with no significant change to the content nor intent of the policy.

The Procurement Policy sets out Council's policy position on having regard to the sound contracting principles (*Local Government Act 2009* section 104), the application of minimum quotation thresholds, and how Council will establish and access buying arrangements.

Operational application of the Procurement Policy is detailed in Council's Purchasing Directive, which does not require a Council resolution.

PREVIOUS DECISIONS

Adopted August 2017

BUDGET IMPLICATIONS

No budget implications.

LEGISLATIVE CONTEXT

Council is required to review the Procurement Policy on an annual basis under s198 of the *Local Government Regulation (2012)*.

LEGAL IMPLICATIONS

There are no legal implications

STAFFING IMPLICATIONS

There are no staffing implications directly related to this report.

RISK ASSESSMENT

The Procurement Policy and Purchasing Directive are both addressing internal control issues identified by internal and external audit.

Council supports locally-owned and operated businesses and reports the percent of local spend in the Monthly Financial Report.

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 required to adopt its Procurement Policy on an annual basis for the acquisition of goods and services and application to all procurement activities of Council.

12.2 - ANNUAL PROCUREMENT POLICY RENEWAL

Draft Procurement Policy_Clean

Meeting Date: 4 March 2019

Attachment No: 1



PROCUREMENT POLICY

(STATUTORY POLICY)

1. Scope

The Procurement Policy (this 'Policy') sets out Council's policy for the procurement of goods and services and applies to the procurement of all goods, equipment and related services, construction and service contracts (including maintenance).

The Procurement of all goods and services by Council must be carried out in accordance with the *Local Government Act 2009* (the 'Act') and the *Local Government Regulation 2012* (the 'Regulation'). It is the responsibility of all Council officers to understand the meaning and intent of this Policy and comply with its provisions.

2. Purpose

Council procurement activities aim to achieve advantageous procurement outcomes by:

- a) promoting value for money with probity and accountability; and
- b) advancing Council's economic, social and environmental policies; and
- c) providing reasonable opportunity for competitive local business that comply with relevant legislation to supply Council; and
- d) promoting compliance with relevant legislation.

3. References (legislation/related documents)

Legislative references

Local Government Act 2009

Local Government Regulation 2012

Related documents

Purchasing Directive

4. Definitions

To assist in interpretation, the following definitions shall apply:

Buying Arrangements	Exceptions under the legislation that enable Council to reduce Minimum Quotation Thresholds.
Council	Livingstone Shire Council.
Council Officer	An individual that is paid to perform work for Council.
Procurement	The end to end process by which goods and services are obtained and involves tasks such as (but not limited to) market research, requirements identification, planning, specification writing, budget considerations, contract administration, purchasing and supplier performance.

Procurement Policy

Adopted/Approved: Adopted, 15 August 2017

Version: 2.1

Portfolio: Office of the CEO

Business Unit: Finance and Business Excellence

Page 1 of 4

Suppliers	Any supplier/contractor/consultant supplying goods and/or services to Council.
The Act	Local Government Act 2009.
The Regulation	Local Government Regulation 2012.

5. Policy Statement

In accordance with s 198 of the Regulation, this Policy incorporates relevant requirements regarding the procurement of goods and services and the carrying out of the Sound Contracting Principles as stated in s 104 of the Act.

5.1 Probity

Probity or procedural integrity is an essential and mandatory requirement for all Council officers (including agents or contractors acting on behalf of Council) when undertaking any procurement related activity. This includes quotations, tenders and any evaluations and recommendations associated with subsequent contracts or purchases.

Council officers are accountable for ensuring that procurement decisions are supported by ethical, impartial and objective processes with relevant supporting documentation.

Council must uphold and demonstrate the highest standards of probity in all procurement related activities that it undertakes.

5.2 Sound Contracting Principles

Council officers must ensure regard is given to the Sound Contracting Principles when entering into a contract for the supply of goods, services or disposal of assets.

(a) Value for money

Council must harness its purchasing power to achieve the best value for money. The concept of value for money is not restricted to price alone.

(b) Open and effective competition

Procurement should be open and result in effective competition in the provision of goods and services. Council must give fair and equitable consideration to all prospective suppliers.

(c) The development of competitive local business and industry

Council encourages the development of competitive local businesses within its local government area.

(d) Environmental protection

Council promotes environmental protection through its procurement procedures.

(e) Ethical behaviour and fair dealing

Council officers involved in procurement are to behave with impartiality, fairness, independence, openness, integrity, and professionalism in their discussions and negotiations with suppliers and their representatives.

5.3 Minimum Quotation Thresholds

Council is required to apply minimum quotation thresholds as per the Regulation with exceptions to these minimum quotations thresholds being governed by Council's Procurement Policy and Purchasing Directive.

Procurement Policy

Adopted/Approved: Adopted, 15 August 2017
Version: 2.1

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

Page 2 of 4

5.3.1 Small Purchases - Under \$15,000 (ex GST)

- a) For a purchase under \$5,000, no minimum number of quotes required.
- b) For purchases between \$5,001 and \$15,000 invite a minimum of two (2) written quotes.
- c) When accessing a buying arrangement and the purchase is under \$15,000, one (1) written quote is required, unless otherwise directed by the Purchasing Directive.

5.3.2 Medium Purchases - worth \$15,000 or more, but less than \$180,000

Council cannot enter into a **medium-sized contractual arrangement** unless Council first invites written quotes for the contractual arrangement.

The invitation must be to at least three (3) persons who Council considers can meet Council's requirements, at competitive prices. Council may decide not to accept any of the quotes it receives.

However, if Council does decide to accept a quote, Council must accept the quote most advantageous to it having regard to the Sound Contracting Principles identified in s 104 of the Act.

Council Officers will have access to Buying Arrangements which provide for alternative minimum quote requirements.

5.3.3 Large Purchases - Worth \$180,000 (ex GST) or more

Council cannot enter into a **large-sized contractual arrangement** unless Council first invites written tenders for the contractual arrangement in accordance with the requirements of s 228 of the Regulation.

Council must either invite written tenders under s 228(4) or invite expressions of interest under s228(5) before considering whether to invite written tenders under s 228(6)(b).

The invitation for tenders must:

- (a) be made by an advertisement in a newspaper that circulates generally in the local government area of Council; and
- (b) allow written tenders to be given to Council for at least twenty-one (21) days after the advertisement is published.

Council must comply with the requirements in s 228(7) of the Regulation if it wants to invite tenderers to change their tenders to take account of a change in the tender specifications.

Council Officers will have access to Buying Arrangements which may provide an alternative to seeking tenders. Please refer to the Procurement Team in this regard.

5.4 Buying Arrangements

Council will establish Buying Arrangements including Preferred Supplier Arrangements, Register of Pre-Qualified Suppliers, Local Buy Arrangements and Queensland State Purchasing Arrangements.

These arrangements are available to Council Officers through VendorPanel and Officers must access quotes for goods or services under a buying arrangement through this portal. Officers must attach evidence in Finance One showing that section 5.4 has been adhered to.

Application of buying arrangements will be detailed in Council's Purchasing Directive.

6. Changes to this Policy

This Policy is to be reviewed when any of the following occur:

1. As required by Legislation – annually; or
2. The related information is amended or replaced; or
3. Other circumstances as determined from time to time by the Council.

7. Repeals/Amendments

This Policy repeals the former Livingstone Shire Council Policy titled 'Procurement Policy'.

Version	Date	Action
1	28/01/2014	Adopted
2	15/08/2017	Amended Policy Adopted
2.1	02/10/2018	Administrative Amendments – reflect organisational restructure

CHRIS MURDOCH
CHIEF EXECUTIVE OFFICER

Procurement Policy

Adopted/Approved: Adopted, 15 August 2017
Version: 2.1

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

Page 4 of 4

12.3 DEVELOPMENT APPLICATION D-204-2017 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO THREE LOTS) AND A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE ON PROPOSED LOT 10 LOCATED AT 480 ESPLANADE, THE KEPPELS

File No: D-204-2017

Attachments:

1. Locality and site plan [↓](#)
2. Proposal plan [↓](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
Brett Bacon - Executive Director Liveability and Wellbeing

Author: Madelaine Ward - Senior Planning Officer

SUMMARY

<i>Applicant:</i>	<i>L. Malan</i>	
<i>Consultant:</i>	<i>Capricorn Survey Group (CQ) Pty Ltd</i>	
<i>Land Owners:</i>	<i>CP Svendsen, GK Svendsen and CB Svendsen</i>	
<i>Real Property Address:</i>	<i>480 Esplanade, The Keppels</i>	
<i>Common Property Address:</i>	<i>Lot 9 on LN1498</i>	
<i>Area of Site:</i>	<i>9,105 square metres</i>	
<i>Planning Scheme:</i>	<i>2005</i>	<i>2018</i>
<i>Zone:</i>	<i>Comprehensive Development Zone – Environmental Great Keppel Island – management and Conservation Precinct conservation zone</i>	
<i>Overlays:</i>	<i>Erosion prone land (O2A) Steep land (O2B)</i>	
<i>Level of assessment:</i>	<i>Impact (material change of use only)</i>	<i>Impact (reconfiguring of a lot and material change of use)</i>
<i>Existing Development:</i>	<i>Dwelling house and ancillary structures utilised for short and long term accommodation</i>	
<i>Submissions:</i>	<i>Nil</i>	
<i>Referral Agency:</i>	<i>Department of State Development, Manufacturing, Infrastructure and Planning</i>	
<i>Referral matter:</i>	<i>10.17.3.5.1 - Tidal works or work in a coastal management district</i>	
<i>Infrastructure Charges Area:</i>	<i>Outside the Priority Infrastructure Area</i>	

Application Progress:

<i>Application lodged:</i>	19 October 2017
<i>Application properly made:</i>	24 October 2017
<i>Confirmation Notice sent:</i>	26 October 2017
<i>Referral confirmation notice sent:</i>	30 October 2017
<i>Referral information request sent:</i>	8 November 2017
<i>Request for Further Information sent:</i>	9 November 2017
<i>Request for Further Information responded to:</i>	21 December 2017
<i>Referral response received:</i>	24 January 2018
<i>Extension by agreement for information request response stage until 9 May 2018:</i>	18 December 2017
<i>Information request response received:</i>	20 December 2017
<i>Further advice issued:</i>	28 February 2018
<i>Extension by agreement until 8 July 2018:</i>	20 March 2018
<i>Draft response to further advice received:</i>	4 July 2018
<i>Extension by agreement until 20 August 2018:</i>	5 July 2018
<i>Site inspection:</i>	16 August 2018
<i>Council workshop date:</i>	20 August 2018
<i>Applicant deputation date:</i>	20 August 2018
<i>Change (other) made to application:</i>	3 October 2018
<i>Confirmation notice (changed) sent:</i>	9 October 2018
<i>Changed referral response received:</i>	23 October 2018
<i>Notice of intent to commence public notification:</i>	12 November 2018
<i>Public notification period:</i>	15 November 2018 to 7 December 2018
<i>Notice of compliance for public notification:</i>	12 December 2018
<i>Statutory decision date:</i>	4 March 2019

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into three lots) and a Material Change of Use for a Dwelling house, made by L Malan c/- Capricorn Survey Group (CQ) Pty Ltd, on Lot 9 on LN1498, and located at 480 Esplanade, The Keppels, Council resolves to approve the application, despite the conflict with the planning scheme given the following relevant matters:

- (i) The development is not preferred in the Comprehensive Development Zone – Great Keppel Island Code as it is not for a Local utility. Despite not being for a preferred land use, the proposed lot layout is responsive to the existing land use, environmental constraints, natural hazards and is able to provide appropriate servicing and infrastructure.

- (ii) The development does not compromise recreational opportunities and does not adversely impact on the operation of the Firsherman's Beach airstrip, the western aquifer or erosion prone areas.
- (iii) The development includes a proposed Dwelling house on lot 10 located wholly within a building location envelope allowing a minimum six metre setbacks to all property boundaries in order to minimise the scale of development in line with the Island's natural character.
- (iv) The performance assessment of the proposal demonstrates that the development, subject to conditions, will not compromise the planning scheme Shire Wide Desired Environmental Outcomes.
- (v) The development does not compromise the achievement of regional outcomes outlined in the *Central Queensland Regional Plan*.
- (vi) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the *State Planning Policy*.
- (vii) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development is not for a preferred use.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into three lots) and a Material Change of Use for a Dwelling house, made by L Malan c/- Capricorn Survey Group (CQ) Pty Ltd, on Lot 9 on LN1498, and located at 480 Esplanade, The Keppels, Council resolves to approve the application, subject to the following conditions:

PART A – RECONFIGURING A LOT

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the approval of a plan of subdivision (survey plan endorsement), unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Plumbing and Drainage 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>
Reconfiguration Plan (1 Lot into 3 Lots) and Material Change of Use Plan (Dwelling house Proposed Lot 10)	6848-01-ROL Rev D	9 October 2018
Geotechnical Investigation Report	Not numbered	Not dated
Bushfire statement	Not numbered	21 June 2018

- 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 request for approval of a plan of subdivision (survey plan endorsement).

3.0 PLUMBING AND DRAINAGE WORKS

- 3.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 3.2 All internal plumbing and sanitary drainage works must be in accordance with the approved plans (refer condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act*, regulated work under the *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies.
- 3.3 An on-site sewerage treatment and disposal facility must be provided for proposed lot 11 and lot 12 (wholly location within the lot it serves) in accordance with the *Queensland Plumbing and Wastewater Code, Australian Standard AS1547:2012 - On Site Domestic-Wastewater Management* and Council's Plumbing and Drainage Policies.
- 3.4 Structures or buildings must not be located within an on-site sewerage treatment and disposal area or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.
- 3.5 On-site water storage for domestic water supply purposes, with a minimum combined capacity of 50,000 litres, must be provided for both proposed lot 12 and proposed lot 11.
- 3.6 On-site water storage for firefighting purposes, with a minimum combined capacity of 25,000 litres, must be provided for both proposed lot 12 and proposed lot 11.

4.0 INTER-ALLOTMENT DRAINAGE

- 4.1 Inter-allotment drainage systems and overland flow paths must be designed and constructed in accordance with the *Queensland Urban Drainage Manual*.

5.0 ELECTRICITY AND TELECOMMUNICATIONS

- 5.1 Proposed lots 11 and 12 must be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice.
- 5.2 Proposed lots 11 and 12 must be provided with on-site telecommunications infrastructure for the use sufficient to enable contact in normal circumstances with

each of the nearest emergency services (ambulance station, police station, fire brigade and state emergency service facility).

6.0 ENVIRONMENTAL

6.1 Revegetation utilising native fire tolerant species must be undertaken within the buffer area generally in accordance within the approved plan (refer to condition 2.1). A revegetation plan must be lodged with Council for approval as part of the request for approval of a plan of subdivision.

6.2 The revegetation plan must include spatial extents of the revegetation works, a list of suitable (being fire retardant and relevant to the location) local native species to be planted, a planting plan including the location and spacing of plantings and a maintenance schedule to cover watering and weed management activities and timing. The maintenance schedule must be over a three (3) year period to ensure the plantings are self-sustaining.

6.3 An environmental covenant, pursuant to Section 97A of the *Land Title Act*, must be entered into in respect of the land outside the proposed building envelope on proposed Lot 10 which is identified as "Buffer" on the approved plan (refer to condition 2.1) to the effect that:

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

6.3.2 the area is to be rehabilitated in accordance with an approved revegetation plan; and

6.3.3 there is to be no artificial interference or disturbance of the habitat, except as approved by Council, to remove hazards to safety of persons outside of the habitat, removal of weeds and approved (by Council) revegetation with local native species.

6.4 The environmental covenant must be registered over proposed Lot 10. The covenant area must be shown on the Survey Plan as part of the request for approval of a plan of subdivision.

6.5 Any vegetation cleared or removed must be:

(i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or

(ii) removed for disposal at a location approved by Council;

within sixty (60) days of clearing. Any vegetation removed must not be burnt, unless otherwise approved by the relevant branch of the Rural Fire Brigade.

7.0 OPERATING PROCEDURES

7.1 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 the Esplanade or outside the property boundaries of proposed Lots 10, 11 and 12.

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 www.datsip.qld.gov.au.

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Environmental

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.

NOTE 6. 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.

PART B – MATERIAL CHANGE OF USE

8.0 ADMINISTRATION

- 8.1 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.
- 8.2 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.
- 8.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 8.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 8.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.
- 8.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 8.6.1 Plumbing and Drainage Works; and
 - 8.6.2 Building Works.
- 8.7 All Development Permits for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.

- 8.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 8.9 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.
- 8.10 This approval is for the construction of a Dwelling house and any associated class 10 building to be wholly located within the proposed building envelope on proposed Lot 10 in accordance with the approved plans (refer condition 9.1) and the conditions of Part B of this permit.

9.0 APPROVED PLANS AND DOCUMENTS

- 9.1 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>
Reconfiguration Plan (1 Lot into 3 Lots) and Material Change of Use Plan (Dwelling house Proposed Lot 10)	6848-01-ROL Rev D	9 October 2018
Report for structural adequacy for dwelling	Not numbered	15 May 2018
Geotechnical Investigation Report	Not numbered	Not dated
Bushfire statement	Not numbered	21 June 2018

- 9.2 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.
- 9.3 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.

10.0 PLUMBING AND DRAINAGE WORKS

- 10.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 10.2 All internal plumbing and sanitary drainage works must be in accordance with the approved plans (refer condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act*, regulated work under the *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 10.3 An on-site sewerage treatment and disposal facility must be provided for the Dwelling house within proposed lot 10 in accordance with the *Queensland Plumbing and Wastewater Code, Australian Standard AS1547:2012 - On Site Domestic-Wastewater Management* and Council's Plumbing and Drainage Policies.
- 10.4 Any structures or buildings must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distance as detailed with the *Queensland Plumbing and Wastewater Code*.
- 10.5 On-site water storage for domestic water supply purposes, with a minimum combined capacity of 50,000 litres, must be provided for the Dwelling house on proposed lot 10.

- 10.6 On-site water storage for firefighting purposes, with a minimum combined capacity of 25,000 litres, must be provided for the Dwelling house on proposed lot 10.

11.0 ROOF AND ALLOTMENT DRAINAGE WORKS

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

12.0 SITE WORKS

- 12.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 12.2 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 12.3 Any vegetation cleared or removed must be:
- (iii) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (iv) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt, unless otherwise approved by the relevant branch of the Rural Fire Brigade.

13.0 BUILDING WORKS

- 13.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 13.2 The habitable floor level must be a minimum of 7.3 metres Australian Height Datum.
- 13.3 All buildings and structures must be wholly located within the approved building location envelopes on the approved plans (refer to condition 9.1).
- 13.4 The height of all buildings and structures must not exceed two (2) storeys and 8.5 metres above ground level to any point on the roof.
- 13.5 The Dwelling house must be designed, constructed and certified to satisfy the performance requirements for bushfire ignition risk under the *National Construction Code Building Code of Australia (Volume 2)*.
- 13.6 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 13.7 Any associated class 10 building to be constructed within proposed Lot 11 must be wholly located within the proposed building envelope on proposed Lot 11 in accordance with the approved plans (refer condition 9.1) and the conditions of Part B of this permit.

14.0 ELECTRICITY AND TELECOMMUNICATIONS

- 14.1 The development must be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice. (Note if the development is provided with a reticulated grid electricity supply, the reticulated supply must be provided in accordance with the requirements of the relevant energy

supply authority.)

- 14.2 The development must be provided with on-site telecommunications infrastructure for the use sufficient to enable contact in normal circumstances with each of the nearest emergency services (ambulance station, police station, fire brigade and state emergency service facility). (Note if the development is provided with reticulated telecommunications infrastructure, the reticulated infrastructure must be provided in accordance with the requirements of the relevant telecommunications supply authority.)

15.0 ENVIRONMENTAL

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

- 15.2 An Environmental Management Plan, which addresses, but is not limited to, the following matters must be provided to Council prior to any Plumbing and Drainage works or Building works on the site:

- (i) water quality and drainage;
- (ii) erosion and silt/sedimentation management;
- (iii) acid sulphate soils;
- (iv) fauna management;
- (v) vegetation management and clearing;
- (vi) top soil management;
- (vii) interim drainage plan during construction;
- (viii) construction programme;
- (ix) geotechnical issues;
- (x) weed control;
- (xi) bushfire management;
- (xii) emergency vehicle access;
- (xiii) noise and dust suppression; and
- (xiv) waste management.

- 15.3 Any future landscaping or revegetation to be undertaken must utilise native fire tolerant species in accordance with the endorsed Revegetation plan. A species planting plan must be provided prior to any building application.

ADVISORY NOTES

NOTE 7. 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 www.datsip.qld.gov.au.

NOTE 8. 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 9. 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 10. 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 11. Environmental

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.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into three lots) and a Material Change of Use for a Dwelling house, made by L Malan c/- Capricorn Survey Group (CQ) Pty Ltd, on Lot 9 on LN1498, and located at 480 Esplanade, The Keppels, Council resolves to issue an Infrastructure Charges Notice for \$18,480.00.

BACKGROUND

There is no background information relevant to this matter.

COMMENTARY

PROPOSAL IN DETAIL

The proposal is for a three lot subdivision on the north western end of Great Keppel Island with the following proposed lot arrangement:

Proposed Lot	Lot size	Building location envelope size originally	Building location envelope size amended
10	3,032 square metres	1,938 square metres	1,300 square metres
11	3,037 square metres	2,131 square metres	530 square metres
12	3,037 square metres	1,929 square metres	Nil

The building location envelope was amended at the request of the Department of State Development, Manufacturing, Infrastructure and Planning to avoid any conflict with mapped erosion prone land under the *State Planning Policy*.

The allotments have gazetted access to a road reserve aligned to the western dune system and beachfront which is unformed. It is anticipated the primary mode of transport to the proposed allotments would be via water vessel. All services such as power, water, septic and electricity are provided on site.

The proposal also provides for a Dwelling house to be sited on proposed lot 10 within the Building Location Envelope, subject to the development conditions listed on the plan including building height, setbacks and on-site service provisions.

On 28 February 2018, Council issued further advice to the consultant outlining the conflict with the current and new planning schemes. The advice asked the applicant to consider;

- *Emergency preparation, response and management plan in regards to natural hazards of storm tide inundation, erosion, bushfire and cyclonic events.*
- *A storm tide hazard inundation assessment prepared by a suitably qualified person which includes details of recommended habitable floor levels. Failure to provide this information will result in a notation of the habitable floor level to be above 8.4 metres Australian Height Datum, in accordance with Council's draft planning scheme provisions.*
- *Bushfire hazard assessment and management plan prepared by a suitably qualified person compiled in accordance with relevant Australian Standard.*
- *Waste management plan including soil testing and on-site septic assessment.*
- *Flora and fauna management plan including weed control.*
- *Amended proposal plan and development conditions which stipulate;*
 - *building heights do not exceed 8.5 metres above natural ground level*
 - *site cover does not exceed twenty-five (25) percent*
 - *minimum boundary setback of fifteen (15) metres*
 - *All building materials be constructed of non-reflective materials and complement the coastal location, blending with the surrounding area in terms of colour and texture through utilising natural materials and minimising use of primary colours*
 - *Building Location Envelopes in accordance with the above and excluding any waterbodies and areas of intact vegetation located on proposed Lot 10.*
 - *A covenant over proposed Lot 10 to protect all intact vegetation.*

A draft response was received on 28 July 2018 however an amended proposal plan was not provided. The response considered some of the advice above and included an emergency management plan, geotechnical report, bushfire management plan.

SITE AND LOCALITY

The subject site is located on the north western corner of Great Keppel Island at Svendsens Beach with the property boundary approximately fifty (50) metres from the sand. The topography of the site is relatively low given the coastal island location ranging from just four (4) metres Australian Height Datum to approximately ten (10) metres Australia Height Datum to the west. Proposed lot twelve contains some slopes in excess of fifteen (15) per cent aligned to the western boundary which are wholly located outside the proposed Building Location Envelope. The site currently contains two separate Dwelling houses and ancillary structures including camping facilities utilised for short term accommodation (advertised as rental house, studio and luxury safari tents). The site is not connected to any Council infrastructure and/or power and telecommunications.

The site is located approximately seven (7) kilometres from the main settlement of Great Keppel Island.

Related permits (approvals or refusals) and approvals on adjoining properties including lawful use of premises

On 6 January 2011 Council approved a Development Permit D-173-2010 for a Material change of use for a Camping Site consisting of a two (2) bedroom rental house, two luxury safari tents, a studio cabin and associated amenities facilities. This use continues to operate at the site as "Svendsens Beach Retreat" and is contained on proposed lot 12.

ASSESSMENT INCLUDING BENCHMARKS AND RELEVANT MATTERS

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

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

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

Internal advice and assessment

Infrastructure Operations Unit – 11 January 2018

Support, subject to conditions.

Natural Resource Management Unit – December 2018

Natural Resource Management Officers requested the applicant provide a list of all flora and fauna located on the subject site, including details of fauna habitat and identify a suitable building envelope location on proposed lot 10. A site inspection was undertaken with the landowners in August 2018 whereby an understanding of the state of existing vegetation and infestation of weeds was gained.

As a result of this, the applicant has made a change to the application to provide for a Dwelling house on proposed Lot 10 in the north within the Building Location Envelope and has offered an area of rehabilitation.

Public and Environmental Health Unit – 26 October 2017

No comments.

Growth Management Unit – 29 January 2018

“Reconfiguration of a Lot is not encouraged by either the current or proposed planning schemes and therefore any approval is not supported openly by the planning scheme. With the use of the site for caretakers and holiday accommodation, the site could lend itself to two lots - each supporting one of the dwellings. The proposal however for three lots (creating one vacant lot), should be accompanied by a MCU to enable the ROL to be tied to an end use.”

Following the applicant's deputation in August, a change was made to include a Material change of use for a Dwelling house on proposed lot 10 to provide certainty as to the extent of the future land use and further justify the lot size proposed given the requirements for on-site services.

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 and housing: Not applicable as the proposal does not involve community title schemes.

Economic growth: Not applicable as the proposal does not involve a Key Resource Area nor is it within proximity to any known extractive resources.

Environment and heritage: Water quality benchmarks are not applicable as the subdivision does not result in the creation of more than six (6) lots.

Safety and resilience to hazards: The subject site is identified as containing both Bushfire hazard (Very High Potential Bushfire Intensity) and Flood hazard. The land is also identified as being within the Coastal Management District and is an erosion prone area.

Erosion prone areas within a coastal management district:	
<p>Development does not occur unless the development cannot feasibly be located elsewhere and is:</p> <ul style="list-style-type: none"> (a) coastal-dependent development; or (b) temporary, readily relocatable or able to be abandoned development; or (c) essential community infrastructure; or (d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned. 	<p>Complies, subject to conditions</p> <p>The proposal is for the creation of two additional allotments, one of which will be vacant and will be developed with a Dwelling house in the future. All future development is sited outside the erosion prone area.</p> <p>Council has no records to substantiate the level of flooding that occurs on the land. Property owners must be made aware that the site may be subject to inundation due to storm-surge however the overlay mapping under the 2018 scheme does not extend into the site itself.</p> <p>The minimum recommended habitable floor levels on the mainland (coastal site) which are approximately located adjacent to the Keppel Island and at a similar natural ground level, varies in the range of 7.0 metres to 8.4 metres Australian Height Datum according to the Capricorn Coast Storm Tide Hazard Investigation for Livingstone Shire Council Final Report by Connell Wagner dated 28/05/2003, reference 105201cw – Revision 3. The subject site itself ranges from 4 metres Australian Height Datum to 10 metres Australian Height Datum.</p> <p>In terms of Bushfire Hazard, the proposal is supported by a Bushfire Management Plan compiled by the landowner and rural fire warden. This Plan will be conditioned within the recommendation however the inclusion of conditions relating to water storage on-site as well as construction standards further supports the future developments resilience to this hazard.</p>
All natural hazard areas:	
<p>Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p>	<p>Complies in part</p> <p>The addition of one dwelling house is not considered to result in a significant increase in persons at the site however does create one additional residence for which the Rural Fire Service will have to protect during an event. Given this, the allotments are to be conditioned to provide for adequate on-site water provision for both domestic and fire-fighting purposes as per the planning scheme</p>

	requirements.
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.	Complies in part It is purported that the Building location envelopes do not include land with a slope in excess of fifteen per cent and that the land is located outside the erosion prone land.
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.	Not applicable The proposal does not involve any known hazardous materials which may place the public at risk of environmental harm. It is noted that power generation would most likely be achieved through diesel generators and the storage of such materials would need to be managed on site, once the use of proposed lot 10 is established.
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.	Complies in part The site is relatively clear of vegetation and although prone to natural hazards such as bushfire, storm tide inundation and cyclonic events, does not contain any significant landforms which perform a protective function. In this regard, the site is considered to be highly exposed to these risks with minimal ability to mitigate.

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. In this regard, the Keppels is not mapped as a Priority living area and there are no applicable assessment benchmarks for this development application.

Livingstone Shire Planning Scheme 2005 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: Given the semi-remote island location, the site exhibits several natural features of note including the white sandy beach, rocky headland and vegetated hillslopes. The site itself however has been disturbed and is largely landscaped with exotic species and lawns. For this reason, the north-eastern corner of proposed lot 10 is to be revegetated with endemic species to limit potential further edge effects on the adjoining property. A condition to this effect is included within the recommendation.

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

Complies: All water must be collected on site via tanks. It is noted that proposed Lot 10 contains a large body of water which is man-made and could be used for water storage however remains dry for most of the year. For this reason, a condition

requiring on-site water storage for both domestic and fire-fighting purposes must be provided for each allotment. In this regard, the tanks must ensure adequate hose cocks for the Rural fire brigade. Regardless, the proposal will not impede the quality or quantum of water available within the Shire.

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

Complies: The subject site is located on the north-eastern side of an offshore island which is not generally protected during significant weather events such as storm tide, cyclones and bushfires. The proposal is supported by an emergency management plan detailing the mitigation of these risks and providing future owners with emergency response options and capabilities in times of natural hazards given the remote location. In this regard all future buildings and structures must be constructed in accordance with the *National Construction Code of Australia Volume 2* in regards to Bushfire and all buildings and structures must be located outside the erosion prone area to limit risk of storm tide inundation. Habitable floor levels must be a minimum 7.3 metres Australian Height Datum, which is generally achievable on proposed lot 10

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

Complies: The subject site is not identified as containing any significant agricultural land or resources. Vegetation on the site has been conditioned to be protected and enhanced.

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

Not applicable: The proposal is for the creation of two additional freehold allotments which will have a negligible impact upon lot yields and demand within the Shire.

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

Not applicable: The proposal will not impede potential advancements in information technology and emerging business trends within the Shire although this is not anticipated on Great Keppel Island itself.

- (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.*

Complies: The proposal will result in two additional freehold allotments, which subject to a Material change of use application, may be utilised for short or long term accommodation, further strengthening the tourism opportunities offered on the island.

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

Complies: The additional allotments proposed are not considered appropriate for commercial development given the isolated location, therefore the proposal will not have an impact upon the primary commercial function of Yeppoon centre.

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

Not applicable: The subject site is primarily accessible by water vessel. There are lawful gazetted roads (albeit unconstructed) to the north and south of the site. Given the property is located on an offshore island, this is considered appropriate.

- (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: Subdivision is not considered to be preferred in this location and services are not existing or planned. As such, each proposed allotment must demonstrate the ability to provide all suitable services and facilities in terms of water, waste management, power and telecommunications. In this regard, the future use of proposed lot 10 is for a Dwelling house which is a use which can be supported with the provision of on-site services, as conditioned in the recommendation.

- (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: Given the isolated location, the proposal will not impact the wider communities' health and safety or amenity enjoyed on the island.

- (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 in part: Given the remote island location, there is minimal expectation for development on this side of the island. Despite this, the land is freehold and currently contains two dwellings and other ancillary buildings including short term accommodation. The scale of these uses are not dominant from the beachfront given the existing mature vegetation within the Esplanade. For this reason, development of a Dwelling house on proposed lot 10 would not be considered out of sequence for the community.

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

Complies: Although the subject site is not identified as containing any cultural heritage features as listed in Schedule 3 of the planning scheme it is acknowledged that the site adjoins a large parcel of land which is owned by the Woppaburra Land Trust. In accordance with legislative requirements, notice of the development application was provided, including a notice to the adjoining land owners and no submissions were received.

The performance assessment of the proposal demonstrates that the development, subject to conditions, will not compromise the Planning Scheme Shire Wide Desired Environmental Outcomes.

Comprehensive Development Zone – Great Keppel Island Code Outcomes

The Overall Outcomes applicable to the Comprehensive Development Zone are set out at section 3.24 of the scheme as follows:

- (a) *The purpose of the Great Keppel Island Zone Code is the achievement of the overall outcomes sought for the Comprehensive Development Zone – Great Keppel Island.*
- (b) *The overall outcomes sought for the Comprehensive Development Zone are:*
 - (i) *Preferred land use:*
 - 1. *is any use nominated in Column 2 of the Great Keppel Island Schedule only if it is located in the corresponding precinct nominated in Column 1 of the Great Barrier Reef International Resort Schedule.*
 - (ii) *Development occurs only if it is:*
 - 1. *integrated with the natural environment facilitating recreational opportunities of the Island's natural character, and*

2. *environmentally responsive to climatic conditions and provides for the protection of dominant landscape features, including forested ridgelines, rocky outcrops and foreshore areas.*
- (iii) *development does not adversely impact on:*
1. *the operation of the existing airstrip at Fisherman's Beach; or*
 2. *the western aquifer; or*
 3. *erosion prone areas.*
- (iv) *Development is provided with physical infrastructure commensurate with the scale and density of development.*

The proposed development, being for subdivision to create three large allotments is not considered to be preferred within the Zone and can only be considered consistent with specific knowledge of the future land uses and responsiveness to environmental constraints, natural hazards and servicing and infrastructure. In this regard, the applicant proposes a Dwelling house on lot 10 which must be located wholly within a building location envelope allowing a minimum six metre setbacks to all property boundaries in order to minimise the scale of development. In addition, the plan itself includes several development notes which are to be read as conditions and includes maximum building height, material and colours. These provisions will be duplicated within the conditions to remove any doubt. Therefore, subject to conditions, the proposal is able to be considered to integrate with the natural setting and be considered environmentally responsive.

Great Keppel Island Zone Code Requirements

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

Specific Outcomes		Response
Land use		
O1	Land use is a preferred use (as identified in the overall outcomes of this code).	Complies in part The proposal includes provision for a Dwelling house on proposed lot 10. A Dwelling house is not explicitly listed within the schedule for the conservation precinct as the only use listed is for a Local Utility. Despite this, the future use of proposed lot 10 for a Dwelling house can be considered to be consistent with the overall outcomes of the zone code as described above, subject to reasonable and relevant conditions ensuring sympathetic design and resilience to hazards.
Subdivision Design		
O2	Reconfigured lots are designed and developed with: <ul style="list-style-type: none"> • sufficient area and suitable proportions for preferred or consistent uses; • suitable areas within each lot for the location of relevant activities and works, and; • in a manner that does not expose people and works to unacceptable 	Complies Proposed Lot 12 will contain the existing dwelling house and cabin uses, with no additional buildings supported. Additional water storage is required and conditioned in the recommendation. Proposed Lot 11 will retain the two storey Dwelling house currently utilised for short term accommodation and

Specific Outcomes		Response
	risks from flooding or other hazards.	contains a small building location envelope of 530 square metres within which ancillary outbuildings may be anticipated. Any new land uses on proposed Lot 11 will require a Development Permit. Proposed Lot 10 is vacant and contains a suitable envelope within which to site a future dwelling house and ancillary structures such as water storage, in accordance with the conditions of this approval in relation to built form and hazard mitigation.
Density		
O3	Density of development is compatible with the Island's natural character as expressed by the outcomes sought for the Comprehensive Development Zone – Great Keppel Island	Complies The subject site currently contains two dwelling houses and two cabins for short term accommodation. The subdivision will result in one vacant allotment. The applicant proposes a Dwelling house on lot 10 which must be located wholly within a building location envelope allowing six metre setbacks to all property boundaries, maximum building height of 8.5 metres and exclusion of all erosion prone areas in order to minimise the scale of development. In this regard, there will be no further buildings or structures supported on proposed lot 12 and only a small building location envelope of difficult proportions on proposed lot 11. This greatly limits the future density of the site.
Built Form		
O4	Uses and works are located, designed and operated to minimise adverse impacts on: <ul style="list-style-type: none"> existing environmental conditions relating to air, water and soil, the natural character of the Island, and the health and safety of people using the premises and adjacent premises. 	Complies No uses or works are proposed as part of this development application. Any future use will be subject to a development permit for a Material change of use.
O5	Buildings and structures are: <ul style="list-style-type: none"> constructed of materials and finishes compatible with other development on the island; integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping and outlook 	

Specific Outcomes		Response
Aquifer Protection		
O6	<p>There are no significant adverse effects on the aquifer in terms of:</p> <ul style="list-style-type: none"> • surface and groundwater hydrology (both upstream and downstream) • water quality; or • quantity and availability of raw water. 	<p>Not applicable</p> <p>The subject site is not within proximity to the aquifer, located on the south of the site.</p>
Cultural Heritage Values		
O5	<p>Cultural heritage values associated with the landscape features of a site and its surroundings or relics of past activities found during development of the site are respected and are not subjected to changes that would significantly reduce the capacity to appreciate those areas, places and sites, their character or the memories or history they represent, in terms of visual detracting, public accessibility or physical change, damage or removal.</p>	<p>Complies</p> <p>The subject site is not identified as containing any known cultural heritage features under Schedule 3 of the Scheme however it is noted that the land adjoins land owned by the Woppaburra Trust. In accordance with the legislative requirements notice of the development application was provided and no submissions were received.</p>
Infrastructure		
O6	<p>Water supply, sewerage, drainage, roads, power and communications are provided to meet the appropriate standards of service and construction at least whole-of-life cost, which:</p> <ul style="list-style-type: none"> • comprise components and materials that are: <ul style="list-style-type: none"> – readily accessible and available; and – robust and reliable in terms of operational life and purpose; and – easily maintained without unnecessarily requiring specialist expertise or equipment; and • are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems; and • meet the standard of service nominated in Division 1 of Schedule 4 to this planning scheme; and • are constructed in accordance with standards nominated in Division 2 of Schedule 4 to this planning scheme. 	<p>Complies, subject to conditions</p> <p>Given the remote island location, the site is not connected to any infrastructure generally prescribed by Schedule 4, nor is connection a reasonable expectation. Therefore, each allotment must provide for all infrastructure and services on site. In this regard it is understood that power is provided via solar panels, sewerage provided by an onsite system and water collected in tanks. Provision of these services for the currently vacant proposed lot 10 has not been provided at this stage. The level of provision conditioned in the recommendation is in accordance with the provisions outlined by the 2018 planning scheme given the timing of this decision.</p>

As evident from the above assessment, the proposal is able to meet the performance outcomes of the Comprehensive Development – Great Keppel Island Zone Code, subject to conditions.

Special Management Areas Code

The subject site is affected by two (2) of the elements within the Natural Features Code:(a) Erosion Prone (Overlay Map O2); and

(b) Steep Land (Overlay Map O2).

Natural Features Code

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

- (a) *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.*
- (b) *The overall outcomes sought for the special management areas shown on Overlay Maps O1 to O8 as identified in this code are:*
 - (i) *that development is managed to protect the significant values of the various natural features and resources in terms of:*
 - (A) *physical change;*
 - (B) *damage or removal;*
 - (C) *accessibility; or*
 - (D) *visual detracting;*
 - (i) *development avoids or minimises, within acceptable levels, risk to the natural or built environment or human health or safety; and*
 - (ii) *development does not adversely impact the safety and operational integrity of operational airspace associated with the Rockhampton Airport.*

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

Specific Outcomes		Response
Erosion Prone		
O2	Significant adverse effects are not caused on identified erosion prone areas in terms of: (a) habitat; (b) vegetation; (c) soil cover; (d) water quality; or (e) landscape quality; and.	Complies The entire allotment is identified as being affected by Erosion prone land under the 2005 scheme. This mapping has been refined by the state government and is included within the 2018 scheme overlay mapping. The proposed Building Location Envelope was amended as a result of the referral process to exclude areas mapped by the state as being erosion prone under the state mapping (as adopted in the 2018 scheme).
O3	There are no significant threats to: (a) public safety; (b) infrastructure integrity; or (c) economic value of the erosion prone area.	Complies, subject to conditions The proposal is supported by a geotechnical investigation report which concludes that the site is a Class "P" due to a poor bearing capacity and abnormal moisture conditions. In this regard, footings would need to be designed by a registered professional engineer of Queensland in accordance with <i>Australian Standard AS2870-2011</i> .

Specific Outcomes		Response
		The responsibility of such would be the future landowner and the chosen private certifier. A condition to this effect is included within the recommendation.
Steep Land		
O11	Buildings and structures are located on a site with natural ground level slopes that do not exceed 15%.	Complies The building location envelope excludes areas of land with a slope in excess of fifteen (15) percent. Any building foundations, retaining structures and associated changes to natural landform (cut and fill) identified within the land greater than or equal to fifteen (15) per cent slope must be separately approved for structural adequacy and geological stability by a suitably qualified Registered Professional Engineer of Queensland at design submission and certified on completion of construction for compliance with the design.
O12	Public safety, lives and property are not placed at unacceptable levels of risk.	
O13	Development occurs in those parts of the site which are geologically stable and limits the intensity of use elsewhere.	
O14	Buildings and structures are designed, sited and erected to maintain: (a) natural landform; (b) natural drainage patterns; (c) existing vegetation.	Complies, subject to conditions Although the Material change of use component does not include specific dwelling house plans, there are several conditions within the recommendation which ensure the future dwelling is considered so as to maintain existing features. For example, the maximum building height, location envelope and requirement for revegetation within proposed lot 10.

As evident from the above assessment, the proposal complies with the various requirements of the Natural Features Code, subject to conditions.

INFRASTRUCTURE CHARGES

Should Council support the proposal, *Adopted Infrastructure Charges Resolution (No.2) 2015* for Reconfiguring a Lot applies to the application with the charges to be levied as follows:

Total charge:	\$18,480.00 This charge may be indexed in line with Consumer Price Index on an annual basis.
Charge area:	The subject site is located outside the priority infrastructure area
Calculation:	The charge is calculated in accordance with section 3.4.2 - Development located partly outside or entirely outside the priority infrastructure area and Table 8 - Minimum infrastructure charge for reconfiguring a lot partly outside or entirely outside the priority infrastructure area, as follows:

	<ol style="list-style-type: none"> 1. Three lots at \$9,240.00 per lot for development that is only paying a transport and park contribution. 2. less a credit of \$9,240.00 for the existing lot.
Credit:	The above calculation takes into account a credit of \$9,240.00 for the existing allotment pursuant to section 4.0 of Council's <i>Adopted Infrastructure Charges Resolution (No. 2) 2015</i> .
Offset:	There is no offset applicable to this development.

CONSULTATION

The application was the subject of public notification as per the requirements of the *Planning Act 2016* between 15 November 2018 to 7 December 2018 and no submissions were received.

REFERRALS

The subject site is located within the Coastal management district and is further mapped as containing erosion prone land. Accordingly, the development application was referred to Department of State Development, Manufacturing, Infrastructure and Planning on 30 October 2017 as a Concurrence agency for this matter. The agency requested further information on 8 November 2017 to address the State Code in relation to coastal development and tidal works. Specifically, the applicant was asked to amend the proposal plan to ensure the Building Location Envelope did not contain any area mapped as erosion prone.

The department provided a response, with conditions on 24 January 2018 including that the development be carried out generally in accordance with the amended plan and adjusted Building Location Envelope.

Given the change made to the application, the amended plan was forwarded to the Department, who provided an amended response on 23 October 2018 ensuring that no building location envelope conflicts with the erosion prone area.

SUMMARY OF ASSESSMENT

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

The assessment benchmarks have been assessed earlier in this report and the development generally complies with the benchmarks or where there is deviation from the benchmark suitable alternative compliance has been achieved. Further, the grounds in support of the development are based on finding on material questions of fact and are outlines below:

- (i) The development is not preferred in the Comprehensive Development Zone – Great Keppel Island Code as it is not for a Local utility. Despite not being for a preferred land use, the proposed lot layout is responsive to the existing land use, environmental constraints, natural hazards and is able to provide appropriate servicing and infrastructure.
- (ii) The development does not compromise recreational opportunities and does not adversely impact on the operation of the Firsherman's Beach airstrip, the western aquifer or erosion prone areas.

- (iii) The development includes a proposed Dwelling house on lot 10 located wholly within a building location envelope allowing a minimum six metre setbacks to all property boundaries in order to minimise the scale of development in line with the Island's natural character.
- (iv) The performance assessment of the proposal demonstrates that the development, subject to conditions, will not compromise the planning scheme Shire Wide Desired Environmental Outcomes.
- (v) The development does not compromise the achievement of regional outcomes outlined in the *Central Queensland Regional Plan*.
- (vi) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the *State Planning Policy*.
- (vii) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development is not for a preferred use.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be relevant matters that favour Council exercising its discretion to approve the alternative land uses and development proposed herein and the development is capable of occurring in a manner that is not likely to conflict with the planning scheme Shire Wide Outcomes.

PREVIOUS DECISIONS

There are no previous decisions relevant to the subject application in regards to subdivision on Great Keppel Island or any other island within the Shire in recent times. Development applications approved on Great Keppel Island to date have been for purposes consistent with tourism, for which parts of the island are zoned for.

BUDGET IMPLICATIONS

Management of this application and the representations assessment has been within 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 risks associated with the assessment have been appropriately addressed in the above report. The risk of appeal to any decision made by Council and any financial/budget implications are difficult to quantify at the assessment stage.

STAFFING IMPLICATIONS

There are no significant staffing implications associated with this assessment.

RISK ASSESSMENT

The risks associated with the assessment have been appropriately addressed in the above report. The risk of appeal to any decision made by Council and any financial/budget implications are difficult to quantify at the assessment stage.

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

The proposed development, being for the creation of two additional allotments and a dwelling house on proposed Lot 10, can be considered consistent with the Comprehensive Development Zone outcomes and relevant codes under the *Livingstone Shire Planning Scheme 2005*, subject to the conditions outlined in the recommendation below including built form provisions, construction standards in relation to resilience to hazards, on-site service provision and revegetation on site.

**12.3 - DEVELOPMENT APPLICATION
D-204-2017 FOR A DEVELOPMENT
PERMIT FOR RECONFIGURING A LOT
(ONE LOT INTO THREE LOTS) AND A
DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR A
DWELLING HOUSE ON PROPOSED
LOT 10 LOCATED AT 480 ESPLANADE,
THE KEPPELS**

Locality and site plan

Meeting Date: 4 March 2019

Attachment No: 1



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The State Government of Queensland (Dept. of Natural Resources and Mines) 2015.

Other data © Livingstone Shire Council 2019.

Locality plan - 480 Esplanade, The Keppels

Map Created by: Web AppBuilder for ArcGIS



Printed from ArcPortal on 18/02/20



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The State Government of Queensland (Dept. of Natural Resources and Mines) 2015.

Other data © Livingstone Shire Council 2019.

Subject site - 480 Esplanade, The Keppels

Map Created by: Web AppBuilder for ArcGIS



**12.3 - DEVELOPMENT APPLICATION
D-204-2017 FOR A DEVELOPMENT
PERMIT FOR RECONFIGURING A LOT
(ONE LOT INTO THREE LOTS) AND A
DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR A
DWELLING HOUSE ON PROPOSED
LOT 10 LOCATED AT 480 ESPLANADE,
THE KEPPELS**

Proposal plan

Meeting Date: 4 March 2019

Attachment No: 2



DEVELOPMENT NOTES:

- Any future structures on any Lots must ensure;
- All aspects of engineering and architecture are integrated with the natural features and characteristics of the site; and
 - Vegetation outside the Building Location Envelope is preserved and additional plantings of endemic specific should be proposed by provision of a landscape plan; and
 - Buildings and structures are to be constructed primarily of non-reflective materials; and
 - Buildings and structures including infrastructure are constructed in materials that complement the coastal location and blend with the surrounding area in terms of colour and texture; and
 - Servicing, access and waste management arrangements are suitable for the use and island context and provided on-site; and
 - Mitigation of hazard risks in terms of Bushfire and Coastal processes, including Storm Tide impacts.
 - Building heights do not exceed 8.5m above natural ground level.
 - Site coverage does not exceed 25%.



IMPORTANT NOTE

This plan was prepared to accompany an application to Livingstone Shire Council and should not be used for any other purpose.

The dimensions and areas shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation.

In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.

This note is an integral part of this plan.

client
**Capricorn Survey Group
(CQ) Pty Ltd**

project
**480 Esplanade,
The Keppels**

plan of
**Reconfiguration Plan
(1 Lot into 3 Lots)
Material Change of Use Plan
(Dwelling House Proposed Lot 10)**

rd
Lot 9 on LN1498

lga
Livingstone Shire Council

rev	date	details	authoriser
A	14-12-2017	Amend contours & add BLE	RJKF
B	22-01-2018	BLE's amended and removed	RJKF
C	13-09-2018	BLE Lot 10 amended	RJKF
C	9-10-2018	BLE Lot 10 amended (erosion prone area)	RJKF

created
 **capricornsurveygroup**
SURVEYING & PLANNING SOLUTIONS
07 4627 9189 | info@capricornsurveygroup.com.au | 1102 Victoria Parade, Rockhampton QLD 4701

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12.4 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 1 ON RP605702**File No:** GR14.4.2**Attachments:**

1. Letter on behalf of residents, dated 30 January 2019 [↓](#)
2. Road Closure Proposals - Original, Option A and Option B [↓](#)

Responsible Officer: Mark McLean - Principal Property Officer
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Maddie Crigan - Property Officer

SUMMARY

A report pertaining to a proposed road closure adjoining Lot 1 on RP605702, known as 47 Cliff Street, Yeppoon, was presented to the Council meeting of 19 February 2019 and it was resolved that ‘...the matter lay on the table pending the Mayor’s attendance and to return to the Council Meeting on 4 March 2019.’ The matter is now presented to Council to be dealt with.

OFFICER’S RECOMMENDATION

THAT Council give further consideration to a request for the closure of a section of road adjoining Lot 1 on RP605702, known as 47 Cliff Street, Yeppoon, subject to the following conditions:

- 1) the area of closed road must not exceed 10 metres from the western boundary of Lot 1 RP 605702 (note: this provides sufficient area to contain the existing concrete access),
- 2) a public utility easement for sewerage purposes must be registered in favour of Livingstone Shire Council over any part of the sewerage infrastructure which is within the area of closed road. The easement must be a minimum of four (4) metres wide and Council’s new Standard Easement Terms dealing number 718630483 must be used; and
- 3) the area of closed road must be amalgamated with Lot 1 RP605702.

BACKGROUND

At the Ordinary Meeting on 22 January 2019, Council considered a report which outlined two alternative options proposed by the applicant for a permanent road closure adjoining Lot 1 on RP605702, known as 47 Cliff Street, Yeppoon. These options were submitted after Council had lodged a formal objection to the Department of Natural Resources, Mines and Energy to the proposed road closure (refer to Attachment One for a copy of the report).

At the same meeting, Council resolved to let the matter lay on the table to allow petitioners against the application the right of response to the appeal and to return to a future Council Meeting.

COMMENTARY

On 30 January 2019, the Mayor met with three of the petitioners to discuss the alternative options provided in the 22 January 2019 report. At that meeting, there was some discussion to allow Option B on the basis that the applicant, at his cost, constructs a concrete path from Cliff Street to Beak Street for use by the community. Council’s Engineering Services Business Unit has estimated the cost of a concrete path (1.5 metres wide) at \$25,000.

The rationale for requesting a pathway is that residents in the general area have been using the driveway servicing 47 Cliff Street as a pathway and its inclusion within private property

would preclude this from continuing. It must be noted that Council officers do not support the construction of a pathway in this vicinity, as it does not connect any existing network(s).

On 4 February 2019, the Mayor received a letter from one of the petitioners, on behalf of residents affected by the proposed road closure, advising that “...*after much discussion with numerous residents around the land in question we are unanimously against any change to the current use of the land, including the purchase of any portion of said land.*” (A copy of that letter is at Attachment Two).

As identified in the report of 22 January 2019, Council had previously objected to the proposed road closure on the basis that it preferred the existing road reserve to remain intact. The original application proposed to close the majority of the road reserve on the eastern side of the road. The two alternatives, subsequently lodged in response to Council’s objection, represent less than half the original claim.

Council could still maintain its position of objection, however, it is suggested that many of the concerns can be addressed by either of the two alternatives proposed. Both leave sufficient room for pedestrian access (the proposed boundary would be approximately fourteen metres from the edge of the road) and there is still space for informal recreation.

After meeting with representatives of adjoining properties, it had been thought that community concerns may have been alleviated through Option B and the construction of a footpath. However, subsequent correspondence indicates continued opposition to any portion of the road reserve being sold.

PREVIOUS DECISIONS

On 20 November 2018, Council resolved to lodge a further formal objection to the Department of Natural Resources, Mines and Energy for the proposed road closure stating that Council would prefer that the current road reserve remain intact and available for community access and use.

On 22 January 2019, Council resolved ‘...*the matter lay on the table to allow petitioners against the application the right of response to the appeal and to return to a future Council Meeting.*’

On 19 February 2019, Council resolved ‘...*the matter lay on the table pending the Mayor’s attendance and to return to the Council Meeting on 4 March 2019.*’

BUDGET IMPLICATIONS

There are no known budget implications relating to this matter.

LEGISLATIVE CONTEXT

The disposal of public land is undertaken in accordance with the provisions of the *Land Act 1994*.

LEGAL IMPLICATIONS

There are no known legal implications relating to this matter.

STAFFING IMPLICATIONS

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

RISK ASSESSMENT

There are no identifiable risks if Council were to approve the closure as proposed and the same was undertaken in accordance with the requirements specified by Council’s Infrastructure Portfolio.

CORPORATE/OPERATIONAL PLAN

Strategy AM4 of Council’s Corporate Plan states: ‘*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

Alternative options relating to the proposed road closure adjoining Lot 1 on RP605702, known as 47 Cliff Street, Yeppoon, have been provided to Council for its consideration.

**12.4 - PROPOSED PERMANENT ROAD
CLOSURE ADJOINING LOT 1 ON
RP605702**

**Letter on behalf of residents, dated 30
January 2019**

Meeting Date: 4 March 2019

Attachment No: 1

Doc#8984355

[REDACTED]
[REDACTED]
[REDACTED]

January 30, 2019

Handed over counter 4/2/19

LSC Records Management	
File No:	CC 2. 13. 19.
Doc No:	
4 FEB 2019	
Action Officer:	Mayor's PA.
Retention:	Yrs Box

Dear Mayor Bill Ludwig

With regard to your meeting with community representatives about the proposed purchase and or reuse of Lot 1 on RP605702 located on the corners of Beak St, Mount St and Cliff St in Yeppoon, please be aware after much discussion with numerous residents around the land in question we are unanimously against any change to the current use of the land including the purchase of any portion of said land.

Having had the opportunity to discuss this matter with both Council representatives and residents affected by the potential sale, it should be noted that we can see no purpose or advantage for the proposed purchase of this site and certainly no assistance to those of us in the community who currently utilise the site for safe public access.

The proposed purchaser already has access to his property via this public land and copious additional parking adjoining his block which he already takes full advantage of.

Purchasing a portion of the vacant land beside his property which he is already using, is of no benefit to the proposed purchaser or the community.

We see no reason why he cannot fence his current block with a gate for access as most residents living in the shire generally do. This will in no way disadvantage this resident.

The site is currently used by local residents as a safe pedestrian thoroughfare due to the existing blind spots associated with the steep topography of the area and no footpath available on that side of Mount Street.

The land has been used as a community space for decades by local families and their children for recreational purposes as well as safe access.

If any change of use should occur, we as residents would prefer the site be converted to parkland for public use with a pathway offering safe access and shade trees sourced from Council nursery.

Kind Regards

[REDACTED]

[REDACTED]

On behalf of residents affected by the proposed sale of road reserve land Lot 1 on RP605702

12.4 - PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 1 ON RP605702

Road Closure Proposals - Original, Option A and Option B

Meeting Date: 4 March 2019

Attachment No: 2

Option A



Option B





12.5 NAMING OF ROAD - CAPRICORN COAST HOMEMAKER CENTRE

File No: ED8.5.4
Attachments: Nil
Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing
Author: Mark Windress - Project Engineer

SUMMARY

The development of the Capricorn Coast Homemaker Centre has created a new road reserve that will link Yeppoon Road to Cordingley Street, Yeppoon and is required to be named.

OFFICER'S RECOMMENDATION

THAT Council resolves to name the new road reserve created by the Capricorn Coast Homemaker Centre, Homemaker Drive.

BACKGROUND

As part of the development of the Homemaker Centre (which currently fronts Yeppoon Road), a new road reserve has been created by the reconfiguration of the existing Council depot site (Attachment One shows the location of the road reserve). Road names for new reserves are generally suggested by the developer and approved by Council staff. As Council is the developer in this case, it was decided to seek a Council resolution for the name.

COMMENTARY

Guidance and direction for road naming is provided in Council's *Naming of Infrastructure Assets Policy* and by AS/NZS 4819:2011.

Council staff were consulted on possible names and suggestions from staff included Depot Drive (to recognise the history of the site once stage two is complete and the depot is relocated), Apex Drive (due to the proximity of the Apex Sports Fields), and Homemaker Drive (reflecting the intent of the development). The new road will be relatively short, approximately 600 metres, and it is likely that the street address will be less used than the destination the 'Capricorn Coast Homemaker Centre'.

Another option was considered was renaming the section of Cordingley Street, between the depot gate and Whitman Street, to Arthur Street. However, this would have affected a significant number of properties as all of Arthur Street would have to be renumbered.

Consequently, it was decided that the best option was to have a different name for the section through the Homemaker Centre. After consideration of the various options, Homemaker Drive has been proposed, on the basis that it reinforces the purpose of the development (namely a maker centre).

PREVIOUS DECISIONS

On 23 August 2016, Council adopted a two stage tender process to invite public Expressions of Interest followed by an Invitation to Tender to purchase lots in Stage One of the proposed Yeppoon Homemaker Centre as per the proposed Stage One Plan.

On 13 December 2016, Council delegated the Chief Executive Officer to negotiate and enter into a contract for the sale of all three lots within Stage One of the Yeppoon Homemaker Centre.

On 10 July 2018, Council approved the Procurement Process Report for the Capricorn Coast Homemaker Stage 1 – Civil Works Tender and resolved to award the contract for Tender 2018.006 to JRT Civil Pty Ltd.

BUDGET IMPLICATIONS

The cost of new road signs is included in the current 2018/19 construction budget.

LEGISLATIVE CONTEXT

Council has authority under section 60(2)(d) of the *Local Government Act 2009* to name roads.

LEGAL IMPLICATIONS

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

STAFFING IMPLICATIONS

The naming of the road will be undertaken by the Homemaker Centre Project Manager in conjunction with Infrastructure Services.

RISK ASSESSMENT

There are no risks associated with the naming of the road within the Homemaker development.

CORPORATE/OPERATIONAL PLAN

Strategy AM3 of Council's Corporate Plan states: '*Design and implement practical infrastructure solutions.*'

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

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

CONCLUSION

There is a requirement to name the new road created as part of the Homemaker Centre and it is recommended that the road be named Homemaker Drive.

12.6 WORKS FOR QUEENSLAND 2019-21

File No: GS15.2.7-1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Brett Bacon - Executive Director Liveability and Wellbeing

SUMMARY

This report discusses the recently released Works for Queensland programme for 2019-21. Livingstone Shire Council has received an initial allocation of \$1,705,000, to be provided prior to 30 June 2019, and a further allocation (\$1,705,000) will be provided post June 2019.

OFFICER'S RECOMMENDATION

THAT Council resolve to submit the following projects for the Queensland Government's 2019-2021 Works for Queensland Programme:

- 1) Cooee Bay Swimming Pool, limited to the critical components identified in (a) to (c) in the commentary section of this report – \$1,200,000;
- 2) Emu Park Art Gallery – \$800,000 (which includes full design and specification);
- 3) Keppel Sands 'Package' (or other non-principal cycle network pathways) – \$400,000;
- 4) Rural Floodway Upgrade Programme – \$500,000; and
- 5) Sealed road pavement rehabilitation – \$510,000.

BACKGROUND

Livingstone Shire Council has received an initial allocation of \$1,705,000 under the Works for Queensland programme, to be provided prior to 30 June 2019, and a further allocation (\$1,705,000) will be provided post June 2019 (making a total of \$3,410,000). This funding was announced 11 December 2018. An initial report was prepared for the 17 December 2018 Briefing Session for discussion. During that discussion, it was noted that two projects have previously been identified for funding pursuant to Works for Queensland, namely Cooee Bay Swimming Pool, which was the subject of a Council resolution of 3 July 2018 and the Emu Park Art Gallery (which has not been the subject of any formal resolution).

During the discussion of 17 December 2018, other projects were also identified for consideration, including the construction of a pathway along Taylor Street, Keppel Sands. During the discussion of 21 January 2019, it was identified that an alternative funding source may be available for the construction of the Taranganba State School bus set down (which was mooted as being 100 per cent funded from the Works for Queensland programme). It is understood that another pool of State funding will eventuate, targeting school bus set downs and providing two-thirds of the cost (meaning Council would need to finance one-third of the total cost). The emergence of the school set down funding stream, provides Council with an opportunity to concentrate its allocation under the Works for Queensland programme to other projects.

It is considered prudent to identify the suite of projects for the full allocation provided under the Works for Queensland programme.

COMMENTARY

The website for the Department of Local Government, Racing and Multicultural Affairs (updated 11 December 2018) states:

Works for Queensland Program

The \$600 million Works for Queensland (W4Q) program supports regional Councils to undertake job-creating maintenance and minor infrastructure projects.

An additional \$200 million has been approved to extend the W4Q program until 2020–21.

Payment of \$100 million of this additional funding has been accelerated and will be provided to eligible local governments by June 2019. The second \$100 million will be released post-June 2019 to maintain the community benefit and keep regional economies strong.

Program details

The total 2019–21 W4Q program budget is \$200 million with projects to be delivered by June 2021. Each eligible council will receive a base allocation of \$1 million, with an additional notional allocation based on unemployment data.

The allocation is to be spent on job-creating maintenance and minor infrastructure projects relating to assets owned or controlled by local governments. Eligible councils should place emphasis on providing jobs for young people (15 to 24 years) in the 'not in employment, education or training' (NEET) category.

Two projects have previously been identified for funding pursuant to Works for Queensland, namely Cooee Bay Swimming Pool, which was the subject of a Council resolution of 3 July 2018 (copy attached) and the Emu Park Art Gallery (which has not been the subject of any formal resolution).

The construction of the Cooee Bay Pool, located at 150 Matthew Flinders Drive, was completed in January 1987 and included a fifty (50) metre swimming pool along with an amenities and kiosk building. Over the past thirty-one (31) years the facility has provided worthwhile opportunities for the local community and visitors to the area to engage in structured programmes and active recreation.

The proposed project will complete upgrade works to this infrastructure to address operational and compliance issues associated with the aging infrastructure, and ensure that quality community swimming facilities continue to be provided.

The scope of works for the upgrade to the Cooee Bay Swimming Pool is expected to include:

- (a) full renewal of existing fifty (50) metre pool shell to include eight lanes (each two metres wide) and an access ramp, complete wet decking and raising of water depth to competition standard and compliance with the Royal Life Saving Society's Guidelines for Safe Pool Operation as well as compliance with requirements of the International Swimming Federation (FINA);
- (b) full renewal of filtration, dosing, circulations systems for the fifty (50) metre pool ensuring compliance with Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines;
- (c) renewal of existing wading pool to include independent filtration, dosing, and circulation systems, fibreglass pool shell, install small leisure features and simulated rock profiles, and alterations to pool pipework as required; and
- (d) renewal and refurbishment of male, female, and disabled amenities (toilets, showers and change areas), kiosk, office, first aid room, and storage area to increase quality of facilities for users, and provide operational / management efficiencies.

The anticipated budget required to complete the upgrade to the Cooee Bay Swimming Pool has been identified as \$2,000,000 (exclusive of goods and services tax). This budget amount accommodates works which have been quoted by commercial pool construction contractor at \$1,195,000 (exclusive of goods and services tax) to reflect the abovementioned scope of works, as well as budget sum of \$555,000 (exclusive of goods and services tax) to address renewal / refurbishment works to the pool amenities, kiosk, office, first aid room, and storage area. A budget allocation of \$150,000 (exclusive of goods and services tax) has also

been included to engage an engineering consultancy to undertake the requisite services which will guide and inform the delivery of the project, as well as a contingency amount of \$100,000 (exclusive of goods and services tax).

It must be noted that the critical components at this juncture are identified in (a) to (c) above and a quote, obtained in January 2017, indicated the costs would be approximately \$1,195,000.

Emu Park has a vibrant and growing arts community. Currently, the Emu Park Art Gallery and other local artists use a privately owned space located at 42 Pattison Street. The property was placed on the market for sale in January 2018. Sale of this property will leave the Emu Park Art Gallery without a space from which to operate. Furthermore, the existing space has been well-known as the 'arts hub' of Emu Park for many years.

The gallery is popular with residents and tourists and exhibits quality artwork from local artists, including original paintings, pottery, sculpture, photography, mixed media work, fibre art, jewellery, cards and gifts. The Emu Park Art Gallery members also run workshops and school holiday programmes to support community arts.

The purpose of the Emu Park Art Gallery is to establish a long term community arts hub in Emu Park to support the Emu Park Art Gallery in to the future, increase tourism, stimulate the local economy, and provide for community wellbeing by enhancing opportunity for residents to participate in creative practices.

Furthermore, the project will enable Council's strategic vision around the development of arts and culture to be achieved. The space will provide the infrastructure to support collaboration for exciting programmes and exhibitions.

Livingstone Shire has increased and enhanced its community infrastructure since de-amalgamation, particularly for active and passive sport and recreation and community resilience. This project complements the long term vision of the Emu Park Village and Foreshore Revitalisation Plan and would be the first significant contribution to community arts infrastructure since de-amalgamation.

No detailed design has been undertaken for the new Emu Park Art Gallery, so it is not possible to provide a cost with any accuracy. However, in various conversations, amounts in the vicinity of \$800,000 have been mentioned. It has been suggested that the detailed design be undertaken in the second half of 2019, funded from the initial allocation of Works for Queensland funding, and construction commenced using the initial allocation and subsequently completed using a portion of the second allocation under the same programme. Thus the design and construction can be fully funded from external sources.

It was requested that officers give some thought to a package of works for Keppel Sands (essentially bundling a suite of projects). The following table provides a package of works and the associated costs:

Works for Queensland Submission			
Project Name	Location	Description	Estimated Cost
Keppel Sands Path	Laneway from Roden Street to Dingwall Street	Concrete Path 135 metres long x 1.2 metres wide	\$50,000
Taylor Street Path	From Roden Street to Caravan Park	Concrete Path including lighting to AS1158 210 metres long x 1.5metres wide	\$192,226
Roden Street Path No. 1	From Limpus Avenue to Schofield Parade	Concrete Path 145 metres long x 1.5metres wide	\$76,125

Roden Street Path No. 2	From Horrie Twiner Street to Limpus Avenue	Concrete Path 115 metres long x 2.0 metres wide	\$71,300
Total Estimated Cost			\$389,651 (\$400,000)
<p><u>Note:</u> the estimate for the Taylor Street component has been refined since the report which was presented to the Council Briefing Session of 17 December 2018 (which estimated \$210,000)</p>			

If Council is inclined to allocate a portion of the Works for Queensland funding to pathways, there are numerous projects not on the Principal Cycle Network which could be prioritised higher than the Taylor Street project on the basis of anticipated usage. The list below is not exhaustive but provides several alternatives for consideration:

Project	Length (metres)	Width (metres)	Justification	Cost Estimate
Swordfish Avenue – Cedar Avenue to Remora Park	300	1.5	<p>Demand:</p> <ul style="list-style-type: none"> in forward works programme ('Beyond') road is only access into northern Taranganba area serving over 200 dwellings previous customer requests for this to be constructed <p>Safety:</p> <ul style="list-style-type: none"> previous safety concerns for school children and elderly on road <p>Connectivity:</p> <ul style="list-style-type: none"> connects to Principal Cycle Network on Scenic Highway connects existing paths and connects to Cedar Park Shopping 	\$100,000
Cordingley Street Footpath – Whitman Street to Charles Street	250	1.5	<p>Demand:</p> <ul style="list-style-type: none"> road serves as connection between Tanby Road and Yeppoon town centre previous customer request for this to be constructed. St Ursula's students and other school students travel to sports field on Cordingley Street <p>Safety:</p> <ul style="list-style-type: none"> previous safety concerns for school children and other people who must walk through the drain and on the road <p>Connectivity:</p> <ul style="list-style-type: none"> lateral connection to Principal Cycle Network on Tanby Road and on James Street school children can connect to Yeppoon State High and also St Ursula's from areas around the Yeppoon town centre 	\$100,000

John Street Footpath – Arthur Street to Park Street	190	1.5	<p>Demand:</p> <ul style="list-style-type: none"> link is heavily used as it connects Yeppoon Central, service station, Yeppoon Library, St Vincent de Paul, public phone box, caravan park, St Ursulas, Centrelink to the existing town centre footpath network track can be seen in the grass footpath where people currently walk <p>Safety:</p> <ul style="list-style-type: none"> no known safety concerns have been raised. <p>Connectivity:</p> <ul style="list-style-type: none"> connects to Principal Cycle Network on Park Street connection from St Ursulas and Centrelink to Park Street, which includes service station and Yeppoon Central 	\$65,000
Richard Street Emu Park – between John Street and Fountain Street	120	1.5	<p>Demand:</p> <ul style="list-style-type: none"> road connects childcare, school and Emu Park town centre and foreshore area <p>Safety:</p> <ul style="list-style-type: none"> no known safety concerns have been raised <p>Connectivity:</p> <ul style="list-style-type: none"> connects to Principal Cycle Network on Hartley Street and Hill Street connects childcare to the Emu Park town centre and foreshore area, to commercial, retail, public transport and medical services 	\$50,000
Roden Street, Keppel Sands – Horrie Twiner Street to existing path near Taylor Street	215	1.5	<p>Demand:</p> <ul style="list-style-type: none"> in forward works programme but has been labelled as 'Delete' existing footpath is used by parents and children to walk and ride to and from school <p>Safety:</p> <ul style="list-style-type: none"> no known safety concerns have been raised <p>Connectivity:</p> <ul style="list-style-type: none"> fills missing link between footpath which leads to Keppel Sands State School and footpath which leads into Keppel Sands town centre 	\$75,000
Note: length of pathways is approximate only.				

Council's current focus is on the Principal Cycle Network. The Works for Queensland programme provides an opportunity to construct some pathways which are locally important but not part of the Principal Cycle Network and would be unlikely to be otherwise funded.

A component of the previous Work for Queensland funding rounds has been allocated to floodway works throughout the shire. It is proposed that should continue, as these upgrades are critical to the communities which they service. Consequently, it is proposed that a component of this round will also be used for floodways. The suggestion is that \$500,000 be allocated.

Consequently, the following is the proposed list of projects which will be:

Project	Cost (\$)
Cooee Bay Pool	1,200,000
Emu Park Art Gallery	800,000
Sealed road pavement rehabilitation	510,000
Keppel Sands 'Package' (or other non-principal cycle network pathways)	400,000
Floodways	500,000
Total	3,410,000

Council need not resolve to pursue any of the above projects. If it wishes, it can choose to allocate the funding to other projects within its existing capital works programme.

PREVIOUS DECISIONS

The 2019-21 Works for Queensland programme has not specifically been the subject of any Council resolution.

At its Ordinary Meeting of 3 July 2018, Council resolved:

THAT upgrade works to the Cooee Bay Pool be recognised as a priority community infrastructure project and as such be prioritised during consideration of available external funding opportunities provided by State and / or Federal Government

BUDGET IMPLICATIONS

The budgets for the 2019/20 and 2020/21 financial years have not yet been formulated or finalised. Each consideration of the Cooee Bay Swimming Pool and Emu Park Art Gallery has concluded that these projects would be funded from external sources. Consequently, their inclusion in this programme would have no net impact upon Council's budget.

The Keppel Sands 'package' of pathways has not previously been included in the capital works programme. Thus its inclusion will increase Council's total spend (but not its net spend) if included in Works for Queensland.

LEGISLATIVE CONTEXT

The consideration of Works for Queensland funding is not impacted by any specific legislation.

LEGAL IMPLICATIONS

There are no legal implications associated with consideration of Works for Queensland funding.

STAFFING IMPLICATIONS

The delivery of projects funded by Works for Queensland will be accommodated within existing staff resources, augmented with appropriate contracts (for example, civic contractors and builders).

RISK ASSESSMENT

The key risks and opportunities associated with the Works for Queensland programme are:

- 1) Not receiving the funding, as a consequence of not submitting its suite of projects by the deadline of March 2019. This is considered low, as a list of projects will be submitted by the due date.
- 2) Undertaking projects which are not identified in the forward works programme, thus putting greater pressure on Council's budget and capital programme.
- 3) Securing funding for projects which are already within the forward works programme eases pressure on Council's budget or at the least does not increase the pressure.

CORPORATE/OPERATIONAL PLAN

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

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

Strategy AM2 of Council's Plan states: *'Identify infrastructure and asset requirements through community consultation and technical expertise.'*

Strategy AM3 of Council's Plan states: *'Design and implement practical infrastructure solutions.'*

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

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

CONCLUSION

Livingstone Shire Council has received an initial allocation of \$1,705,000 under the Works for Queensland programme, to be provided prior to 30 June 2019, and a further allocation (\$1,705,000) will be provided post June 2019. The programme is intended to deliver community infrastructure projects which create jobs and improve assets.

The following projects are recommended for inclusion in Council's application for the current allocation:

- 1) Cooee Bay Swimming Pool, limited to the critical components identified in (a) to (c) in the commentary section of this report – \$1,200,000
- 2) Emu Park Art Gallery – \$800,000 (which includes full design and specification)
- 3) Keppel Sands 'Package' (or other non-principal cycle network pathways) – \$400,000
- 4) Rural Floodway Upgrade Programme – \$500,000
- 5) Sealed road pavement rehabilitation – \$510,000

13 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.

14.1 Outstanding infrastructure contributions for Multiple dwelling units (seven (7) units) at 16-24 Birdwood Avenue, Yeppoon

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

14 CONFIDENTIAL REPORTS

14.1 OUTSTANDING INFRASTRUCTURE CONTRIBUTIONS FOR MULTIPLE DWELLING UNITS (SEVEN (7) UNITS) AT 16-24 BIRDWOOD AVENUE, YEPPOON

File No: D-71-2011

Attachments:

1. Locality Plan
2. Decision Notice and Approved Plans

Responsible Officer: Brett Bacon - Executive Director Liveability and Wellbeing
Erin McCabe - Co-ordinator Development Assessment

Author: Jenna Brosseuk - Senior Planning Officer

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

SUMMARY

This matter was presented to the Council meeting held on 19 February 2019 and it was resolved that the matter 'lay on the table' pending the full complement of Councillors at the next meeting. The matter is now presented to Council to be dealt with.

This report provides seeks Councils decision on a request made by Robert Harris, the Chairman of Trustees for the Yeppoon Rotary Birdwood Estate Benevolent Fund, to waive payment of outstanding contributions for a unit development at 16-24 Birdwood Avenue, Yeppoon.

15 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.

16 CLOSURE OF MEETING