



# **ORDINARY MEETING**

## **AGENDA**

**18 FEBRUARY 2020**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 18 February 2020 commencing at 9.00am for transaction of the enclosed business.*

*Brett Bacon*  
**ACTING CHIEF EXECUTIVE OFFICER**  
13 February 2020

Next Meeting Date: 03.03.20

**Please note:**

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

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## 1 OPENING

### Acknowledgement of Country

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

## 2 ATTENDANCE

### Members Present:

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

### Officers in Attendance:

Mr Brett Bacon – Acting Chief Executive Officer  
Mr Dave Mazzaferri – Acting Executive Director Liveability and Wellbeing  
Mr Dan Toon – Executive Director Infrastructure  
Mrs Andrea Ellis – Chief Financial Officer  
Mr Matthew Willcocks - Chief Technology Officer  
Mrs Belinda Housman – Acting Chief Human Resources Officer

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

Nil

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

Minutes of the Ordinary Meeting held 4 February 2020

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

## **6 PUBLIC FORUMS/DEPUTATIONS**

Nil

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

### **7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

**File No:** GV13.4.1

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

**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

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#### **SUMMARY**

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

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

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

## **7.1 - BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

### **Business Outstanding Table**

**Meeting Date: 18 February 2020**

**Attachment No: 1**

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
1.	07 February 2017	Outstanding Policy Documents	<p>THAT the following policies be adopted:</p> <ol style="list-style-type: none"> <li>1. Encroachment on Public Land Policy;</li> <li>2. Equal Employment Opportunity Policy;</li> <li>3. Failure to Renew Licence Response Policy;</li> <li>4. Telecommunications Facilities on Council Land Policy; and</li> <li>5. Unlicensed Premises Response Policy.</li> </ol> <p>With policies 4, 5 and 6 to be further reviewed.</p>	Governance Officer	31/01/20	<p>12 Jun 2019</p> <p>One Policy presented to Council Meeting for adoption in May 2019. Two policies remain outstanding.</p>
2.	17 July 2018	Draft Fig Tree Creek Masterplan	THAT Council endorse the Fig Tree Creek Master Plan for further public consultation and integration into the Council's Strategic Planning Framework.	Coordinator Natural Resource Management	31/01/20	<p>16 Jan 2020</p> <p>Received funding for a co-design project to involve the community in consultation and potentially some volunteering opportunities. The grant was an in-kind professional services offer from Healthy Land and Water. Officer to have meeting with Stakeholders and report will be forthcoming following that meeting.</p>
3.	18 September 2018	Opening of Road – Gunder Road, The Caves (C)	THAT Council authorise the Chief Executive Officer to commence negotiations with the owners of Lot 69 RP891987 to open new road as shown on Drawing No. 17-112-04.	Policy and Planning Officer	28/02/20	<p>06 Feb 2020</p> <p>Messages left for alternative landowner to contact Council to discuss progress.</p>
4.	16 October 2018	Proposed Trustee Leases – Capricorn Tourism and Economic Development Limited and Keppel Coast Arts Council Inc.	<p>THAT Council resolve to:</p> <ol style="list-style-type: none"> <li>1. apply the exception mentioned in Section 236(1)(b)(ii) of the Local Government Regulation 2012 to its dealings with Capricorn Tourism and Economic Development Limited and Keppel Coast Arts Council Incorporated for issue of Trustee Leases over land currently described as Lot 2 on Survey Plan 104438, Merv Anderson Park Yeppoon; and</li> </ol>	Property Officer	31/01/20	<p>17 Jan 2020</p> <p>On 23 December 2019, the Department of Natural Resources, Mines and Energy advised that the tenure actions resulting from the Native Title determination over Merv Andersen Park are complete. A</p>



Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			2. provide Trustee Leases over land currently described Reserve for Recreation, Public Boat Ramp, Jetties and Landing Place over Lot 2 on Survey Plan 104438 to: <ul style="list-style-type: none"> <li>a) Capricorn Tourism and Economic Development Limited for a term of 20 years for operation of the Capricorn Coast Visitor Information Centre and Shell World; and</li> <li>b) Keppel Coast Arts Council Incorporated for a term of 5 years for operation of the Arthip.</li> </ul>			meeting has been scheduled with Capricorn Tourism and Economic Development and Keppel Coast Arts Council on Monday, 20 January 2020 to finalise lease conditions.
5.	16 October 2018	Potential Sale of Lots 2 and 3 - The Gateway Business and Industry Park	THAT Council: <ul style="list-style-type: none"> <li>1. reconfirms its previous decision on 1 May 2018, to sell Lots 2 and 3, known as 3 and 5 Pineapple Drive, Hidden Valley, within Stage One of The Gateway Business and Industry Park, at the nominated offer and acknowledges the new entity (purchaser) listed in this report;</li> <li>2. confirms its preparedness to accept the option two payment terms and conditions for Lots 2 and 3, outlined in this report, and if deemed acceptable to the purchaser through further negotiation;</li> <li>3. confirms in lieu of discounting infrastructure charges, it would favourably consider entering into an infrastructure agreement for the deferred payment of infrastructure charges, in accordance with the general terms prescribed by Council's <i>Development Incentive Policy for Reconfiguring a Lot</i>, based on the terms outlined in this report; and if deemed acceptable to the purchaser through further negotiations;</li> <li>4. authorises the Chief Executive Officer to finalise negotiations with the purchaser, taking into consideration the terms and conditions outlined in this report, and execute a contract of sale for Lots 2 and 3,</li> </ul>	Executive Director Livability and Wellbeing	31/01/20	16 Jan 2020  Contracts have been signed. Settlement will take place in the 2019/2020 financial year.

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			having due regard to the provisions for the disposal of non-current assets contained in the Queensland Local Government Regulation 2012 and Livingstone Shire Council's Procurement Policy;			
6.	19 March 2019	Request for renewal of lease - the caves rural fire brigade	<p>THAT Council resolve:</p> <ol style="list-style-type: none"> <li>1. that the exception mentioned in Section 236(1)(b)(i) of the <i>Local Government Regulation 2012</i> may apply in its dealing with the State of Queensland (represented by Public Safety Business Agency) on behalf of The Caves Rural Fire Brigade over Lot 8 on Registered Plan 605788; and</li> <li>2. to provide a twenty (20) year lease with one five-year option to the State of Queensland (represented by Public Safety Business Agency) on behalf of The Caves Rural Fire Brigade, at a nominal rent amount of \$1 per annum, over Lot 8 on Registered Plan 605788.</li> </ol>	Principal Property Officer	31/12/19	<p>20 Jan 2020</p> <p><i>New lease to the Caves Rural Fire Brigade completed and recorded in the Titles Office.</i></p>
7.	01 April 2019	Palm Creek Park, Cawarral	THAT Council resolves to accept trusteeship of Reserve for Park and Environmental Purposes – Lot 7 on Survey Plan 167135.	Principal Property Officer	31/12/19	<p>17 Jan 2020</p> <p><i>Action currently being taken by the Department of Natural Resources, Mines and Energy to excise the area from the reserve which is required by the Cawarral Rural Fire Brigade. On completion of this action the amended reserve will be placed under trusteeship of Council.</i></p>
8.	01 April 2019	Recyclables Processing Service Contract (C)	That Council authorise the Chief Executive Officer to proceed in the manner as outlined within the report.	Manager Water and Waste Operations	31/01/20	10 Feb 2020

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
						<p>No progress, still awaiting draft contract from RRC.</p> <p>10 Dec 2019</p> <p>The draft of the Recyclables Processing Contract is coming into the final stages. Specification, schedules, conditions etc have been put together by Rockhampton Regional Council together with their Tender Contract team. Once they have finalised, they will send out to the four (4) Councils for review. This is to happen in the new year.</p>
9.	18 April 2019	Options for Tenancies – Centre of Excellence for Disaster Management, Innovation and Community Resilience (The Hub) (C)	<p>THAT Council resolve:</p> <ol style="list-style-type: none"> <li>1. As the exception mentioned in Section 236(1)(b)(i) of the <i>Local Government Regulation 2012</i> may apply in its dealing with the parties mentioned in the report on the lease of a tenancy on the first floor of the Centre of Excellence for Disaster Management, Innovation and Community Resilience (The Hub), Council authorises officers to proceed with those discussions and report back to Council prior to the execution of any lease;</li> <li>2. Further, officers are authorised to proceed to tender on the provision of tenancies over all available space on the ground floor of the Centre of Excellence for Disaster Management, Innovation and Community Resilience (The Hub), and to engage an external probity officer to</li> </ol>	Principal Property Officer	31/12/19	<p>17 Jan 2020</p> <p>One tender, which was deemed non-conforming, was received for the front ground floor section of the building.</p> <p>It is understood that Council is currently investigating other options for the use of the ground and first floors of the building.</p>

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			<p>oversee the tender process and report back to Council prior to the execution of any lease;</p> <p>3. Council commits to fund the installation within the Centre of Excellence for Disaster Management, Innovation and Community Resilience (The Hub) the following:</p> <p>(a) air conditioning, ceilings and lighting on the ground and first floors;</p> <p>(b) dividing walls between tenancies, if required, on the ground and first floors; and</p> <p>(c) external doors to any areas on the ground floor over which a lease is negotiated and which direct access does not currently exist.</p>			
10.	15/07/19	Proposed Freehold Lease To The Australian Volunteer Coast Guard Association Incorporated Over Part Of Lot 3 On Registered Plan 618778 - Mt Barmoya	<p>THAT Council resolve:</p> <p>1. that the exception mentioned in section 236(1)(b)(ii) of the <i>Local Government Regulation 2012</i> may apply in its dealing with The Australian Volunteer Coast Guard Association Incorporated over part of Lot 3 on Registered Plan 618778;</p> <p>2. pursuant to section 236(2) of the <i>Local Government Regulation 2012</i> to apply section 236(1)(b)(ii) of the <i>Local Government Regulation 2012</i> in its dealing with The Australian Volunteer Coast Guard Association Incorporated over part of Lot 3 on Registered Plan 618778; and</p> <p>3. to provide a ten (10) year lease to The Australian Volunteer Coast Guard Association Incorporated, at a nominal rent amount of \$1 per annum, over part of Lot 3 on Registered Plan 618778.</p>	Principal Property Officer	31/12/19	<p>17 Jan 2020</p> <p>Lease agreement with the Coast Guard has been completed.</p>
11.	06/08/19	Livingstone Planning Scheme 2018 - Proposed Second Amendment	<p>THAT Council resolve to:</p> <p>1. make amendments to the <i>Livingstone Planning Scheme 2018</i> in accordance with the changes identified in Attachment One; and</p>	Strategic Planning Officer	31/12/19	<p>16 Jan 2020</p> <p>Amendments to the Livingstone Planning Scheme 2018 are being advanced in accordance</p>



Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			2. advance the amendments to the <i>Livingstone Planning Scheme 2018</i> in accordance with the <i>Planning Act 2016</i> and the <i>Minister's Guidelines and Rules July 2017</i> .			<i>with the statutory requirements of the Planning Act 2016 and the Minister's Guidelines and Rules July 2017. Supporting material to support the amendment is near completion and the amendment will be progressed to the State in the near term.</i>
12.	13/08/19	Proposed Trusteeship of Reserve for Recreation, Public Boat Ramp, Jetties and Land Placing and Proposed Formalisation of Tenure Over Fig Tree Creek Jetty Sites (C)	<p>THAT Council resolve to:</p> <p>1) advise the Department of Natural Resources, Mines and Energy that it is prepared to accept sole trusteeship of the Reserve for Recreation, Public Boat Ramp, Jetties and Landing Place which will be described as Lot 12 on SP143269; and</p> <p>2) authorise Council officers to continue negotiations in relation to the issue of a trustee lease to the Yeppoon Inlet Association over Part of the Reserve for Recreation, Public Boat Ramp, Jetties and Landing Place which will be described as Lot 12 on SP143269.</p>	<i>Principal Property Officer</i>	31/12/19	<p>17 Jan 2020</p> <p><i>New Reserve for Jetties, Landing Places, Public Boat Ramps and Recreation over Lot 12 on Survey Plan 143269 with Council as Trustee was recorded in the Titles Office on 10 December 2019.</i></p> <p><i>Negotiations are continuing with the Yeppoon Inlet Association in relation to the issue of a Trustee Lease over part of this reserve.</i></p>
13.	13/08/19	Queensland Government - Building Our Regions - Round 5 (C)	<p>THAT Council resolve to submit applications to Round 5 of the Queensland Government Building Our Regions Program for the following projects in this priority order:</p> <p>1. Keppel Bay Sailing Club Convention Centre, noting no financial contribution will be required by Council.</p> <p>2. Solar electricity generation and storage Construction Project at the Yeppoon Sewage Treatment Plant.</p>	<i>Executive Director Liveability and Wellbeing</i>	31/12/19	<p>19 Nov 2019</p> <p><i>Application for Causeway Lake Revitalisation Project submitted 18 September 2019.</i></p>

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			3. Planning Project to progress preliminary investigations for the Causeway Lake Revitalisation and Development Project.			
14.	20/08/19	Acquisition of Land (C)	<p>THAT Council resolve to:</p> <ol style="list-style-type: none"> <li>1. resolves to proceed in accordance with Option One, as detailed in the body of this report; and</li> <li>2. delegate to the Mayor and Chief Executive Officer to undertake the discussions in accordance with Option One with the matter to be referred back to Council for resolution.</li> </ol>	<i>Executive Directive Liveability and Wellbeing</i>	31/01/20	<p>16 Jan 2020</p> <p><i>Negotiations between parties progressing.</i></p>
15.	17/09/19	Management Arrangements – Keppel Sands Caravan Park (C)	<p>THAT Council resolve:</p> <ol style="list-style-type: none"> <li>1) to authorise Council officers to determine a remuneration framework which reflects the level of work involved in the management of the Keppel Sands Caravan Park and provides reward for effort; and</li> <li>2) to authorise Council officers to invite expressions of interest from parties interested in becoming managers of the park.</li> <li>3) Bring a report back to Council prior to new managers being engaged.</li> </ol>	<i>Principal Property Officer</i>	31/12/19	<p>16 Oct 2019</p> <p><i>A tender process is currently being undertaken for the Management of Keppel Sands Caravan Park. The tender is due to close on 30 October 2019.</i></p>
16.	17/09/19	Former Catholic Church Building – Marlborough (C)	<p>THAT Council resolve:</p> <ol style="list-style-type: none"> <li>1) to authorise Council officers to proceed to written tender for the sale of Lot 14 on Registered Plan 602167 and the building thereon on an 'as is where is' basis; and</li> <li>2) further, if the written tender process for the sale of Lot 14 on Registered Plan 602167 and the building thereon is unsuccessful, authorise Council officers to proceed to written tender for the lease of this property on an 'as is where is' basis.</li> </ol>	<i>Principal Property Officer</i>	31/12/19	<p>07 Feb 2020</p> <p><i>A local agent is marketing this property for sale by tender. Tenders close at 5pm on 6 March 2020.</i></p>

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
17.	17/09/19	Mobile Black Spot Program – Round 5 Funding (C)	THAT Council resolves to provide no offer for co-contribution to support the providers submission for blackspot funding for this round, however Council will be prepared to give in-kind support where possible.	Chief Technology Officer	31/12/19	
18.	05/11/19	Proposed Revocation of Reserve for Local Government (Quarry) (R946) over Lot 28 on Crown Plan 861679 at Keppel Sands	THAT Council resolve to advise the Department on Natural Resources, Mines and Energy that it offers no objection to the revocation of Reserve for Local Government (Quarry) (R946) over Lot 28 on Crown Plan 861679 at Keppel Sands and the amendment of the adjoining Reserve for Recreation (R547) to include Lot 28 on Crown Plan 861679.	Principal Property Officer	31/12/19	16 Jan 2020  The Department of Natural Resources, Mines and Energy has completed the action to revoke Reserve for Local Government Purposes (Quarry) R946 over Lot 28 on CP861679 and include this lot on the adjoining Recreation Reserve R547.
19.	05/11/19	Consideration of In-Kind Support to the Yeppoon Inlet Association for the Removal of Unlawful Structures and Improvements on Reserve Land Adjoining Fig Tree Creek	THAT Council resolve to: 1) provide in-kind support to the Yeppoon Inlet Association by waiving the waste disposal fees which would apply to the waste, excluding any asbestos, generated by the removal of all unlawful structures on the reserve land adjoining Fig Tree Creek and Ross Creek, provided that the removal and disposal are undertaken by 5 November 2020 (being a twelve month period); 2) provide in-kind support to the Yeppoon Inlet Association in relation to the removal of unlawful structures and improvements on the reserve land adjoining Fig Tree Creek and Ross Creek by way of guidance and advice from Council's Building Environment Unit to ensure that removal is undertaken in accordance with best practices and any services are disconnected appropriately; and	Principal Property Officer	31/12/19	17 Jan 2020  A letter was provided to the Yeppoon Inlet Association for presentation at Yeppoon Landfill when attending there with waste.  Council officers provided advice to the Yeppoon Inlet Association in relation to the removal of the structures.  The State Government advised that it is unable to provide a waste levy exemption in this instance. This was on the basis that the subject waste did not meet the definition of exempt waste as set out in the Waste



Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			3) that Council makes representation to the State Government into the possible waiving of waste levy charges as a gesture of good faith and facilitation of the process.			<i>Reduction and Recycling Act 2011.</i>
20.	05/11/19	Acquisition of Land (C)	THAT Council resolve to proceed in accordance with Option Three, as outlined in the body of the report.	<i>Executive Director Liveability and Wellbeing</i>	31/12/19	16 January 2020 <i>Negotiations are ongoing in line with terms.</i>
21.	12/11/2019	Petition from Yeppoon Senior Citizens requesting a permanent venue	THAT the petition requesting a permanent venue be received.	<i>Executive Director Liveability and Wellbeing</i>		
22.	19/11/19	Petition Requesting a Recreational Arena in Yeppoon	THAT the petition requesting a recreational arena in Yeppoon be received.	<i>Executive Director Liveability and Wellbeing</i>	03/12/19	05 Dec 2019 <i>Petitioner has declined invitation for deputation. CEO has requested that ED Liveability and Wellbeing progress request.</i>
23.	19/11/19	Proposed Tourist Park at 176 Cobraball Road Bondoola	PROCEDURAL MOTION That pursuant to s2.19.1(d) and s2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further discussion and to return to the future Council Meeting.	<i>Principal Planning Officer</i>	28/02/20	16 Jan 2020 <i>A report has been drafted for a future Council meeting and Officer's await lodgement of an application and request to reduce or alter fees by the applicant</i>
24.	19/11/19	Request for fee and Infrastructure Charges to be waived for a Development Application for a Material Change of Use for a Club, Tourist	THAT Council: 1. Resolves to waive all application fees, infrastructure charges and any other related Council charges in respect to the proposed application.	<i>Principal Planning Officer</i>	28/02/20	16 January 2020 <i>Fees have been discussed at Compliance Meeting and landowner will be advised re-calculated fees.</i>



Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		park (two (2) cabins, five (5) dorms and eight (8) camping sites), Educational establishment and Caretaker's ac...	2. Consider any future request to negotiate these charges, upon their merits, subject to a future resolution of Council.			
25.	19/11/19	Request for Council's views on future dealings relating to two term leases	<p>THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that:</p> <p>1. it is not aware of any local non-indigenous cultural heritage values which the Department of Natural Resources, Mines and Energy should consider if an application is made for Term Lease 0/216476 at Yaamba and Term Lease 0/217224 at Bondoola to be converted to freehold;</p> <p>2. it does not have any objections that the Department of Natural Resources, Mines and Energy should consider if an application is made by the existing lessee of Term Lease 0/216476 over Lots 443, 444 and 445 on Crown Plan Y16911 at Yaamba for the lease to be converted to freehold or for the lease to be renewed;</p> <p>3. Lot 59 on Crown Plan LN1807 is the subject of an Application to Dedicate State Land as Road (Case ID: 2017/000680) and that Council objects to any action being undertaken in relation to Term Lease 0/217224 over Lot 59 on Crown Plan LN1807 until all actions associated with Case ID: 2017/000680 are finalised;</p> <p>4. it objects to the portion of Term Lease 0/217224 over Lot 59 on Crown Plan LN1807 which is located on the eastern side of Bondoola Road being converted to freehold tenure as it contains an endangered vegetation type, namely the unique Serpentine vegetation community. This vegetation is</p>	Principal Property Officer	03/12/2019	<p>17 Jan 2020</p> <p>On 22 November 2019 Council advised the Department of Natural Resources, Mines and Energy of its resolution on this matter. This action is now complete.</p>

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			<p>endemic to Livingstone Shire only and it is considered that the change of tenure will introduce a range of exempt clearing opportunities and accepted development clearing opportunities which will have a detrimental environmental impact on this small area of significant vegetation.</p> <p>5. it would not object to the portion of Term Lease 0/217224 over Lot 59 on Crown Plan LN1807 located on the western side of Bondoola Road being converted to freehold tenure, after all actions associated with the Application to Dedicate State Land as Road (Case ID: 2017/000680) are finalised.</p> <p>6. it would not object to Term Lease 0/217224 over Lot 59 on Crown Plan LN1807 being renewed, after all actions associated with the Application to Dedicate State Land as Road (Case ID: 2017/000680) are finalised.</p>			
26.	19/11/19	Request for Council's views on proposals relating to two grazing leases at Kunwarara	<p>THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that:</p> <p>1) on expiry of the existing leases, Council, as trustee, would not be prepared to offer a trustee lease or trustee permit to the current lessees of Lot 36 on Crown Plan LBG40189 and Lot 33 on Crown Plan LI190; and</p> <p>2) Council would not object to the Department of Natural Resources, Mines and Energy granting new term leases to the existing lessees of Lot 36 on Crown Plan LBG40189 and Lot 33 on Crown Plan LI190.</p>	Principal Property Officer	03/12/19	<p>17 Jan 2020</p> <p>On 22 November 2019 Council advised the Department of Natural Resources, Mines and Energy of its resolution on this matter. This action is now complete.</p>
27.	19/11/19	Proposed tenure actions arising out of the expansion of the	THAT Council resolve to advise the Department of Natural Resources, Mines and Energy that it does not object to the proposed tenure actions contained	Principal Property Officer	03/12/2019	17 Jan 2020

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		Shoalwater Bay training area	<p>in its letter dated 16 September 2019, arising out of the expansion of the Shoalwater Bay Training Area noting that:</p> <ol style="list-style-type: none"> <li>1. Department of Natural Resources, Mines and Energy have advised, based on initial investigations, all roads proposed for closure are unformed or currently only service properties that have now been acquired by Department of Defence.</li> <li>2. All existing formed roads required for ongoing public access to Charon Point Conservation Park, the township of Stanage Bay or adjoining properties will be retained.</li> <li>3. Roads to be retained include Stanage Bay Road, Kooltandra Road, Stoodleigh Road, Glenprairie Road and Bald Hills Road.</li> <li>4. There is no intention to close any roads that provide sole legal access to neighbouring land parcels, without a suitable alternative access being provided.</li> </ol>			On 22 November 2019 Council advised the Department of Natural Resources, Mines and Energy of its resolution on this matter. This action is now complete.
28.	19/11/19	Acquisition of Land for Road Purposes - Trunk Infrastructure T-100 Tanby / Chandler Roads Intersection and T-37 Chandler Road	THAT Council authorise the Chief Executive Officer to commence negotiations with the owner of Lot 9 RP613833 to open new road as shown on Drawing No 14-133-C-01.	Policy and Planning Officer	03/12/2019	06 Feb 2020 Counter offer received from landowner - currently being considered.
29.	19/11/19	Enquiry of The Gateway Business and Industry Park Proposed Lot 24	THAT Council resolve to provide a twelve-month non-exclusive Licence Agreement to the proponent, at a rental amount as prescribed under the non-exclusive Licence Agreement to, over part of Lot 5001 on Survey Plan 296924 at The Gateway Business and Industry Park.	Project Support Officer	03/12/2019	16 Jan 2020 Council has prepared the draft Licence Agreement for part of Lot 5001 on Survey Plan 296924 at The Gateway Business and Industry Park. It is anticipated that the Licence Agreement will

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
						<i>be reviewed and executed over the coming months.</i>
30.	19/11/19	Potential Sale of 18 School Street, Mount Chalmers	THAT Council resolve to proceed generally in accordance with Option Two as outlined in the body of the report.	<i>Project Support Officer</i>	31/01/20	<p>16 Jan 2020</p> <p><i>Council engaged a Real Estate agent to undertake the Expression of Interest and Invitation to Tender process.</i></p> <p><i>At the Ordinary Council Meeting on Tuesday, 19 November 2019 it was resolved to place the Proposed Lot 10 on the open market.</i></p> <p><i>No further action required at this stage.</i></p>
31.	03/12/19	Petition Requesting Implementation of Traffic Safety Measures on Pacific Heights Road, Pacific Heights	<p>Council Resolution</p> <p>THAT the petition requesting the implementation of traffic safety measures on Pacific Heights Road, Pacific Heights Road be received.</p>	<i>Executive Director Infrastructure Services</i>	28/02/20	<p>11 Feb 2020</p> <p><i>Traffic data now collected and results being compiled. A further report will brought back to Council in March 2020.</i></p>
32.	03/12/19	Monthly Financial Report for the Period Ending 31 October 2019	<p>Council Resolution</p> <p>THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 October 2019 be received..</p>	<i>Coordinator Accounting Services</i>	17/12/19	<p>4 Feb 2020</p> <p><i>Action completed by Chief Financial Officer</i></p>
33.	03/12/19	Review of Caretaker Period Policy	<p>Council Resolution</p> <p>THAT Council resolve to adopt the amended Caretaker Period Policy.</p>	<i>Coordinator Governance</i>	17/12/19	



Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
34.	03/12/19	LIVINGSTONE PLANNING SCHEME 2018 - PROPOSED PLANNING SCHEME AMENDMENTS	Council Resolution THAT Council resolve to:  1) Make amendments to the Livingstone Planning Scheme 2018 in accordance with the changes identified in Attachment 1; and  2) Advance the amendments to the Livingstone Planning Scheme 2018 in accordance with the Planning Act 2016 and the Minister's Guidelines and Rules July 2017.	Principal Strategic Planner	17/12/19	16 January 2020  Amendments to the Livingstone Planning Scheme 2018 are being advanced in accordance with the statutory requirements of the Planning Act 2016 and the Minister's Guidelines and Rules July 2017. Supporting material to support the amendment is near completion and the amendment will be progressed to the State in the near term.
35.	03/12/19	Notice of Motion - Councillor Glenda Mather - Light Spill	Procedural Motion  That pursuant to s2.19.1(d) and s2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending a further inspection and to return to a future Council Meeting.	Executive Director Infrastructure	17/12/19	16 Jan 2020  Council officer contacted Ergon to obtain timing for next round of replacement of lanterns to LED. Ergon advised that Council's next round will be due in 2020/21. Ergon have subsequently been contacted to advise the cost of a 'one off' replacement and the timing of such work. Awaiting a response from Ergon.
36.	03/12/19	Notice of Motion - Councillor Adam Belot - Bangalee Beach Access Consultation.	PROCEDURAL MOTION  That pursuant to s2.19.1(d) and s2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further discussion and to return to a future Council Meeting.	Executive Director Infrastructure	17/12/19	10 Feb 2020  Matter lifted from the table on 4 February 2020.
37.	03/12/19	RESTAURANT LEASE - LIVINGSTONE SHIRE COUNCIL AND	Council Resolution  THAT Council resolve to accept the amendments to the lease which pertains to the upstairs area of the	Principal Property Officer	17/12/19	16 Jan 2020

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		THE ROCKS YEPPON PTY LTD	Lagoon Precinct building which is currently operated as a restaurant and an area on the ground floor of the building which is currently operated as a milk bar.			<i>Amended lease executed by both parties and registered on the title on 9 December 2019.</i>
38.	03/12/19	PROPOSED TRUSTEE LEASE TO NBN CO LIMITED OVER PART OF LOT 50 ON SURVEY PLAN 207050 - KEPPEL SANDS	<p>Council Resolution</p> <p>THAT Council resolve:</p> <p>1. that the exception mentioned in section 236(1)(c)(vi) of the Local Government Regulation 2012 may apply in its dealing with NBN Co Limited over part of Lot 50 on Survey Plan 207050 described as Lease N on Survey Plan 311429;</p> <p>2. pursuant to section 236(2) of the Local Government Regulation 2012 to apply section 236(1)(c)(vi) of the Local Government Regulation 2012 in its dealing with NBN Co Limited over part of Lot 50 on Survey Plan 207050 described as Lease N on Survey Plan 311429; and</p> <p>3. to provide a twenty (20) year lease to NBN Co Limited, at an initial rent which is yet to be determined but in accordance with Section 236 Subsection (3) of Local Government Regulation 2012 will be equal to, or more than, the market value of the interest in land, over Lease N on Survey Plan 311429.</p>	<i>Principal Property Officer</i>	17/12/19	<p>16 January 2020</p> <p><i>Negotiations with NBN Co on the terms of the Trustee Lease are close to finalisation. On completion of negotiations the draft lease agreement will be forwarded to the Department of Natural Resources, Mines and Energy for approval.</i></p>
39.	03/12/19	MANAGEMENT ARRANGEMENTS - KEPPEL SANDS CARAVAN PARK	<p>Council Resolution</p> <p>THAT Council resolve:</p> <p>1) to authorise Council Officers to undertake a further Invitation to Tender seeking submissions from parties interested in becoming managers of the Keppel Sands Caravan Park; and</p>	<i>Principal Property Officer</i>	17/12/19	<p>07 Feb 2020</p> <p>A preferred tenderer has been selected from the submissions received in the tender which closed on 22 January 2020. A Procurement Process Report</p>

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			2) to delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, to appoint new managers for the Keppel Sands Caravan Park and the terms and conditions under which they are appointed.			is being prepared for approval by the delegated officer.
40.	03/12/19	Potential Sale of Council Land in Hidden Valley to an Adjoining Property Owner	<p>Council Resolution</p> <p>THAT Council resolve:</p> <p>1. that the exception mentioned in section 236(1)(c)(iv) of the Local Government Regulation 2012 may apply in its dealing over 4 Cassam Street, Hidden Valley described as Lot 11 on Survey Plan 220788;</p> <p>2. pursuant to section 236(2) of the Local Government Regulation 2012 to apply section 236(1)(c)(iv) of the Local Government Regulation 2012 in its dealing over 4 Cassam Street, Hidden Valley described as Lot 11 on Survey Plan 220788; and</p> <p>3. accept the offer outlined in this report for the sale of Lot 11 on Survey Plan 220788, delegating authority to the Chief Executive Officer to finalise negotiations with the purchaser and execute a contract of sale.</p>	Project Support Officer	17/12/2019	<p>16 Jan 2020</p> <p>Council accepted the offer presented for the sale of Lot 11 on Survey Plan 220788. A contract of sale was prepared in December 2019 and provided to the purchaser for execution.</p> <p>It is anticipated that settlement will occur in February 2020.</p>
41.	03/12/19	Works For Queensland 2019-21	<p>Council Resolution</p> <p>THAT Council resolve to proceed in accordance with option two, as detailed within the commentary section of this report.</p>	Executive Director Liveability and Wellbeing	17/12/2019	<p>16 Jan 2020</p> <p>Documentation lodged for BOR</p>



Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
42.	19/12/19	Redistribution of Budget Allocation Post-Bush Fires - Livingstone Community Grants	<p>Council Resolution</p> <p>THAT Council resolves to:</p> <ol style="list-style-type: none"> <li>1. Not proceed with round two (2019/20) of the Livingstone Community Grants;</li> <li>2. Redistribute the remaining budget allocation for the Livingstone Community Grants for the 2019/20 financial year equally between the rural fire brigades throughout the Livingstone Shire; and</li> <li>3. Redistribute the remaining budget allocation for the Mayor's Discretionary Fund equally to rural fire brigades throughout the Livingstone Shire.</li> <li>4. Council acknowledge the Livingstone Shire Council community partners, Inverness Yeppoon and Keppel Bay Sailing club for their agreement to join us by making their funds available to the Rural Fire Brigades as well.</li> </ol>	Principal Community Development and Engagement Officer	02/01/2020	<p>20 Jan 2020</p> <p>Remaining funds from the Mayor's Discretionary Fund and budget allocation for round 2 of the 2019/20 Livingstone Community Grants have been evenly redistributed to Rural Fire Brigades across the Livingstone Shire.</p>
43.	19/12/19	Monthly Financial Report for the Period Ending 30 November 2019	<p>Council Resolution</p> <p>THAT the Livingstone Shire Council Monthly Financial Report for the period ending 30 November 2019 be received.</p>	Coordinator Accounting Services	02/01/2020	<p>4 Feb 2020</p> <p>Action completed by by Chief Financial Officer</p>
44.	19/12/19	Mayoral Minute - Land Zoning Review Kinka Beach	<p>Council Resolution</p> <p>PROCEDURAL MOTION</p> <p>That pursuant to s2.19.1(d) and s2.19.6 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further discussion and to return to a future Council Meeting.</p>	Manager Liveability	02/01/2020	<p>16 Jan 2020</p> <p>This matter to be discussed at a future date.</p>



Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
45.	19/12/19	Capricorn Coast Memorial Parkland Management	<p>Council Resolution</p> <p>THAT Council resolve to authorise Council officers to invite expressions of interest from parties interested in the provision and management of the following components of the Capricorn Coast Memorial Parkland:</p> <p>(1) provision of burials and inurnment of ashes in accordance with the Capricorn Coast Memorial Parkland Landscape Key Plan 2: Burial Plot Layout, including:</p> <p>(a) using the modern burial system (crypt burial system) for formal lawn and informal lawn burials;</p> <p>(b) provision of ashes garden(s);</p> <p>(c) provision of columbarium(s); and</p> <p>(d) the establishment of a pet cemetery;</p> <p>(2) horticultural and general maintenance of the site;</p> <p>(3) general operation (including opening hours) of the site;</p> <p>(4) development of a chapel; and</p> <p>(5) development of a crematorium.</p>	Manager Community Wellbeing	02/01/2020	<p>16 Jan 2020</p> <p>Drafting of Expression of Interest currently underway by relevant officers</p>
46.	21/12/2020	Great Keppel Island Revitalisation Project	<p><b>COUNCIL RESOLUTION</b></p> <p>That, in relation to current approved funding for provision of services to Great Keppel Island, Council resolve;</p> <p>(a) To allocate the Maturing the Infrastructure Pipeline Program Round 2 funding to detailed design tasks for the mainland water</p>	Executive Director Infrastructure	04/02/2020	<p>31 Jan 2020</p> <p>Correspondence sent to Director-General of DSDMIP and DITID Project Manager confirming Council's resolution in relation to funding streams.</p>

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			<p>supply infrastructure and planning for the island water supply infrastructure in the first instance, and the balance to the Department of Innovation and Tourism Industry Development's project tasks.</p> <p>(b) To advise the Department of State Development, Manufacturing, Infrastructure and Planning that Council is inclined to allocate the Building Our Regions Round 4 funding to construct the land based water supply infrastructure in the first instance with the balance available to fund elements of the reduced scope Department of Innovation and Tourism Industry Development project and that a final decision is pending confirmation of a development project proponent.</p>			
47.	21/01/2020	Water Consumption Matter	<p><b>COUNCIL RESOLUTION</b></p> <p>THAT Council resolve to provide delegated authority to the Chief Executive Officer to negotiate on behalf of Council for settlement of this matter, as per the particulars outlined in option 3 of the Officer's Report and advice provided by Council's legal representatives.</p>	Coordinator Revenue	04/02/2020	03 Feb 2020 – In progress
48.	21/01/2020	Paint Pot Gallery Accommodation	<p><b>COUNCIL RESOLUTION</b></p> <p>THAT Council resolve:</p> <p>1. that the exception mentioned in section 236(1)(b)(ii) of the <i>Local Government Regulation 2012</i> may apply in its dealing with the Capricorn Coast Society of Arts</p>	Project Officer	04/02/2020	10 Feb 2020  A draft lease to Capricorn Coast Society of Arts Incorporated is being drafted with a proposed commencement date of 1 March 2019.

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			<p>Incorporated over part of the building located on Lot 2 on Registered Plan 620460;</p> <p>2. pursuant to section 236(2) of the <i>Local Government Regulation 2012</i> to apply section 236(1)(b)(ii) of the <i>Local Government Regulation 2012</i> in its dealing with the Capricorn Coast Society of Arts Incorporated over part of the building located on Lot 2 on Registered Plan 620460; and</p> <p>3. to provide a two (2) year lease to the Capricorn Coast Society of Arts Incorporated over part of the building located on Lot 2 on Registered Plan 620460 for the operation of the Paint Pot Gallery on the terms contained in this report.</p>			
49.	21/01/2020	Mayoral Minute - Maryvale Rural Fire Brigade	<p><b>COUNCIL RESOLUTION</b></p> <p>THAT Council resolves to send the correspondence from the Maryvale Rural Fire Brigade (as contained within Attachment One) to the Livingstone Local Disaster Management Group to be included as an agenda item to be investigated through the Queensland Disaster Management Arrangements.</p>	Manager Community Wellbeing	04/02/2020	
50.	21/01/2020	Mayoral Minute - Disaster Recovery Assistance	<p><b>COUNCIL RESOLUTION</b></p> <p>THAT Council prepare a report identifying rural roads and other supporting infrastructure in consultation with rural brigades that would improve access and firefighting capabilities for rural brigades and that consideration be given to expending the one million dollars being provided by the Federal Government</p>	Manager Community Wellbeing	04/02/2020	

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			as part of the bush fire recovery and resilience effort to those roads and assets.			
51.	04/02/2020	Quarterly Budget Review (20Q2)	<p><b>COUNCIL RESOLUTION</b></p> <p>THAT Council resolve to adopt, pursuant to section 107A of the <i>Local Government Act 2009</i> and sections 169 and 170 of the <i>Local Government Regulation 2012</i>, the Quarter 2 Revised Budget (20Q2) for the financial year 2019-20 and the Long Term Financial Forecast for the financial years 2019-20 to 2028-29, as contained within the document entitled 2019-20 Revised Budget and Long Term Financial Forecast (Attachment One) and set out in the pages contained therein:</p> <ol style="list-style-type: none"> <li>1) Statement of Financial Position (Attachment One);</li> <li>2) Statement of Cash Flows (Attachment One);</li> <li>3) Statement of Income and Expenditure (Attachment One);</li> <li>4) Statement of Changes in Equity (Attachment One);</li> <li>5) Long-Term Financial Forecast (Attachment One);</li> <li>6) Relevant Measures of Financial Sustainability (Attachment Two);</li> <li>7) Total Value of change in the rates and charges expressed as a percentage (Attachment Three); and</li> <li>8) Revised estimated business activity costs for the period ending 30 June 2020 (Attachment Four).</li> </ol>	Chief Financial Officer	18/02/2020	

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
52.	04/02/2020	Proposed Tourist Park at 176 Cobraball Road Bondoola	<b>COUNCIL RESOLUTION</b> THAT Council; (1) not waive or reduce the development application fees for the Tourist park development at 176 Cobraball Road, Bondoola, known as Savannah Park; and (2) postpone the decision to waive or reduce the Infrastructure Charges until the internal review of Infrastructure Charges is completed.	Coordinator of Development and Assessment	18/02/2020	
53.	04/02/2020	Notice of Motion - Councillor Adam Belot - Bangalee Beach Access Consultation.	<b>COUNCIL RESOLUTION</b> THAT Livingstone Shire Council undertake meaningful community consultation with the Bangalee community and (any other key stakeholders) to determine their level of support for the following in relation to vehicle access onto Farnborough Beach 1/ Do you support Council investigating a viable additional and/or alternate northern vehicle beach access point accessing onto Farnborough Beach.	Executive Director Infrastructure	18/02/2020	
54.	04/02/2020	Questions on Notice - Councillor Glenda Mather - Great Keppel Island Revitalisation Project	<b>COUNCIL RESOLUTION</b> THAT the 'Questions on Notice' be received and a report providing a response to the questions be brought to a future Council meeting.	Executive Director Liveability and Wellbeing	18/02/2020	05 Feb 2020 Assigned to Acting CEO for response.
55.	04/02/2020	Potential Sale of Lot 18 on Survey Plan 296924 at The Gateway	<b>COUNCIL RESOLUTION</b>	Project Support Officer	18/02/2020	



Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		Business and Industry Park	THAT Council accept the offer, as detailed in the below report, to sell Lot 18 on SP296924, known as 6 Macadamia Drive, Hidden Valley.			
56.	04/02/2020	Properties Eligible for Sale of Land for Rate Arrears	<p><b>COUNCIL RESOLUTION</b></p> <p>THAT</p> <p>(a) pursuant to section 140(2) of the Local Government Regulation 2012 Council proceed with action to sell the land listed below, and also detailed in attachment 1 to the report for overdue rates and charges; and</p> <p>(b) that Council delegate to the Chief Executive Officer the power to take all further steps under Chapter 4, Part 12, Division 3 of the <i>Local Government Regulation 2012</i> to effect sale of the land (including, for avoidance of doubt, the power to end sale procedures).</p> <p>127032 – L5 RP 601484 135251 – L1 RP 605760</p> <p>131221 – L3 RP 617035 139480 – L 5 SP 269992</p> <p>131847 – L29 MPH 14441 140000 – L2 RP 616623</p> <p>132462 – L11 SP 226589 143633 – L142 SP 203612</p>	Coordinator Revenue	18/02/2020	

Item	Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
			132798 – L7 SP 112046 302419 – L52 SP 237553 134330 – L178 RP 610896 127596 – L71 RP 604123			
57.	04/02/2020	ACQUISITION OF LAND	<b>COUNCIL RESOLUTION</b> <p>THAT Council resolves to proceed in accordance with Option One, as detailed within the body of this report.</p>		18/02/2020	05 Feb 2020 Contract executed 4 February 2020 and returned to the solicitor for execution by vendor.

## **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 DRINK CONTAINER RECYCLING AT COMMUNITY EVENTS

**File No:** WM31.8.3

**Attachments:** 1. Ordinary Council Meeting report - 20 August 2019 - Drink Container Recycling at Community Events [↓](#)

**Responsible Officer:** Dan Toon - Executive Director Infrastructure

**Author:** Scott Casey - Manager Water & Waste Operations

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#### SUMMARY

*Council previously resolved to purchase ten (10) recycling bin lid tops with bottle chutes to support source separation and recycling at community events. Council has now received further correspondence from The Lions Club of Emu Park after using the specialised bin lids at Oktoberfest 2019 which indicates that the number of drinks containers collected was impressive and proved that a combination of the bin lids and volunteer support can significantly increase the percentage of containers recycled. In addition to the ten (10) bin lids provided by Council, the Lions Club also manufactured twenty four (24) additional temporary inserts for use at the Oktoberfest event and have now requested that Council consider purchasing additional bins lids for use at future community events.*

#### OFFICER'S RECOMMENDATION

THAT Council purchase an additional twenty (20) bottle chute bin lid tops at a cost of \$1,586.20 (inc GST).

#### BACKGROUND

On 20 August 2019, a report was provided to Council in relation to drink container recycling at community events (refer to attachment 1) and following consideration resolved to purchase ten (10) bin lid tops at a cost of \$1,317.00 (ext. GST) and to trial a scheme to be managed by Council's Engagement and Events team.

#### COMMENTARY

Following the Oktoberfest community event on 2 November 2019 at Emu Park, the Lions Club of Emu Park provided some performance information on their container recycling activities at the event.

In addition to the ten (10) bin lid tops provided by Council for the event, The Lions Club manufactured twenty-four (24) inserts of their own to assist with the separation of recyclable items from general waste. This was due to their belief that ten (10) bin lid tops would be insufficient for their recycling plan. These inserts were installed and bins were placed in pairs (one general, one recyclable) by Cawarral State School P & C workers.

The Lions Club bar sales at the event indicated that around 13,200 eligible containers were onsite plus items sold from other stalls. The school volunteers collected the containers and received around \$1,200 from the Containers for Change Scheme (COEX), which equates to 12,000 items. In addition, the Lions Club reported that approximately 1500 items and two (2) bins were stolen from Bell Park before they could be collected. Therefore, around 13,500 items were actually retrieved from the event. According to the volunteers, the recovery was quite clean and easy, thanks to the special bin tops and recycling conscious patrons.

One of the highlights of this recycling exercise is that there was at least a 95% return rate by the appropriate bins. In light of the success of this exercise the Lions Club has written to Council encouraging the purchase of additional recycling specific bin lids for use at future community events.

**PREVIOUS DECISIONS**

At its 20 August 2019 meeting, Council resolved:

*“That Council resolve to purchase ten (10) of each style of bin lid at a cost of \$1,317 and the hire scheme be managed by Council’s Engagement and Events team as a trial”*

**BUDGET IMPLICATIONS**

No budget has been allocated in the 2019/2020 financial year. A quote for purchase of a further twenty (20) bin lids is \$1,586.20 inc GST.

Monies currently received under the Recovery Sharing Arrangement between Council and the MRF would be lost when special events are supplied with the bin lids under this scheme.

**LEGISLATIVE CONTEXT**

Not applicable.

**LEGAL IMPLICATIONS**

Not applicable.

**STAFFING IMPLICATIONS**

The trial scheme was managed by the Council’s Engagement and Events team and did not impose a significant additional resource burden on the team. Increasing the number of available bin lids would not present any additional resourcing requirement.

**RISK ASSESSMENT**

There is minimal risk associated with this request.

**CORPORATE/OPERATIONAL PLAN**

**Corporate Plan Reference:** Strategy EN3: Minimise impact on the natural environment through effective waste management and pollution control policies and programs.

**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 Lions Club of Emu Park has proven that a focused recycling effort supported by specialised bottle chute bin lids could increase the percentage of recyclable drinks containers recovered at events to 95%.

The trial at Oktoberfest 2019 was successful. No bond was required and all of the ten (10) bin lids loaned out were returned after the event.

An increase in the number of specialist bin lids for use at similar events appears to be a worthwhile investment for the community.

## **12.1 - DRINK CONTAINER RECYCLING AT COMMUNITY EVENTS**

### **Ordinary Council Meeting report - 20 August 2019 - Drink Container Recycling at Community Events**

**Meeting Date: 18 February 2020**

**Attachment No: 1**

## ORDINARY MEETING

20 AUGUST 2019

## 12.8 DRINK CONTAINER RECYCLING AT COMMUNITY EVENTS

File No: WM31.8.3

**Attachments:**

1. Letter from The Lions Club of Emu Park
2. Recycle Bin Lid Brochure

**Responsible Officer:** Dan Toon - Executive Director Infrastructure

**Author:** Moira Zeilinga - Acting Manager Water & Waste Operations

## SUMMARY

*Council received correspondence from The Lions Club of Emu Park proposing that Council investigate the possibility of initiating a scheme to support local organisations in their endeavours to recycle with around thirty (30) to forty (40) of the appropriate bins. The Lions Club believe the potential to further the benefits associated with recycling is enormous, along with supporting the fundraising for not-for-profits and charities.*

## RECOMMENDATION

That Council resolve to purchase ten (10) of each style of bin lid at a cost of \$1,317 and the hire scheme be managed by Council's Engagement & Events team as a trial.

## BACKGROUND

Many organisations such as local councils and community organisations have already had experience with public place recycling. There has been mixed success with programs and trials. Confusion about how and what to recycle in the community has occurred because of differences in what could be recycled at home and in public and because of differences between the collection systems in neighboring councils.

As a result, the outcomes were often low amounts of recyclable materials collected, or high levels of contamination in the recycling bins. Recycling is increasingly being undertaken at temporary “special events” such as fetes, festivals and concerts however there are additional considerations that need to be taken when planning recycling at community events.

The Queensland Government's Container Refund Scheme "Containers for Change" began on 1 November 2018. Eligible drink containers can now be returned for a 10c refund. This has created a funding stream for charities and community groups.

With the introduction of the “Containers for Change” scheme, the Lions Club of Emu Park and the wider community have become much more focused on recycling eligible containers under the scheme.

The annual Oktoberfest, held in Emu Park by the Lions Club, has a goal to recycle up to 14,000 eligible containers. In the past, they have engaged a local school's P & C to do the cleanup, but their recycling efforts have been problematic.

## COMMENTARY

Under the terms of the current collection contract between Council and their contractor, JJ Richards, services can be supplied to 'Special Events' as nominated by Council to any premises or location within the collection area. Containers are delivered, usually 240L wheelite bins, the number determined by the event organiser. Once the event has concluded, the bins are serviced and removed the following weekday. This service is funded either of two (2) ways, by the community event holding the event or by Council as an in-kind service.

Research on the benefit of bin tops for drink containers has identified that Rockhampton Regional Council recently provided a commercial product to collect only recyclable drink containers at their show. While being a great idea, the scheme did not bring the expected

**ORDINARY MEETING**

**20 AUGUST 2019**

results primarily due to the lack of communication around the scheme and appropriate signage.

Details of the request:

The Lions Club of Emu Park has suggested that Council investigate the possibility of initiating a scheme to support local organisations in their endeavours to recycle, with around thirty (30) to forty (40) of the appropriate bins.

This would require Council to either supply the appropriate bin lids to the community organisation as a donation or as a hire-out scheme.

**Costs of Bins/Toppers:**

Cost of 240L wheelie bin = \$42.43 per bin ex GST

Cost of appropriate bin topper for drink containers = \$ 89.21 per topper ex GST

The toppers (Attachment 1) fit neatly onto a standard wheelie bin to provide a simple and effective solution to the collection of drink containers. Communication stickers would then need to be fitted to provide some level of education to the public.

Total cost of purchase of twenty (20) of each style of lid is \$2,633.00.

This will become costly if all clubs/community groups in the region make such a request.

If Council were to provide this scheme as a hiring scheme to the community, a bond could be paid for the hire of the containers and toppers, and once the event was concluded and bins emptied and cleaned, the bins and toppers could be returned to Council and once approved as clean and undamaged, the bond could be refunded. One or two people from the community organisation that is holding the event would need to be responsible for the bins/toppers, appropriate location for bin placement and ongoing responsibility throughout the event.

Council would need to have a secure area for the storage of the containers and toppers and the appropriate communication plan.

Council currently receives monies from the Resource Recovery Sharing Arrangement they have with the MRF (Materials Recovery Facility) where recyclables are taken from the Kerbside Collection service. Any recycling bins allocated to Community events are collected under this service and all eligible drink containers under the "Containers for Change" scheme become part of the sharing arrangement with the MRF for which Council receives a share of the recovery monies. If Council initiated a scheme for community organisations to collect eligible drink containers, Council would lose their share of the recovery monies and therefore this scheme would have no benefit to Council.

It is difficult to quantify what the benefit is to the community organisation from such a scheme as we have insufficient data available to quantify average numbers of recyclables collected per bin.

**PREVIOUS DECISIONS**

None applicable to this matter

**BUDGET IMPLICATIONS**

No budget has been allocated for the 2019/2020 financial year.

Purchase of bin lids are estimated to cost \$2,633.00 for 40 lids.

Monies currently received under the Recovery Sharing Arrangement between Council and the MRF would be lost when special events are supplied with recycle bins under this scheme.

**LEGISLATIVE CONTEXT**

NIL



**ORDINARY MEETING**

**20 AUGUST 2019**

**LEGAL IMPLICATIONS**

NIL

**STAFFING IMPLICATIONS**

This scheme could impact upon the staffing demands of Council business units dependent upon which unit has ownership of the scheme.

**RISK ASSESSMENT**

There is minimal risk associated with this request.

**CORPORATE/OPERATIONAL PLAN**

**Corporate Plan Reference:** Strategy EN3: Minimise impact on the natural environment through effective waste management and pollution control policies and programs.

**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 Lions Club of Emu Park has raised a valid idea in relation to this scheme, however some key considerations required are:

- Which Council business unit will manage the scheme
- How much would we charge to hire the lids and would we request a bond
- Who will be responsible for cleaning the lids and replacing damaged lids
- How will this impact on existing resource commitments
- Where will the bin lids be stored
- Who will develop community communication around this proposal
- Effort required for benefit may not make this proposal cost effective, however, we have insufficient data available to determine the value of the financial benefit to the community group.
- This scheme will result in additional costs for Council's WWO Business Unit and will reduce existing financial benefit received from the RSA between Council and the MRF.

A DRAFT event strategy document from Community Events & Marketing has been presented to ELT and will be presented to Council on 20 August 2019. Internal stakeholders will have the opportunity to view the document prior to the Council meeting and to provide feedback. The idea that the Lions Club have raised could possibly be looked at in the wider context under the strategy document.



P.O. Box 14,  
Emu Park 4710

Friday 21 June 2019

Cr. Adam Belot  
Livingstone Shire Council  
PO Box 2292  
YEPPOON QLD 4703

Dear Adam and fellow Councillors

I am writing on behalf of the Lions Club of Emu Park to seek Council support in the area of drink container recycling at community events.

With the advent of the successful 'Cash for Cans' scheme, our club and the wider community have become much more focused on recycling these items. For example, The Classic Car Club from Rockhampton, at the recent Classics by the Coast event, attended by an estimated 10,000 people, adapted 240L wheelie bins to receive drink containers only. Livingstone Shire Council followed up by borrowing and reusing these devices at their Beef to Beach Day. At the recent Rockhampton Show, the Rockhampton Regional Council provided a commercial product to collect only recyclable drink containers.

See [www.sulo.com.au/recycle bin lids](http://www.sulo.com.au/recycle-bin-lids)

At our annual Oktoberfest our goal is to recycle up to 14,000 eligible containers but success would depend on discrete receptacles being available. For the past number of years we have paid the Cawarral State School P&C to do the clean-up, but their recycling efforts have been problematic.

Our club is proposing that Livingstone Shire Council investigate the possibility of initiating a scheme to support local organisations in their endeavours to recycle, with around 30 to 40 of the appropriate bins.

The potential to further the benefits associated with recycling is enormous, along with supporting the fundraising for not-for-profits and charities.

Yours in Lionism  
Dennis Wex  
Lions Club of Emu Park Recycling Committee

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The Lions Club of Emu Park, a Constituent Unit of the International Association of Lions Clubs takes an active interest in the civic, social and moral welfare of the community on a non-political, non-sectarian basis, it stands for good fellowship, good citizenship and unswerving loyalty to the Commonwealth, State and Community

Attachment 1



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Attachment 2

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**12.2 WATER AND SEWERAGE DECLARED SERVICE AREAS EXTENSION POLICY (V3)**

**File No:** 4.7.29 and 4.7.32  
**Attachments:** 1. Draft Policy (v3)[↓](#)  
2. Ordinary Meeting Agenda 16 April 2019[↓](#)  
**Responsible Officer:** Jeff Carter - Acting Director Infrastructure Services  
**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

*This report seeks Council's adoption of Version 3 of the Water and Sewerage Declared Service Areas Extension Policy.*

**OFFICER'S RECOMMENDATION**

THAT Council adopt the Water and Sewerage Declared Service Areas Extension Policy (v3).

**BACKGROUND**

Version 2 of the policy was adopted by Council at its 16 April 2019 meeting. Councillors have previously been provided a briefing on Version 3 on 28 January 2020 and the policy is now presented to Council for adoption.

**COMMENTARY**

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

**PREVIOUS DECISIONS**

At its 16 April 2019 Meeting, Council resolved:

*'THAT Council adopt the Water and Sewerage Declared Service Areas Extension Policy (v2).'*

**BUDGET IMPLICATIONS**

This is a review of an existing policy. There are no budget implications.

**LEGISLATIVE CONTEXT**

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

**LEGAL IMPLICATIONS**

Not applicable

**STAFFING IMPLICATIONS**

Existing staff and resources are utilised to implement the policy.

**RISK ASSESSMENT**

There is no risk associated with the proposed amendments to the Water and Sewerage Declared Service Areas Extension Policy as they are only administrative in nature and do not change current practices.

**CORPORATE/OPERATIONAL PLAN**

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

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

**CONCLUSION**

It is important that Council policy documents remain current and are reflective of relevant work practices. Council should adopt the Water and Sewerage Declared Service Areas Extension Policy (v3) to ensure that the community is aware of Council's requirements and staff have guidelines to address matters which are covered by the policy.

## **12.2 - WATER AND SEWERAGE DECLARED SERVICE AREAS EXTENSION POLICY (V3)**

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

**Meeting Date: 18 February 2020**

**Attachment No: 1**





## WATER AND SEWERAGE DECLARED SERVICE AREAS EXTENSION POLICY (COMMUNITY POLICY)

### 1. Scope

The Water and Sewerage Declared Service Areas Extension Policy (this 'Policy') applies to premises outside the Declared Service Areas that are able to connect to Council's water or sewerage infrastructure.

### 2. Purpose

The purpose of this Policy is to:

- 1) Provide direction on how to identify:
  - a) When premises outside the Declared Service Areas are able to connect to Council's water or sewerage infrastructure; and
  - b) When the Declared Service Areas will be amended by adding or removing areas.
- 2) Document repayment principles.

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

#### Legislative reference

*Local Government Act 2009* ch 4 pt 1

*Local Government Regulation 2012* s 94

*Water Supply (Safety and Reliability) Act 2008* ch 2 pt 5 divs 2-3, s 676

#### Related documents

Adopted Infrastructure Charges Resolution (No. 4) 2019

Local Government Infrastructure Plan

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

Council	Livingstone Shire Council.
Customer	Has the same meaning as customer in the Act.
Premises	Has the same meaning as premises in the Act.
Declared Service Areas	The area declared by Council at its 9 September 2014 Meeting and subsequently amended by resolution for either a reticulated water service or sewerage service pursuant to s 676(2) and s 161(6) of the Act.
Special Rates and Charges	As defined in s 92(3) of the <i>Local Government Act 2009</i> .
the Act	<i>Water Supply (Safety &amp; Reliability) Act 2008</i> .

Water and Sewerage Service Area Extension Policy

Adopted/Approved: DRAFT  
Version: 3

Portfolio: Infrastructure  
Business Unit: Engineering Services

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Trunk Infrastructure	Refer to cl 7.4 of the Adopted Infrastructure Charges Resolution (No. 4) 2019.
Water or Sewerage Infrastructure	Has the same meaning as service provider's infrastructure in the Act.

## 5. Policy Statement

By way of publication in the Queensland Government Gazette on 17 January 2014, Council is a registered service provider (SPID 556) of water services and sewerage services under the Act and has an obligation to ensure that community health and the environment are not compromised.

Where a premises located outside the Declared Service Areas is able to connect to Council's water or sewerage infrastructure it is often in the best interests of Council, the community and the environment for that premises to do so.

### 5.1 Declaration of Service Areas

In accordance with s 676(2) of the Act, Council made its declaration of the Reticulated Water Service Area and the Sewerage Service Area at its 9 September 2014 Meeting.

### 5.2 Amending the Declared Service Areas

Subject to Council's Desired Standards of Service as detailed in cl 4.4 of the Local Government Infrastructure Plan being achieved, pursuant to s 161(6) of the Act, Council may by resolution amend its 9 September 2014 declaration by:

- 1) Adding an area to the Declared Service Areas in the following circumstances:
  - a) Where there is an unacceptable risk to the health and wellbeing of the community;
  - b) Upon the request of a customer; or
  - c) When there is an extension to Council's water or sewerage infrastructure and it comes into proximity to a premises.
- 2) By removing an area from the Declared Service Areas when there are physical limitations that prevent Council from providing its standard level of service such as elevation or distance restrictions.

### 5.3 Connection to Council's Water or Sewerage Infrastructure and Cost Recovery

Section 164 of the Act requires Council, to the greatest practicable extent, to ensure that all premises in the Declared Service Areas are able to be connected directly and separately to its infrastructure for the area and that the infrastructure can deal with the service requirements of all premises in the service area.

After Council has resolved to amend its Declared Service Areas, the Executive Director Infrastructure or the Manager Water and Waste Operations may, by notice given to the customer of premises in the Declared Service Areas, require the customer to carry out works for connecting the premises to Council's water or sewerage infrastructure within a reasonable period.

Section 165 of the Act authorises Council to recover from a customer the reasonable cost of providing access to its water or sewerage infrastructure for that customer's premises. The reasonable cost of Council complying with s 164 of the Act will be apportioned in an equitable and fair manner between the premises that have special access to Council's water or sewerage infrastructure.

The reasonable cost of providing access to Council's water or sewerage Infrastructure includes:

- a) The actual construction costs; and
- b) A contribution toward trunk infrastructure, the calculation of which is to be based on cl 3.0 of the Adopted Infrastructure Charges Resolution (No. 4) 2019.

A report is to be presented to Council seeking a resolution pursuant to ch 4 pt 1 of the *Local Government Act 2009* regarding the levying of special rates and charges on premises that have special access to Council's water or sewerage Infrastructure. The report is to address the provisions of s 94 of the *Local Government Regulation 2012*.

#### 6. Changes to this Policy

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

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

#### 7. Repeals/Amendments

This Policy repeals Livingstone Shire Council Policy titled 'Water and Sewerage Service Area Extension Policy (v2)'.

Version	Date	Action
1	09/12/2014	Adopted
1.1	23/10/2018	Administrative Amendments – reflect organisational restructure and update of Chief Executive Officer
2	16/04/2019	Amended Policy Adopted
3	DRAFT	

**CHRIS MURDOCH**  
CHIEF EXECUTIVE OFFICER

Water and Sewerage Service Area Extension Policy

Adopted/Approved: DRAFT  
Version: 3

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Portfolio: Infrastructure  
Business Unit: Engineering Services

## **12.2 - WATER AND SEWERAGE DECLARED SERVICE AREAS EXTENSION POLICY (V3)**

### **Ordinary Meeting Agenda 16 April 2019**

**Meeting Date: 18 February 2020**

**Attachment No: 2**

## ORDINARY MEETING AGENDA

16 APRIL 2019

**12.9 VERSION 2 WATER AND SEWERAGE DECLARED SERVICE AREAS  
EXTENSION POLICY**

**File No:** 4.7.29 and 4.7.32  
**Attachments:** 1. Draft Policy (v2)[1](#)  
2. Ordinary Meeting Agenda 9 December 2014[2](#)  
**Responsible Officer:** Dan Toon - Executive Director Infrastructure  
**Author:** Carrie Burnett - Policy & Planning Officer

**SUMMARY**

This report seeks Council's adoption of Version 2 of the Water and Sewerage Declared Service Areas Extension Policy.

**OFFICER'S RECOMMENDATION**

THAT Council adopt the Water and Sewerage Declared Service Areas Extension Policy (v2).

**BACKGROUND**

Version 1 of the policy was adopted by Council at its 9 December 2014 meeting. Councillors have previously been provided a briefing on version 2 on 1 April 2019 and the policy is now presented to Council for adoption.

**COMMENTARY**

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

**PREVIOUS DECISIONS**

At its 9 December 2014 Meeting, Council resolved:

*'THAT Council adopt the Water and Sewerage Service Extension Policy.'*

**BUDGET IMPLICATIONS**

There would be no negative impact on the budget because the full cost of construction works are recovered from the customers. The implementation of this policy will result in future revenue in the form of infrastructure contributions, water access charges, water usage and utility charges for the provision of sewerage.

**LEGISLATIVE CONTEXT**

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

**LEGAL IMPLICATIONS**

Not applicable

**STAFFING IMPLICATIONS**

Existing staff and resources are utilised to implement the policy.

**RISK ASSESSMENT**

1. If Council does not implement this policy, it would not be fulfilling its obligations under ss 8-9 of the *Local Government Act 2009*, which provides that Council is responsible for the good rule and local government of its local government area. Good rule would include the exercising of Council's authority to ensure the health and wellbeing of the community.
2. If premises are included in the declared service areas, Council is obligated to ensure that they are able to connect directly and separately to Council's infrastructure.



**ORDINARY MEETING AGENDA****16 APRIL 2019**

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**CORPORATE/OPERATIONAL PLAN**

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

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

**CONCLUSION**

It is important that Council policy documents remain current and are reflective of relevant work practices. Council should adopt the Water and Sewerage Declared Service Areas Extension Policy (v2) to ensure that the community is aware of Council's requirements and staff have guidelines to address matters which are covered by the policy.



## **12.9 - VERSION 2 WATER AND SEWERAGE DECLARED SERVICE AREAS EXTENSION POLICY**

### **Draft Policy (v2)**

**Meeting Date: 16 April 2019**

**Attachment No: 1**



## WATER AND SEWERAGE DECLARED SERVICE AREAS EXTENSION POLICY (COMMUNITY POLICY)

### 1. Scope

The Water and Sewerage Declared Service Areas Extension Policy (this 'Policy') applies to premises outside the Declared Service Areas that are able to connect to the registered service.

### 2. Purpose

The purpose of this Policy is to:

- 1) Provide direction on how to identify:
  - a) When premises outside the Declared Service Areas are able to connect to the registered service; and
  - b) When the Declared Service Areas will be amended by adding or removing areas.
- 2) Document repayment principles.

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

#### Legislative reference

*Local Government Act 2009* ch 4 pt 1

*Local Government Regulation 2012* s 94

*Water Supply (Safety and Reliability) Act 2008* ch 2 pt 5 divs 2-3

#### Related documents

Adopted Infrastructure Charges Resolution (No. 3) 2018

Local Government Infrastructure Plan

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

Council	Livingstone Shire Council.
Customer	Has the same meaning as customer in the Act.
Premises	Has the same meaning as premises in the Act.
Registered Service	Has the same meaning as registered service in the Act and specifically includes water and sewerage services.
Declared Service Areas	The area declared by Council at its 9 September 2014 Meeting and subsequently amended by resolution for either a retail water service or sewerage service pursuant to s 161(1) and s 161(3) of the Act.
Special Rates and Charges	As defined in s 92(3) of the <i>Local Government Act 2009</i> .

Water and Sewerage Service Area Extension Policy

Adopted/Approved: DRAFT

Version: 2

Portfolio: Infrastructure  
Business Unit: Infrastructure Planning & Design

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## Item 12.9 - Attachment 1

## Draft Policy (v2)

the Act	Water Supply (Safety & Reliability) Act 2008.
Trunk Infrastructure	Refer to cl 7.4 of the Adopted Infrastructure Charges Resolution (No. 3) 2018.

## 5. Policy Statement

By way of publication in the Queensland Government Gazette on 17 January 2014, Council is a registered service provider (SPID 556) of water services and sewerage services under the Act and has an obligation to ensure that community health and the environment are not compromised.

Where a premises located outside the Declared Service Areas is able to connect to the registered service, it is often in the best interests of Council, the community and the environment for that premises to do so.

### 5.1 Declaration of Service Areas

Council made its declaration of the Water Supply Service Area and the Sewerage Service Area at its 9 September 2014 Meeting pursuant to s 161(1) of the Act.

### 5.2 Amending the Declared Service Areas

Subject to Council's Desired Standards of Service as detailed in cl 4.4 of the Local Government Infrastructure Plan being achieved, pursuant to s 161(3) of the Act, Council may by resolution amend its 9 September 2014 declaration by:

- 1) Adding an area to the Declared Service Areas in the following circumstances:
  - a) Where there is an unacceptable risk to the health and wellbeing of the community;
  - b) Upon the request of a customer; or
  - c) When there is an extension to the registered service and it comes into proximity to a premises.
- 2) By removing an area from the Declared Service Areas when there are physical limitations that prevent Council from providing its standard level of service such as elevation or distance restrictions.

### 5.3 Connection to Registered Service and Cost Recovery

Section 164 of the Act requires Council, to the greatest practicable extent, to ensure that all premises in the Declared Service Areas are able to be connected directly and separately to its infrastructure for the area and that the infrastructure can deal with the service requirements of all premises in the service area.

After Council has resolved to amend its Declared Service Areas, the Executive Director Infrastructure may, by notice given to the customer of premises in the Declared Service Areas, require the customer to carry out works for connecting the premises to the registered service within a reasonable period.

Section 165 of the Act authorises Council to recover from a customer the reasonable cost of providing access to a registered service for that customer's premises. The reasonable cost of Council complying with s 164 of the Act will be apportioned in an equitable and fair manner between the premises that have special access to the registered service.

The reasonable cost of providing access to a registered service includes:

- a) The actual construction costs; and

Water and Sewerage Service Area Extension Policy

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Portfolio: Infrastructure  
Business Unit: Infrastructure Planning & Design

- b) A contribution toward trunk infrastructure, the calculation of which is to be based on cl 3.0 of the Adopted Infrastructure Charges Resolution (No. 3) 2018.

A report is to be presented to Council seeking a resolution pursuant to ch 4 pt 1 of the *Local Government Act 2009* regarding the levying of special rates and charges on premises that have special access to the registered service. The report is to address the provisions of s 94 of the *Local Government Regulation 2012*.

#### 6. Changes to this Policy

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

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

#### 7. Repeals/Amendments

This Policy repeals Livingstone Shire Council Policy titled 'Water and Sewerage Area Extension Policy (v1.1)'.

Version	Date	Action
1	09/12/2014	Adopted
1.1	23/10/2018	Administrative Amendments – reflect organisational restructure and update of Chief Executive Officer
2		Draft

CHRIS MURDOCH  
CHIEF EXECUTIVE OFFICER

Water and Sewerage Service Area Extension Policy

Adopted/Approved: DRAFT  
Version: 2

Portfolio: Infrastructure  
Business Unit: Infrastructure Planning & Design

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## **12.9 - VERSION 2 WATER AND SEWERAGE DECLARED SERVICE AREAS EXTENSION POLICY**

### **Ordinary Meeting Agenda 9 December 2014**

**Meeting Date: 16 April 2019**

**Attachment No: 2**

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**ORDINARY MEETING AGENDA****9 DECEMBER 2014**

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**12 REPORTS****12.1 POLICY REVIEW - WATER AND SEWERAGE SERVICE AREA EXTENSION POLICY**

**File No:** CM4.7.29, CM4.7.32  
**Attachments:** 1. Draft Policy - Water and Sewerage Service Area Extension Policy  
**Responsible Officer:** Dan Toon - Director Infrastructure Services  
**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

*This report seeks Councils adoption of a new community policy titled Water and Sewerage Service Area Extension Policy.*

**OFFICER'S RECOMMENDATION**

THAT Council adopt the Water and Sewerage Service Extension Policy.

**COMMENTARY**

The attached document is submitted for adoption as a new Livingstone Shire Council policy which repeals the Rockhampton Regional Council policy called 'Requirement to Connect to Infrastructure Policy'.

The policy applies to properties outside the water supply and/or sewerage service areas that can connect to the reticulated networks and provides direction to staff on how to identify when a public water supply and/or sewerage scheme is required and the repayment principles that apply.



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ORDINARY MEETING AGENDA

9 DECEMBER 2014

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## **12.1 - POLICY REVIEW - WATER AND SEWERAGE SERVICE AREA EXTENSION POLICY**

### **Draft Policy - Water and Sewerage Service Area Extension Policy**

**Meeting Date: 9 December 2014**

**Attachment No: 1**

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## WATER AND SEWERAGE SERVICE AREA EXTENSION POLICY (COMMUNITY POLICY)

**1. Scope:**

This Policy applies to properties outside the water supply and/or sewerage service areas that can connect to the reticulated networks.

**2. Purpose:**

To provide direction on how to identify when a public water supply and/or sewerage scheme is required and the repayment principles that apply.

**3. References (legislation/related documents):**

Adopted Infrastructure Charges Resolution  
Local Government Act 2009  
Local Government Regulation 2012  
Sustainable Planning Act 2009  
Water Supply (Safety and Reliability) Act 2008

**4. Definitions:**

To assist in interpretation, the following definitions shall apply:

AICR	Adopted Infrastructure Charges Resolution (available on Council's website).
Council	Livingstone Shire Council.
Property	A lot or premises as fully defined by the Land Act 1994 and Water Supply (Safety & Reliability) Act 2008, being a separate, distinct parcel of land created on the registration of a plan of subdivision.
Reasonable Period	A period nominated by Council (after giving consideration to the location and availability of commercially available licensed tradesmen) in which a property owner is to undertake compliance.
Registered Service	The water or sewerage service as fully defined in the Water Supply (Safety and Reliability) Act 2008, for which Livingstone Shire Council is the registered provider.
Service Area	The area declared by Council resolution, for either a retail water or sewerage service to customers, as fully defined in the Water Supply (Safety & Reliability) Act 2008.

Water and Sewerage Service Area Extension Policy  
Adopted/Approved: Draft  
Version: 1

Department: Infrastructure Services  
Section: Infrastructure Planning & Design

## ORDINARY MEETING AGENDA

9 DECEMBER 2014

Special Charge	A charge for water or sewerage services, as fully defined in s 92(3) of the Local Government Act 2009, that have a special association with the property on which the charge is applied because it specially benefits from and contributes to the need for the service.
Trunk Infrastructure	The water and sewerage infrastructure, as fully defined in s 2.3 of the Statutory Guideline 03/14 Local Government Infrastructure Plans under the Sustainable Planning Act 2009 and being infrastructure that provides a distribution function to a wider catchment comprising multiple development sites.
WSSRA	Water Supply (Safety & Reliability) Act 2008.

## 5. Policy Statement:

Where a property located outside the service area is able to connect to the reticulated water supply and/or the sewer network, it is often in the best interests of Council and the community for that property to do so.

In cases where there is an unacceptable risk to the health and wellbeing of the community or there are physical limitations, Council may, pursuant to s 161(3) of the WSSRA resolve to amend the declaration of a service area by adding to, or removing an area from the service area.

## 5.1 Connection to Infrastructure

Section 164 of the WSSRA stipulates that the 'service provider must, to the greatest practicable extent, ensure that' - all properties in the service area are able to be connected directly and separately to the service provider's infrastructure for the area. For any property to be included in the service area, it must have the necessary infrastructure to enable direct and separate connection.

Council may amend the declaration of a service area if the following are satisfied:

1. Able to Connect Directly  
A property is able to connect directly when existing water supply and/or sewerage infrastructure is located within or adjacent to the property.
2. Augmentation Works Required  
Augmentation of the water supply and/or sewer networks is required when the necessary infrastructure is not located within or adjacent to the property. In the case of significant augmentation works Council may consider amending the declaration of a service area if requested to do so by property owners.
3. Desired Standards of Service  
Council's Desired Standards of Service (Part 9, AICR) must be achieved, or be able to be achieved.

## 5.2 Timing of Connection Works

After Council resolves to amend the declaration of a service area, the relevant Council officer may, by notice given to the owner of a property in the service area, require the owner to carry out works for connecting the property to a registered service within a reasonable period.

Water and Sewerage Service Area Extension Policy  
Adopted/Approved: Draft  
Version: 1

Department: Infrastructure Services  
Section: Infrastructure Planning & Design

## ORDINARY MEETING AGENDA

9 DECEMBER 2014

**5.3 Cost Recovery**

The actual cost of infrastructure augmentation and connection works will be apportioned in an equitable and fair manner between the properties benefiting from the works. Section 165 of the WSSRA authorises Council to recover from a customer the reasonable cost of providing access to a registered service for that customer's premises.

By way of special charge, Council will:

1. Recover costs associated with infrastructure upgrades and/or augmentation works that are required to enable properties to connect to the registered service; and
2. Require properties connecting to the registered service to pay a contribution (calculated on the AICR) towards trunk infrastructure.

Under s 94(2) of the Local Government Act 2009, Council may resolve to impose a special charge to be levied on properties benefiting from the works/connection to the service area and what period of time (payment scheme) the special charge is to be levied over. Section 94 of the Local Government Regulation 2012 covers further aspects of levying special charges.

**5.4 Charge Methodology**

Costs shall be apportioned in an equitable and fair manner between all properties that gain a benefit from any infrastructure augmentation and connection works.

**5.5 Payment Method**

The special charges identified in this Policy:

1. Must be paid in full, or
2. May be paid in installments, if Council has made a resolution to implement a payment scheme.

**6. Changes to this Policy:**

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

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

**7. Repeals:**

This policy repeals former Rockhampton Regional Council Policy No. POLW2.8 titled 'Requirement to Connect to Infrastructure Policy'.

JUSTIN COMMONS  
CHIEF EXECUTIVE OFFICER

Water and Sewerage Service Area Extension Policy  
Adopted/Approved: Draft  
Version: 1

Department: Infrastructure Services  
Section: Infrastructure Planning & Design

**12.3 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2020****File No:** FM12.14.1**Attachments:** 1. **Monthly Finance Report - January 2020** [↓](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Damien Cross - Coordinator - Accounting Services  
Rachel Jackson - Coordinator Procurement

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**SUMMARY**

*Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 31 January 2020 by the Chief Financial Officer.*

**RECOMMENDATION**

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 January 2020 be received.

**BACKGROUND**

The attached Financial Report is collated financial data within Council's Finance One and Pathway systems. The report presented includes:

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

The attached financial information presents the year-to-date position of Council's financial performance to the 31 January 2020. Commitments are excluded from the reported operating & capital expenditures.

All variances are reported against the 2019-20 Quarter 1 (20Q1) Revised Budget as adopted by Council on the 22 October 2019. The 2019-20 Quarter 2 (20Q2) was adopted on 4 February 2020 and financial performance will be measured against this budget from February onwards.

Budgets have been developed on a monthly basis. The attached report shows the business activities (water, sewerage & waste) segregated revenue and expenditure statements and balance sheets. Council finance officers have been simplifying the presentation of this report over recent months to enhance the readability and relevance of the information contained within. Further improvements to the presentation and readability of this report are expected to be made over coming months.

**COMMENTARY**

The Financial Report compares actual performance to date with Council's 20Q1 revised budget and identifies significant variances or areas of concern. It also provides information about additional areas of financial interest to Council and reinforces sound financial management practices throughout the organisation.

## Financial Performance

The operating performance for the financial year to 31 January 2020 shows an operating surplus of approximately \$31.9 million compared to a budgeted year to date operating surplus of approximately \$25.7 million.

Total operational expenditure is \$2.7 million below the year to date budget. Operational revenue is \$3.6 million above of the year to date budget.

Financial Performance Summary to 31 January 2020					
	20Q1YTD Revised Budget (\$m)	Actuals (\$m)	Variance (\$m)	Variance %	Status
Operating Revenue	\$77.9	\$81.5	\$3.6	5%	✓
Operating Expense	(\$52.3)	(\$49.7)	\$2.6	(5%)	✓
<i>Net Operating Result</i>	\$25.6	\$31.9	\$6.3	24%	✓
Capital Grants	\$6.2	\$4.0	(\$2.2)	(35%)	✗
Capital Expenditure	(\$23.3)	(\$12.9)	(\$10.4)	(45%)	✓

Note: Actual results exclude purchase order commitments.

Status Legend:

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

## Operating Revenue

Year to date operating revenue is ahead of the year to date 20Q1 revised budget position mostly due to variances in the sales revenue and operating grants budget line items. The sales revenue line item is a budget timing variance as the settlement of the Capricorn Coast Homemaker Centre land parcel is later than the anticipated settlement timeframe which was incorporated into the 2019-20 budget. This settlement once realised is expected to move the sales revenue budget line item closer towards budget. The favourable variance in the operating grants line item is mostly due to the receipt of funding from the Queensland Reconstruction Authority for day labour costs incurred by Council in relation to the March-April 2017 Natural Disaster Event and \$1million in Immediate Financial Support for Bushfire Affected Communities funding from Commonwealth Government paid to Council mid-January 2020.

Interest revenue is below the year to date budget given decreases in the Reserve Bank of Australia underlying cash rate earlier in the financial year, which has in turn decreased the interest rate Council earns on its cash invested with the Queensland Treasury Corporation. In accordance with Council's investment policy Council officer's invested \$5 million into two (2) term deposits during January to assist in maximising Council's interest revenue.

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

## Operating Expenditure

Year to date operating expenditure is below the year to date 20Q1 revised budget by approximately 5%, which excludes \$10.5 million in committed expenditure. This variance is due in part to the non-accrual of all materials and services expenditure on a monthly basis. Employee wages and salaries have been accrued into the month of January for the fortnight ending Sunday 2 February 2020.



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

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

	YTD Actuals (\$000's)	20Q1 Budget (\$000's)	YTD Full Year 20Q1 Revised Budget (\$000's)	% Full Year 20Q1 Revised Budget Spent (\$000's)
Rural Maintenance	\$2,776	\$1,953	\$3,551	78.2%
Urban Maintenance	\$1,331	\$1,332	\$2,206	60.3%

Note: Actual results exclude purchase order commitments.

### Capital Revenue

Total capital grants and contributions are behind the year to date budget. A detailed listing of capital grants received to date in comparison to the 20Q1 revised budget is provided as part of Attachment 2 to this report.

The 20Q1 revised capital revenue budget for developer contributions is \$1.5 million. Total year to date developer's contributions are approximately \$1.56 million. The monthly budget phasing of developers contributions is difficult to predict given a number of factors determine the timing of the receipt of the contributions. Developer contributions are a factor in determining the funding mix of Council's capital works programme requiring Council officers to monitor the total funding received as the financial year progresses.

### Capital Expenditure

Capital expenditure incurred is summarised in Table D.1 and D.2 in Attachment 1. The 2019-20 full year 20Q1 budgeted capital expenditure is approximately \$40.6 million with actuals of approximately \$12.9 million. There is approximately \$7.3 million of capital expenditure commitments at month end that predominately relates to work to be undertaken over the balance of the 2019-20 financial year.

Table D.4 highlights the significant capital works projects with 20Q1 revised budget expenditure budget greater than \$800,000 and includes the year to date actuals and project life-to-date costs in comparison to budget.

### Statement of Financial Position

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

### Statement of Cash Flows

The statement of cash flows provided in Table C in Attachment 1 shows Council's cash flows year to date in comparison to the year to date budget. The cash position remains sound with cash totalling approximately \$36.4 million.

### Investments and Borrowings

Information in relation to year to date interest revenue earnings and borrowings are outlined in Table E.3 of Attachment 1. The next quarterly repayment on Council's loan portfolio held with the Queensland Treasury Corporation is scheduled to occur in March 2020. Council has not accessed the approved \$20 million working capital facility.

### Outstanding Rates and Trade Debtors

Information in relation to outstanding rates and trade debtors are outlined in Table E.4 of Attachment 1. Table E.4 also outlines aged rates and trade debtor's balances.

**Debt Management Statistics**

The KPI target for outstanding rates is to reduce rates receivables to less than 5% of total rates outstanding prior to the next six monthly billing cycle. Whilst the collection process of overdue rates receivables is proceeding, total rates receivables eligible for collection (excluding the current levy) are \$3.5 million, which is 4.6% of rates levied. (January 2019 was also 4.6% of rates levied).

Ratepayers always have the option to enter into formal payment arrangements, which prevents legal action being progressed by Council's debt collection agency. Council resolved to charge 7% per annum on overdue rates and utility charges in 2019-20, applied monthly, on all overdue balances, including those under a formal payment agreement.

- 39% of overdue balances are under management; this reflects 536 assessments out of all 17,596 rateable assessments (3%).
- There are 35 current proposals to pay totalling \$104,458 (December: NIL). Following the conclusion of the first half-year rating period for 2019-20, all proposals to pay were reviewed by Council officers.
- There are 108 assessments (December: 103) under long-term arrangements (agreements to pay) with a total of \$597,942 with varying settlement periods.
- The in-house collection process has concluded. Following the Cobraball Bush Fire event in November 2019 and the recent Christmas period, referrals and legal action are currently on hold for those affected suburbs and will be delicately monitored by Council officers.
- Council's debt collection agency is currently managing 393 assessments (December: 247), representing \$1,362,529 (December: \$959,034). Compared to January 2019, there are two (2) less assessments under a debt management arrangement; however, there is a decrease in the total value under management by \$140,583.

**Procurement****Local Content**

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

**Current Tenders**

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

Status Legend:

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

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

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

Non-Award – a decision is made not to award the contract, as the submission/s received has been deemed not suitable.

Contract – contract issued by letter of award.

Summary of current tenders:

Open	
1036T	ITT - Provide contract cleaning services
1037T	ITT - PSA Asphalt & Associated Products

## PREVIOUS DECISIONS

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

The 2019-20 Quarter 2 (20Q2) revised budget was adopted by Council on 4 February 2020. The February 2020 monthly finance report will report all variances in relation to the 20Q2 revised budget.

## BUDGET IMPLICATIONS

The Monthly Financial Report shows Council's financial position in relation to the 20Q1 Revised Budget.

## LEGISLATIVE CONTEXT

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

## LEGAL IMPLICATIONS

There are no anticipated legal implications because of this report.

## STAFFING IMPLICATIONS

There are no staffing implications because of this report.

## RISK ASSESSMENT

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

## CORPORATE/OPERATIONAL PLAN

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

## LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

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

## CONCLUSION

The financial report provides information about Council's financial performance and position for the month ending 31 January 2020.

## **12.3 - MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2020**

### **Monthly Finance Report - January 2020**

**Meeting Date: 18 February 2020**

**Attachment No: 1**



Livingstone  
SHIRE COUNCIL

**Monthly Financial Report  
for period ending  
31/01/2020**

**Contents**

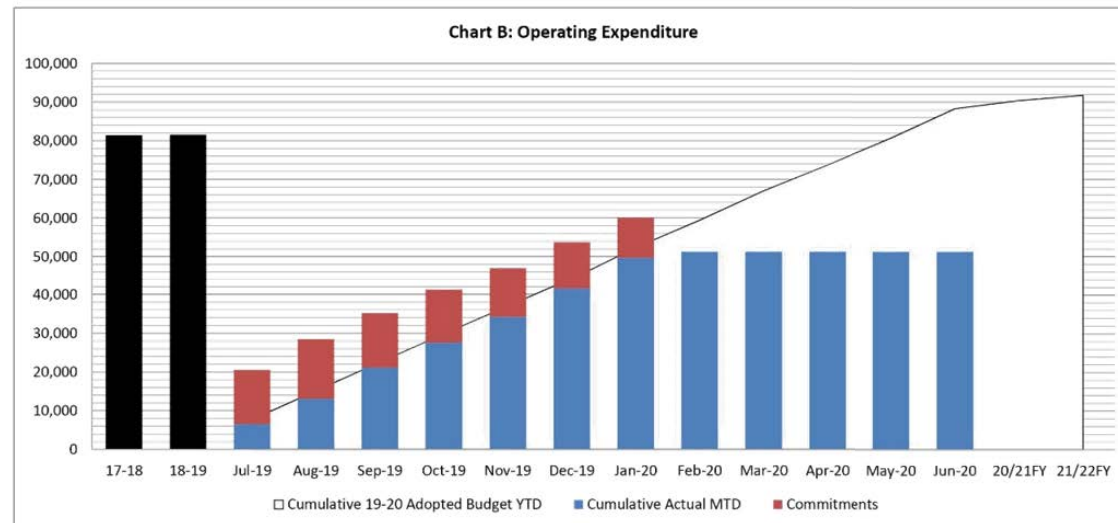
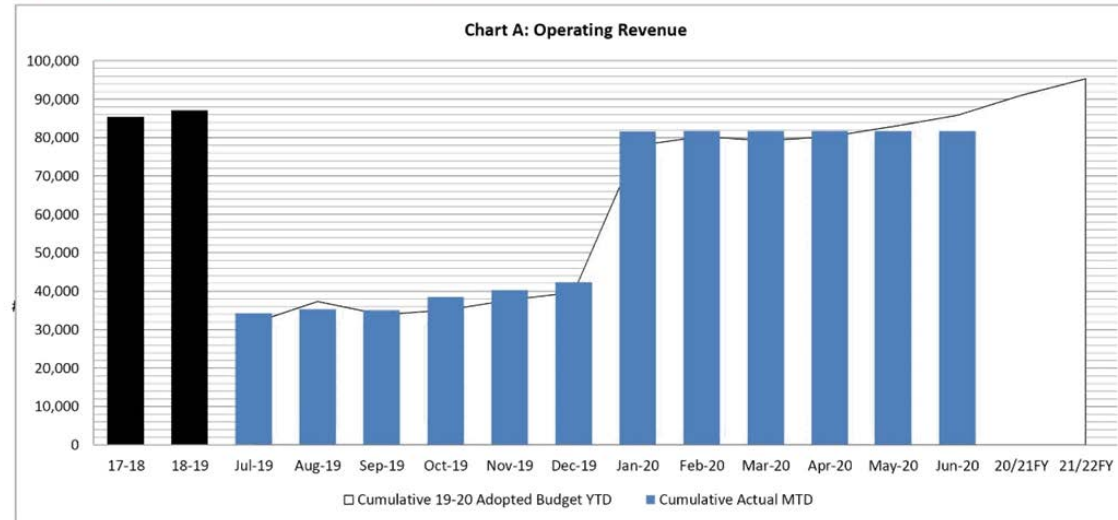
**Financial Health Indicators**

- Key strategic financial indicators
- Summary financial statements

**Attachments: Detailed financial statements**

## Financial Health Indicators

Key strategic financial indicators: trend analysis



Key strategic financial indicators as at: 31/01/2020					
Operating performance					
	Target Benchmark	1920 Q1 Budget	YTD Actual	Status	Commentary
<b>Operating surplus ratio</b>					
Operating surplus/operating revenue	0-10%	-2.6%	39.1%	✓	The operating surplus and operating efficiency ratios have substantially improved during January mostly due to the recognition of the levy of the second bi-annual general rates and second quarter water consumption notices towards the end of January. It is expected that both ratios will continue to move closer towards their respective budgeted positions as operational expenditure is incurred over the remaining months of the financial year.
<b>Operating efficiency ratio</b>					
Operating revenue/operating expense	110%	97.5%	164.3%	✓	
Fiscal flexibility					
	Target Benchmark	1920 Q1 Budget	YTD Actual		Commentary
<b>Net financial liabilities ratio</b>					
(Total liabilities - current assets) / operating revenue	<60%	61.5%	9.3%	✓	The net financial liabilities ratio is well within the 20Q1 revised budgeted position and target benchmark. This is due to the recognition of the levy of the second bi-annual general rates and second quarter water consumption notices towards the end of January.
<b>Own-source operating revenue ratio</b>					
Own source/operating revenue	>60%	92.3%	93.4%	✓	The own-source operating revenue ratio is well ahead of the target benchmark, as the vast majority of Council's total operating revenue is from general rates & utility charges with both bi-annual levies now recognised within YTD operational revenue.
<b>Interest cover ratio</b>					
Net Interest Expense / Total Operating Revenue	0% - 5%	4.6%	2.9%	✓	
Liquidity					
	Target Benchmark	1920 Q1 Budget	YTD Actual		Commentary
<b>Cash balances - Cash capacity in months</b>					
Cash at bank/cash operating expense	3.0	3.3	7.4	✓	The year to date cash expense cover indicates that Council has sufficient cash to meet current cash operating expenses for approximately 7.4 months. This is above the target benchmark as Council's closing cash position at 31 January is well ahead of the 20Q1 budgeted position at this same date.
<b>Ability to pay our bills - Current Ratio (times)</b>					
Current assets/current liabilities	2.0	3.2	7.3	✓	The current ratio is above the target benchmark of 2.0 mostly due to Council's actual cash position being ahead of the budgeted position as at 31 January.
Asset sustainability					
	Target Benchmark	1920 Q1 Budget	YTD Actual		Commentary
<b>Asset Sustainability Ratio</b>					
Renewal expenditure/depreciation	90%	50.8%	22%	✗	The asset sustainability ratio will stay lower than the 90% target benchmark due to the large proportion of new assets not requiring renewal at this stage.
Status Legend					
KPI target (budget) achieved or exceeded		✓	KPI target (budget) not achieved		
			✗		



## Summary financial statements for the year to date ending 31/01/2020

### A. Summary of financial results

#### A. Income Statements

	Year-to-date 2019-20 Q1		Variance		Status	Comments
	Budget	Actual				
	(\$m)	(\$m)	\$	%		
Own-source Revenues	76.40	76.21	(0.19)	-0.2%	■	The own-source operating revenue ratio is in close proximity to the 20Q1 budget, as the vast majority of Council's total 2019-20 operating revenue has been recognised YTD. Employee wages and salaries have been accrued up to the fortnight ending Sunday 2 February.
Total Revenues	77.97	81.57	3.60	4.6%	✓	
Employee Expenses	(19.06)	(17.99)	1.06	-5.6%	✓	
Total Expenses	(52.33)	(49.65)	2.68	-5.1%	✓	
<b>Operating Result</b>	<b>25.64</b>	<b>31.92</b>	<b>6.28</b>	<b>24%</b>		

#### B. Balance Sheet

	Year-to-date 2019-20 Q1		Variance		Status	Comments
	Budget	Actual				
	(\$m)	(\$m)	\$	%		
Cash and Cash Equivalents	19.84	36.39	16.55	83.4%	✓	Cash balances and total current assets are well ahead of the budgeted position at the end of January mostly due to some identified budget timing variances and year to date underspends in both operational and capital expenditures. All other balance sheet items are in relatively close proximity to the year to date 20Q1 budgeted position.
Current Assets	58.70	91.33	32.63	55.6%	✓	
Current Liabilities	11.93	12.52	0.59	5.0%	■	
Non-Current assets	986.77	980.15	(6.62)	-0.7%	■	
Borrowings	79.39	78.39	(1.00)	-1.3%	✓	
Non-Current Liabilities	86.74	86.37	(0.37)	-0.4%	✓	
<b>Net Assets</b>	<b>946.81</b>	<b>972.59</b>	<b>25.79</b>	<b>3%</b>		

#### C. Cash flows

	Year-to-date 2019-20 Q1		Variance		Status	Comments
	Budget	Actual				
	(\$m)	(\$m)	\$	%		
Net Operating	11.50	11.34	(0.16)	-1.4%	■	Net operating cash flows are in close proximity to the YTD 20Q1 budgeted position. Net investing cash flows are well under budget due to total capital expenditure being behind the YTD budget to end of January.
Net Investing	(16.28)	(12.25)	4.03	-24.8%	✓	
Net Financing	(2.50)	(2.46)	0.04	-1.7%	✓	
<b>Closing Cash Balance</b>	<b>19.84</b>	<b>36.39</b>	<b>16.55</b>	<b>83%</b>		

#### D. Capital program

	Year-to-date 2019-20 Q1		Variance		Status	Comments
	Budget	Actual				
	(\$m)	(\$m)	\$	%		
Renewal	6.13	2.86	(3.28)	-53.4%	×	Total capital expenditure is below budget to the end of January. It should be noted that there are approximately \$7.3m in capital expenditure commitments. The transition of these expenditure commitments into actual costs will determine to a large extent to quantum of the capital expenditure budget which is delivered by 30 June.
New/Upgrade	17.13	10.04	(7.09)	-41.4%	×	
<b>Total Capital Program</b>	<b>23.26</b>	<b>12.89</b>	<b>(10.37)</b>	<b>-45%</b>		

#### Status Legend:

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



## Attachments

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

	1920 Q1 Budget	Year-to-date			Full year
		Actual	Variance	Variance	2019-20 Q1 Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
<b>Revenues</b>					
Rates & Utility Charges	72,894	72,657	(237)	0%	73,538
User Fees & Charges	2,956	2,906	(50)	-2%	4,996
Operating Grants	2,155	4,033	1,878	87%	5,968
Interest	604	388	(216)	-36%	1,036
Sales Revenue	(1,189)	935	2,124	-179%	(398)
Other	553	651	98	18%	941
<b>Total operating revenues</b>	<b>77,973</b>	<b>81,569</b>	<b>3,597</b>	<b>5%</b>	<b>86,081</b>
<b>Expenses</b>					
Employee Benefits	(19,055)	(17,991)	1,065	-6%	(32,269)
Materials & Services	(17,247)	(15,455)	1,792	-10%	(28,556)
Depreciation	(12,986)	(12,992)	(6)	0%	(22,263)
Interest	(2,330)	(2,358)	(28)	1%	(3,996)
Other	(714)	(854)	(140)	20%	(1,215)
<b>Less: Total operating expenses</b>	<b>(52,332)</b>	<b>(49,650)</b>	<b>2,683</b>	<b>-5%</b>	<b>(88,299)</b>
<b>Net operating result</b>	<b>25,640</b>	<b>31,920</b>	<b>6,279</b>	<b>24%</b>	<b>(2,218)</b>
<b>Capital Income</b>					
Capital Grants	4,419	3,631	(788)	-18%	10,607
Developer Contributions	875	1,555	680	78%	1,500
Other Capital Income	0	410	410	0%	0
<b>Less: Restoration Provision Capital Expense</b>	<b>(85)</b>	<b>0</b>	<b>85</b>	<b>-100%</b>	<b>(146)</b>
<b>Net Capital Income</b>	<b>5,209</b>	<b>5,596</b>	<b>387</b>	<b>7%</b>	<b>11,961</b>
<b>Total comprehensive income</b>	<b>30,850</b>	<b>37,516</b>	<b>6,666</b>	<b>22%</b>	<b>9,743</b>

### B: Monthly summary of assets and liabilities report

	1920 Q1 Budget	Year-to-date			Full year
		Actual	Variance	Variance	2019-20 Q1 Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
<b>Assets</b>					
Cash and cash equivalents	19,839	36,387	16,548	83%	29,651
Inventory	900	439	(462)	-51%	4,284
Receivables:					
Trade & Other Receivables	37,422	40,611	3,188	9%	8,354
Land - for resale	6,514	17,703	11,189	172%	3,812
Infrastructure:					
PPE	980,259	937,859	(42,401)	-4%	997,677
Capital WIP	-	38,479	38,479	0%	-
Other assets	543	4	(538)	-99%	1,031
<b>Total Assets</b>	<b>1,045,477</b>	<b>1,071,482</b>	<b>26,004</b>	<b>2%</b>	<b>1,044,809</b>
<b>Liabilities</b>					
Employee benefits	5,755	8,880	3,125	54%	3,011
Trade creditors and accruals	1,072	1,173	101	9%	5,254
Borrowings:					
Short-term	5,100	3,024	(2,076)	-41%	5,270
Long-term	74,290	75,370	1,080	1%	70,260
Other liabilities	12,452	10,441	(2,011)	-16%	12,452
<b>Total Liabilities</b>	<b>98,669</b>	<b>98,888</b>	<b>219</b>	<b>0%</b>	<b>96,247</b>
<b>Current assets</b>	<b>58,704</b>	<b>91,332</b>	<b>32,628</b>	<b>56%</b>	<b>43,320</b>
<b>Current liabilities</b>	<b>11,927</b>	<b>12,518</b>	<b>591</b>	<b>5%</b>	<b>13,535</b>
<b>Non-current assets</b>	<b>986,773</b>	<b>980,150</b>	<b>(6,624)</b>	<b>-1%</b>	<b>1,001,489</b>
<b>Non-current liabilities</b>	<b>86,742</b>	<b>86,370</b>	<b>(372)</b>	<b>0%</b>	<b>82,712</b>
<b>Net community assets</b>	<b>946,808</b>	<b>972,594</b>	<b>25,785</b>	<b>3%</b>	<b>948,562</b>

**C: Monthly summary cash flow report**

	Year-to-date				Full year
	1920 Q1 Budget	Actual	Variance	Variance	2019-20 Q1 Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
<b>Operating Cashflows</b>					
<i>Cash inflows from operations</i>					
Rates & utility charges	38,185	37,897	(288)	-1%	76,316
User fees and charges	2,708	2,969	261	10%	5,018
Operating grants	3,294	3,966	671	20%	5,967
Interest	619	388	(231)	-37%	1,036
Other	1,359	1,658	299	22%	0
Proceeds from sale of land inventory	8,696	1,016	(7,680)	-88%	8,696
<b>Total operating cash inflows</b>	<b>54,861</b>	<b>47,894</b>	<b>(6,967)</b>	<b>-13%</b>	<b>97,032</b>
<i>Cash outflows from operations</i>					
Employee entitlements	(19,784)	(18,043)	1,741	-9%	(37,819)
Payments to suppliers	(20,905)	(16,519)	4,386	-21%	(33,281)
Borrowing costs & bank charges	(2,495)	(1,982)	513	-21%	(3,845)
Other operating cash outflows	(175)	0	175	-100%	(300)
Payments for land inventory	0	(12)	(12)	0%	(88)
<b>Total operating cash outflows</b>	<b>(43,358)</b>	<b>(36,556)</b>	<b>6,803</b>	<b>-16%</b>	<b>(75,333)</b>
<b>Net cash flows from operations</b>	<b>11,503</b>	<b>11,338</b>	<b>(165)</b>	<b>-1%</b>	<b>21,699</b>
<b>Investing cash flows</b>					
Proceeds on disposal of assets	0	287	287	0%	1,600
Capital grants & infrastructure charges	6,342	5,659	(683)	-11%	12,107
Acquisition of assets	(22,625)	(18,197)	4,428	-20%	(40,484)
Other investing activities	0	0	0	0%	(30)
<b>Net investing cash flows</b>	<b>(16,283)</b>	<b>(12,251)</b>	<b>4,032</b>	<b>-25%</b>	<b>(26,807)</b>
<b>Financing cash flows</b>					
Repayments on borrowings	(2,500)	(2,458)	42	-2%	(4,999)
<b>Net financing cash flows</b>	<b>(2,500)</b>	<b>(2,458)</b>	<b>42</b>	<b>-2%</b>	<b>(4,999)</b>
<b>Net combined cash flows</b>	<b>(7,280)</b>	<b>(3,371)</b>	<b>3,909</b>	<b>-54%</b>	<b>(10,107)</b>
<b>Add: Opening cash balance</b>	<b>27,119</b>	<b>39,758</b>	<b>12,639</b>	<b>47%</b>	<b>39,758</b>
<b>Closing cash balance</b>	<b>19,839</b>	<b>36,387</b>	<b>16,548</b>	<b>83%</b>	<b>29,651</b>

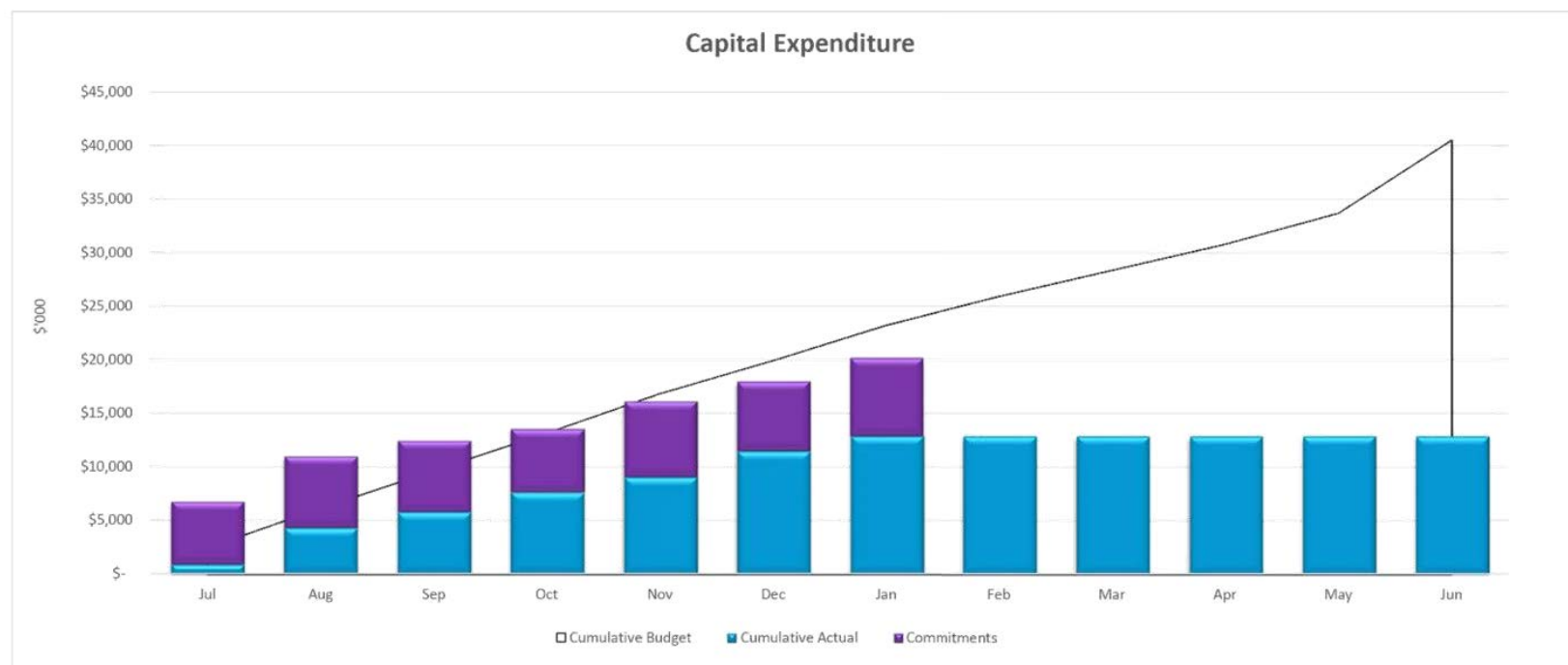
**D.1: Monthly summary capital revenue and expenditure report by category (all projects)**

	Year-to-date				Full year
	1920 Q1 Budget	Actual	Variance	Variance	2019-20 Q1 Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
<b>Renewal of existing assets</b>					
Capital grants and contributions	(365)	(480)	(116)	32%	(625)
Renewal expenditure	6,132	2,855	(3,276)	-53%	11,305
<b>New assets/upgrade of existing assets</b>					
Capital grants and contributions	(5,823)	(3,568)	2,255	-39%	(9,982)
New/upgrade expenditure	17,130	10,039	(7,091)	-41%	29,267
<b>Total</b>					
<b>Capital grants and contributions</b>	<b>(6,187)</b>	<b>(4,048)</b>	<b>2,139</b>	<b>-35%</b>	<b>(10,607)</b>
<b>Renewal, upgrade and acquisition</b>	<b>23,261</b>	<b>12,894</b>	<b>(10,368)</b>	<b>-45%</b>	<b>40,572</b>

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

	1920 Q1 Budget	Year-to-date			Full year
		Actual	Variance	Variance	2019-20 Q1 Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
<b>Land</b>					
Renewal, new/upgrade	133	294	160	120%	180
<b>Buildings</b>					
Capital grants and contributions	(671)	(500)	171	-25%	(1,150)
Renewal, new/upgrade	2,145	280	(1,866)	-87%	2,603
<b>Plant &amp; Equipment</b>					
Capital grants and contributions	(25)	(33)	(7)	29%	(43)
Renewal, new/upgrade	1,589	716	(873)	-55%	2,432
<b>Roads &amp; Drainage</b>					
Capital grants and contributions	(2,094)	(2,568)	(474)	23%	(3,590)
Renewal, new/upgrade	8,456	5,933	(2,523)	-30%	15,410
<b>Bridges</b>					
Renewal, new/upgrade	65	11	(54)	-83%	68
<b>Water</b>					
Renewal, upgrade and acquisition	3,157	856	(2,301)	-73%	4,558
<b>Sewerage</b>					
Capital grants and contributions	(1,143)	(140)	1,003	-88%	(1,960)
Renewal, upgrade and acquisition	4,195	2,729	(1,467)	-35%	7,387
<b>Site Improvements</b>					
Capital grants and contributions	(2,253)	(807)	1,446	-64%	(3,863)
Renewal, upgrade and acquisition	3,292	1,905	(1,387)	-42%	6,726
<b>Land Development</b>					
Renewal, upgrade and acquisition	42	26	16	-37%	88
<b>Information Communication Technology</b>					
Renewal, upgrade and acquisition	187	144	42	-23%	1,120

Table D.3 Capital Expenditure

Capital Expenditure for the Period Ending  
31/01/2020

	Annual 20Q1 Budget (\$'000)	YTD 20Q1 Budget (\$'000)	YTD Actual (\$'000)	YTD Variance (\$'000)	YTD Variance %
Capitalised goods and services	37,496	\$ 21,498	10,838 -	10,660	-50%
Capitalised employee costs	3,076	\$ 1,764	2,057	293	17%
<b>Total</b>	<b>40,572</b>	<b>23,261</b>	<b>12,895 -</b>	<b>10,367</b>	



## D.4: Summary capital expenditure report by project (&gt;\$800,000)

	Project Dates				Project Costs YTD FY19/20					Project Life Costs	
	% Project Complete	Planned Start Date	Planned Completion Date	WIP B/F from PY	Actual	Commitments	Total Project Costs	2019-20 Adopted Budget	2019-20 Q1 Budget	Project LTD Costs	Project Life Budget
<b>Capricorn Coast New Cemetery</b>											
580906 Capricorn Coast Cemetery - Initial Planning	0%	00/01/1900	00/01/1900	10	0	0	0	0	0	10	
988058 Capricorn Coast Cemetery - Roadworks	100%		2018-19	3,010	0	0	0	0	0	3,010	
988173 Capricorn Coast Cemetery - Internal works	55%	20/03/2019	31/08/2020	502	44	215	259	852	852	547	
1110324 Capricorn Coast Cemetery - Internal R&D works	100%	00/01/1900	2018-19	2,146	2	10	12	0	0	2,148	
<b>Subtotal</b>				<b>5,668</b>	<b>47</b>	<b>225</b>	<b>272</b>	<b>852</b>	<b>852</b>	<b>5,715</b>	<b>6,850</b>
<b>Emu Park Village &amp; Foreshore Revitalisation</b>											
1097725 Emu Park Village & Foreshore - Emu Park Foreshore	0%	00/01/1900	00/01/1900	75	10	0	10	0	0	85	
1100767 Emu Park Village & Foreshore	95%	30/07/2018	30/01/2020	2,087	1,372	443	1,814	1,728	1,728	3,459	
1101161 Emu Park Village & Foreshore - CWA Rotunda Emu Park	95%	-	-	2	0	0	0	0	0	2	
1105254 Emu Park Village & Foreshore - Kerr Park Carpark (SLSC)	100%		2018-19	805	0	0	0	0	0	805	
1105255 Emu Park Village & Foreshore - Tennent Memorial Dr Stage 1 Planning	100%	00/01/1900	2018-19	18	0	0	0	0	0	18	
1105256 Emu Park Village & Foreshore - Emu Street Stage 1 Plans B to E	100%	00/01/1900	2018-19	231	1	7	8	0	0	232	
1108479 Emu Park Village & Foreshore - Water Main Replacement Emu Street	100%		2017-18	141	0	0	0	0	0	141	
<b>Subtotal</b>				<b>3,359</b>	<b>1,383</b>	<b>449</b>	<b>1,832</b>	<b>1,728</b>	<b>1,728</b>	<b>4,742</b>	<b>5,520</b>
1115392 ICT Strategy	13%	Mon 02/07/19	Tue 30/06/20	4	144	43	188	1,120	1,120	148	2,120
CP440 Fleet Renewal Program	28%	Mon 02/07/19	Tue 30/06/20	0	649	1,081	1,730	2,023	2,339	649	2,023
<b>Road &amp; Drainage</b>											
CP422 Gravel Resheet Annual Program	20%	Mon 02/07/18	Tue 30/06/20	76	260	56	315	1,300	1,300	336	1,300
1017252 Matthew Flinders Drive - Scenic Highway to Gregory Street	10%	06/01/2020	02/07/2020	7	140	713	852	1,500	1,500	147	1,500
1066965 Frangipani Drive Extension & Taranganba School Bus Setdown	0%	01/07/2020	20/10/2020	318	0	0	0	920	920	318	1,520
1114438 Adelaide Pk Road - St Brendan's Gate 1 to Gate 2	85%	09/09/2019	20/02/2020	2	1,136	296	1,432	1,300	1,300	1,138	1,300
1108378 Barmaryee Rd-Oaks Village - Neil's Road	35%	18/11/2019	01/06/2020	4	216	245	461	880	880	220	880
1113798 Whitman St - Morris to Arthur Streets	0%	26/02/2020	04/06/2020	18	12	2	13	625	625	30	635
<b>Subtotal</b>				<b>425</b>	<b>1,764</b>	<b>1,310</b>	<b>3,074</b>	<b>6,525</b>	<b>6,525</b>	<b>2,189</b>	<b>7,135</b>
<b>Major Projects</b>											
1115553 Cooe Bay Pool- W4Q Round 3	5%	04/09/2019	30/09/2020	0	35	30	65	1,200	1,200	35	1,200
959072 Sewer Treatment Plant Yeppoon - Augmentation Design & Construction	99%	22/03/2018	28/02/2020	14,157	2,266	365	2,631	2,444	2,444	16,423	16,601
1110848 Yeppoon Water Recycling Augmentation	15%	03/07/2019	18/12/2020	10	46	337	383	1,900	1,900	56	1,900
<b>Subtotal</b>				<b>14,167</b>	<b>2,347</b>	<b>732</b>	<b>3,079</b>	<b>5,544</b>	<b>5,544</b>	<b>16,514</b>	<b>19,701</b>
<b>Water and Waste Operations</b>											
1100809 Yeppoon Landfill entry works - Planning and Design	5%	06/04/2020	07/09/2020	0	43	1	44	2,000	2,000	43	2,000
1116575 Reservoir West Emu Park	5%	Mon 02/07/19	30/04/2020	0	5	2	7	2,200	2,200	5	2,200
1065688 Arthur St Yeppoon Trunk Sewer	0%	12/05/2020	06/08/2020	6	16	1	16	919	919	22	919
<b>Subtotal</b>				<b>6</b>	<b>64</b>	<b>3</b>	<b>67</b>	<b>5,119</b>	<b>5,119</b>	<b>70</b>	<b>5,119</b>

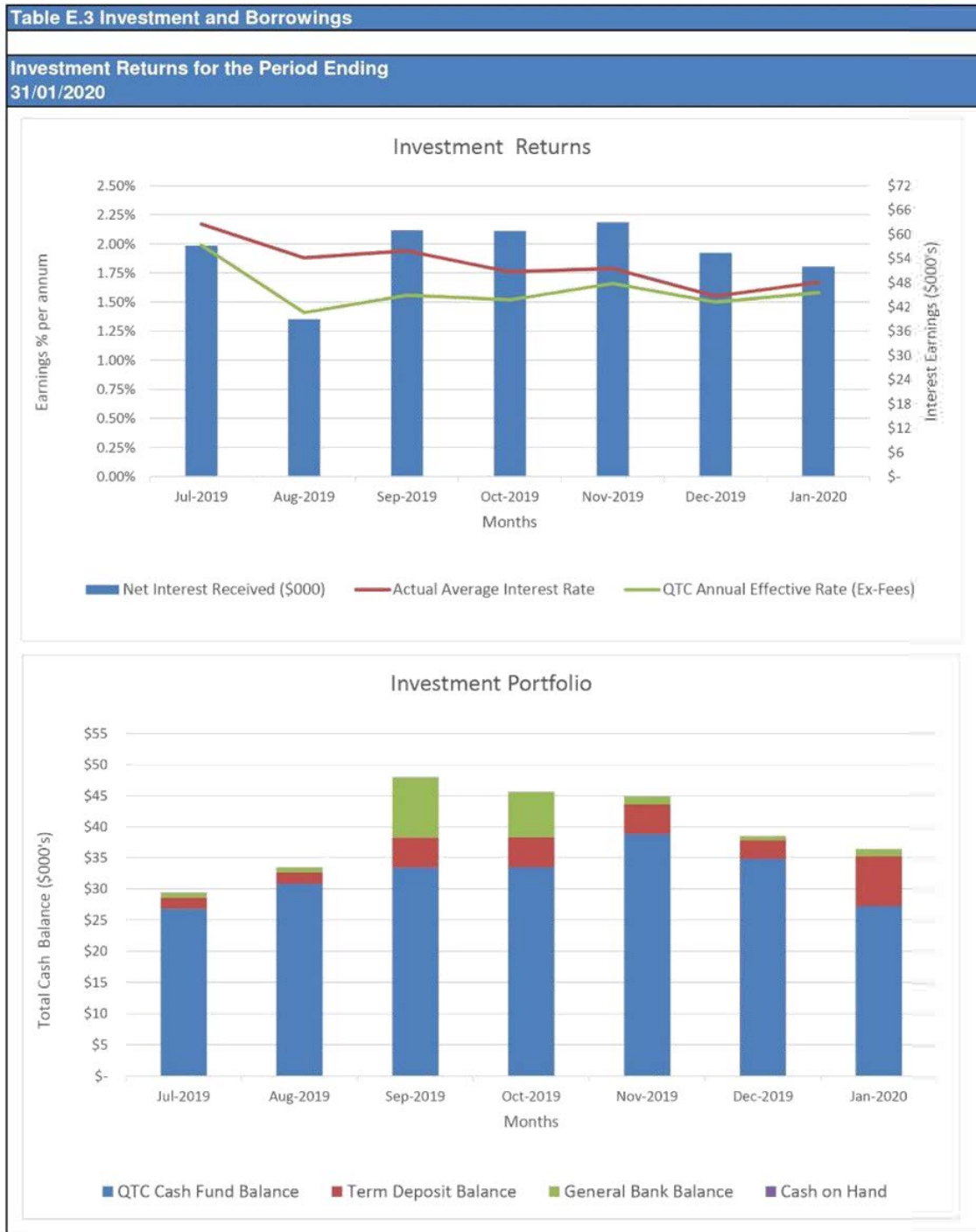
## E.1: Business Unit summary revenue and expenditure report (by line item)

	Water				Sewer				Waste				Council				Consolidated			
	1920 Q1 Budget	YTD Actual	Variance	Variance	1920 Q1 Budget	YTD Actual	Variance	Variance	1920 Q1 Budget	YTD Actual	Variance	Variance	1920 Q1 Budget	YTD Actual	Variance	Variance	1920 Q1 Budget	Actual	Variance	Variance
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%
Rates & utility charges	16,701	15,191	(1,511)	-9%	9,660	10,504	844	9%	8,193	6,558	(1,635)	-20%	40,984	40,405	(579)	-1%	73,538	72,657	(882)	-1%
User fees & charges	231	132	(98)	-43%	170	173	3	2%	1,981	847	(1,134)	-57%	2,615	1,754	(861)	-33%	4,996	2,906	(2,090)	-42%
Operating grants	0	0	0	0%	0	0	0	0%	0	0	0	0%	5,968	4,032	(1,936)	-32%	5,968	4,033	(1,936)	-32%
Interest	31	0	(31)	-100%	16	0	(16)	-100%	11	0	(11)	-100%	978	388	(590)	-60%	1,036	388	(647)	-63%
Sales revenue	140	37	(103)	-73%	60	72	12	20%	0	0	0	0%	(598)	826	1,424	-238%	(398)	935	1,333	-335%
Other	(0)	40	40	0%	(0)	0	0	-308%	216	46	(170)	-79%	724	565	(160)	-22%	941	651	(289)	-31%
<b>Total operating revenues</b>	<b>17,103</b>	<b>15,400</b>	<b>(1,702)</b>	<b>-10%</b>	<b>9,906</b>	<b>10,748</b>	<b>842</b>	<b>8%</b>	<b>8,401</b>	<b>7,452</b>	<b>(949)</b>	<b>-11%</b>	<b>50,671</b>	<b>47,970</b>	<b>(2,702)</b>	<b>-5%</b>	<b>86,081</b>	<b>81,570</b>	<b>(4,511)</b>	<b>-5%</b>
<b>Expenses</b>																				
Employee benefits	(2,458)	(1,201)	1,257	-51%	(1,432)	(681)	751	-52%	(454)	(167)	287	-63%	(27,924)	(15,942)	11,982	-43%	(32,269)	(17,991)	14,277	-44%
Materials & services	(7,649)	(4,450)	3,198	-42%	(2,915)	(1,654)	1,261	-43%	(5,581)	(2,000)	3,581	-64%	(12,412)	(7,351)	5,061	-41%	(28,556)	(15,456)	13,102	-46%
Depreciation	(4,138)	(2,414)	1,724	-42%	(2,315)	(1,350)	965	-42%	(635)	(370)	265	-42%	(15,175)	(8,859)	6,317	-42%	(22,263)	(12,992)	9,271	-42%
Interest	(548)	(326)	222	-40%	(682)	(405)	277	-41%	(578)	(344)	234	-40%	(2,188)	(1,283)	905	-41%	(3,996)	(2,358)	1,638	-41%
Other	0	(4)	(4)	0%	(0)	(106)	(106)	0%	(10)	(12)	(2)	24%	(1,207)	(731)	476	-39%	(1,215)	(854)	363	-30%
<b>Less: Total operating expenses</b>	<b>(14,793)</b>	<b>(6,395)</b>	<b>6,398</b>	<b>-43%</b>	<b>(7,344)</b>	<b>(4,196)</b>	<b>3,147</b>	<b>-43%</b>	<b>(7,258)</b>	<b>(2,894)</b>	<b>4,364</b>	<b>-60%</b>	<b>(58,906)</b>	<b>(34,165)</b>	<b>24,741</b>	<b>-42%</b>	<b>(88,299)</b>	<b>(49,651)</b>	<b>38,650</b>	<b>-44%</b>
<b>Net operating result</b>	<b>2,310</b>	<b>7,005</b>	<b>4,695</b>	<b>203%</b>	<b>2,562</b>	<b>6,552</b>	<b>3,989</b>	<b>156%</b>	<b>1,143</b>	<b>4,557</b>	<b>3,415</b>	<b>299%</b>	<b>(8,235)</b>	<b>13,805</b>	<b>22,039</b>	<b>-268%</b>	<b>(2,218)</b>	<b>31,919</b>	<b>34,139</b>	<b>-1538%</b>

## E.2: Business Unit summary of assets and liabilities report

	Water				Sewerage				Waste				Council				Year-to-date				Full year
	1920 Q1 Budget	Actual	Variance	Variance	1920 Q1 Budget	Actual	Variance	Variance	1920 Q1 Budget	Actual	Variance	Variance	1920 Q1 Budget	Actual	Variance	Variance	1920 Q1 Budget	Actual	Variance	Variance	1920 Q1 Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)
<b>Assets</b>																					
Cash and cash equivalents	13,872	5,738	9,098	7,679	19,839	36,387	16,548	83%	17,630												
Inventory	0	0	0	438	900	439	(462)	-51%	3,485												
Trade & Other Receivables	8,800	5,334	3,473	23,003	37,422	40,611	3,188	0%	8,335												
Land - for resale	0	0	0	17,703	6,514	17,703	11,189	172%	2,923												
Infrastructure:	0	0	0	0	0	0	0	0%	0												
PPE	193,222	115,999	8,854	619,784	980,259	937,859	(42,401)	-4%	995,051												
Capital WIP	1,471	17,030	82	19,896	0	38,479	38,479	0%	0												
Other assets	0	(0)	0	4	543	4	(538)	0%	930												
<b>Total Assets</b>	<b>217,365</b>	<b>144,101</b>	<b>21,507</b>	<b>688,514</b>	<b>1,045,477</b>	<b>1,071,482</b>	<b>26,004</b>	<b>2%</b>	<b>1,028,354</b>												
<b>Liabilities</b>																					
Employee benefits	654	648	511	7,073	5,755	8,880	3,125	54%	4,782												
Trade creditors and accruals	74	55	336	709	1,072	1,173	101	9%	3,487												
Borrowings:																					
Short-term	448	514	431	1,630	5,100	3,024	(2,076)	-41%	5,270												
Long-term	9,225	15,281	9,739	41,126	74,290	75,370	1,080	1%	70,260												
Other liabilities	0	0	9,893	548	12,452	10,441	(2,011)	-16%	11,659												
<b>Total Liabilities</b>	<b>10,401</b>	<b>16,496</b>	<b>20,909</b>	<b>51,085</b>	<b>98,669</b>	<b>98,888</b>	<b>219</b>	<b>0%</b>	<b>95,458</b>												
<b>Current assets</b>	<b>22,672</b>	<b>11,072</b>	<b>12,571</b>	<b>45,022</b>	<b>58,704</b>	<b>91,332</b>	<b>32,628</b>	<b>56%</b>	<b>30,380</b>												
<b>Current liabilities</b>	<b>1,157</b>	<b>1,196</b>	<b>1,278</b>	<b>8,890</b>	<b>11,927</b>	<b>12,518</b>	<b>591</b>	<b>5%</b>	<b>13,539</b>												
<b>Non-current assets</b>	<b>194,692</b>	<b>133,029</b>	<b>8,936</b>	<b>643,492</b>	<b>986,773</b>	<b>980,150</b>	<b>(6,624)</b>	<b>-1%</b>	<b>997,974</b>												
<b>Non-current liabilities</b>	<b>9,244</b>	<b>15,300</b>	<b>19,632</b>	<b>42,195</b>	<b>86,742</b>	<b>86,370</b>	<b>(372)</b>	<b>0%</b>	<b>81,919</b>												
<b>Net community assets</b>	<b>206,964</b>	<b>127,605</b>	<b>597</b>	<b>637,429</b>	<b>946,808</b>	<b>972,594</b>	<b>25,785</b>	<b>3%</b>	<b>932,896</b>												





**Total cash held at 31 January 2020 was \$36388 (\$'000)**

Council's investments are held in the Capital Guaranteed Cash Fund and short term investment market. The Capital Guaranteed Cash Fund is operated by the Queensland Treasury Corporation (QTC). Council's current interest earning rate is 1.58% p.a (net of administration fee) with the QTC and Council's three (3) term deposits earnings rates range between 1.80% and 1.90% p.a.

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

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

Cash surplus to day-to-day requirements is deposited with the QTC on a daily basis to earn higher interest. The interest returns are monitored regularly by Council Finance team staff to maximise interest earnings as much as possible.

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

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

**Total Debt and Borrowing Costs**

<b>Debt Position</b>	<b>\$'000</b>
Total Debt held as at 1 July 2019	80,530
Budgeted new borrowings in 2019-20	-
Capitalised interest & administrative charges	2,286
Total debt service payments made YTD	4,422
<b>Total Debt held as at 31 January 2020</b>	<b>78,394</b>

In line with Council's debt policy, a debt service payment of \$2,211,013 (being approximately \$1.23m repayment of principal and \$981k interest and administrative charges) will be paid quarterly for 2019-20. Interest accrues monthly calculated on a daily basis until the next debt service payment. No new borrowings are budgeted to be drawn down in 2019-20.

As at 31 January 2020 the weighted average interest rate of all Council debt is 4.35%.

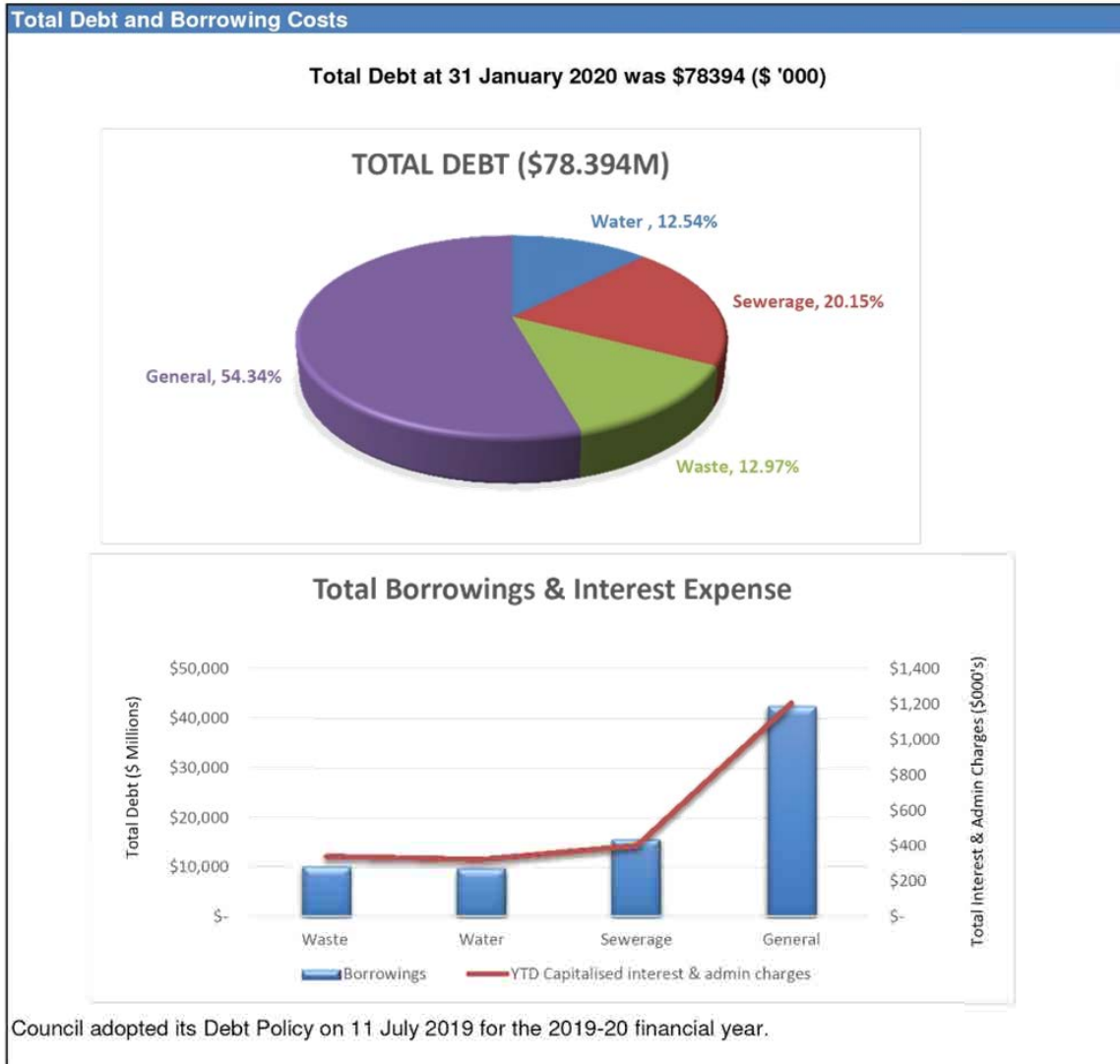
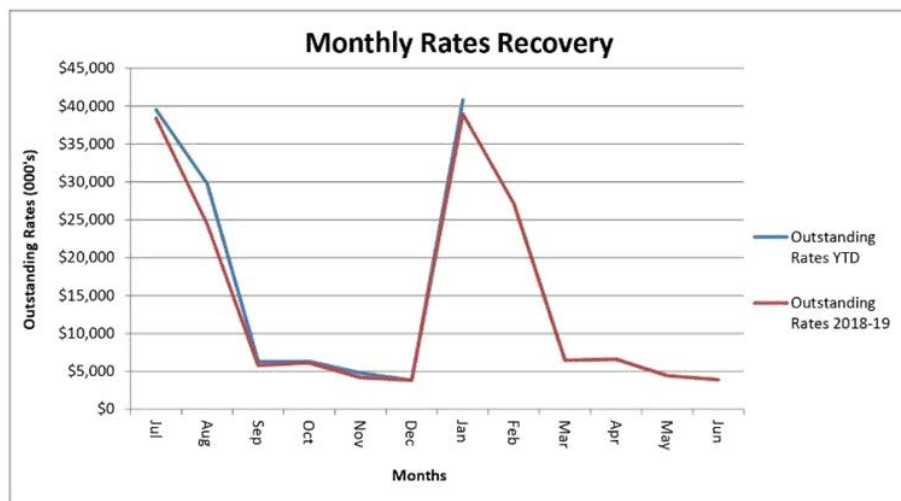


Table E.4: Additional Information

## Outstanding Rates

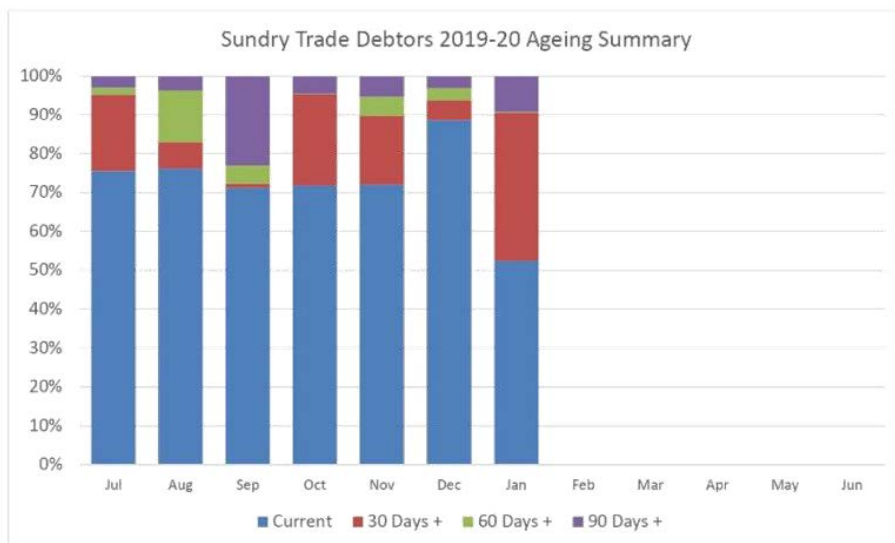
Ageing of Rates Receivable at Month End		
Ageing Period	Arrears (before deducting prepaid rates)	% of total eligible for collection
Current	\$38,918,212	95.34%
1 years	\$1,099,254	2.69%
2 years	\$360,602	0.88%
3 years	\$225,433	0.55%
4 years	\$79,908	0.20%
5 years	\$138,699	0.34%
<b>TOTAL</b>	<b>\$40,822,108</b>	<b>100%</b>



### Outstanding Sundry Trade Debtors

Total Sundry Trade Debtors Outstanding at Month End:

\$772,023



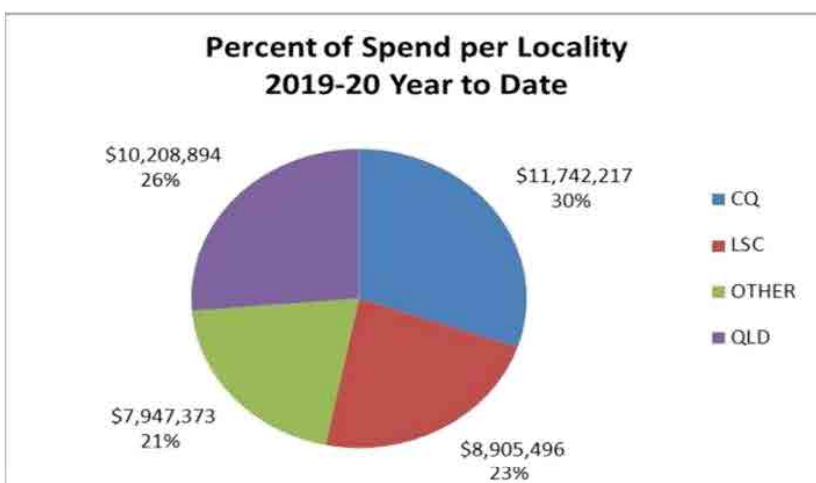
### Procurement

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

Total expenditure with businesses located within the shire boundaries year to date is 23% or \$8.9 million and illustrated in the following pie chart.

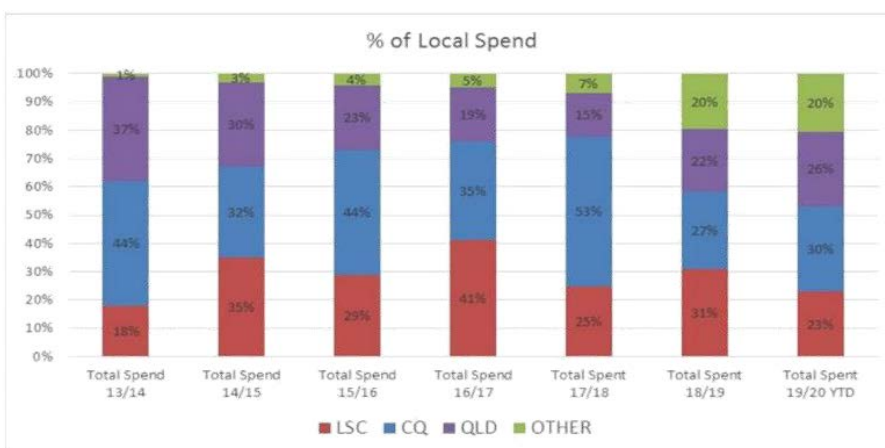
Chart legend:

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



The bar graph below summarises the allocation by local spend categories per financial year since 2013-14.

Council has procured, on average, 67% of materials & services from within the greater Central Queensland area, which includes Livingstone Shire Council.



**12.4 DEVELOPMENT APPLICATION D-243-2019 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR MULTIPLE DWELLING UNITS (FORTY-FIVE UNITS) FOOD AND DRINK OUTLET AND SHOP AT 8 ANZAC PARADE, 10 ANZAC PARADE, 12 ANZAC PARADE, 14 ANZAC PARADE, 5 QUEEN STREET AND 17 HILL STREET, YEPPOON**

**File No:** D-243-2019

**Attachments:**

1. Locality plan [↓](#)
2. Conceptual plans [↓](#)
3. Floor plans [↓](#)
4. Elevations [↓](#)
5. Vehicle access [↓](#)

**Responsible Officer:** Melissa Warwick - Principal Strategic Planner  
David Battese - Manager Liveability

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

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**SUMMARY**

*Applicant:* Brookport Holdings C/- ADAMS + SPARKES  
Town Planning and Development

*Consultant:* Pete Sparkes

*Real Property Address:* Lot 2 on RP601732, Lot 8 on SP280136, Lot 9 on SP280136, Lot 1 on RP600691, Lot 12 on CP905040, Lot 3 on RP600691 and Lot 10 on SP289416

*Area of Site:* 1,859 square metres (Lot 2 on RP601732) - part site only

697 square metres (Lot 8 on SP280136)

747 square metres (Lot 9 on SP280136)

556 square metres (Lot 1 on RP600691)

629 square metres (Lot 12 on CP905040)

436 square metres (Lot 3 on RP600691)

4,615 square metres (Lot 10 on SP289416) – access only

*Planning Scheme:* Livingstone Planning Scheme 2018

*Planning Scheme Zone:* Major centre zone

*Planning Scheme Overlays:*

- OM01 Acid Sulfate Soils
  - Known actual or potential acid sulfate soils
  - 5 metres AHD contour
  - 20 metres AHD contour
- OM13 Coastal Hazard – Erosion Prone Area
- OM15 Drainage Problem Area
- OM17 Flood Hazard Area
- OM20 Road Hierarchy - CBD Collector
- OM21 Scenic Amenity
  - Scenic transport route (Anzac Parade)
  - Coastal scenic transport route potential assessment area

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	OM25 Local Heritage Register
	<ul style="list-style-type: none"> <li>Local heritage site potential assessment area</li> <li>Local heritage register sites</li> </ul>
	OM26 State Heritage Register – State Heritage Site Potential Assessment Area
Existing Development:	Food and drink outlet (Lure Living cafe)
	Short term accommodation (four x two bedroom units)
	Shop (Jet James Art Gallery)
	Shop (Liquor Legends drive-through bottle shop)
	Car parking
Level of Assessment:	Impact Assessable
Submissions:	Nil
Referral matters:	Queensland heritage place
Infrastructure Charge Area:	Charge Area 2
Application progress:	

Application received:	18 October 2019
Development control unit meeting:	23 October 2019
Application properly made:	26 October 2019
Confirmation notice issued:	6 November 2019
Application referred to State agency:	6 November 2019
Information request issued:	20 November 2019
State agency response:	29 November 2019
Information request response received:	6 December 2019
Public notification period:	13 December 2019 to 20 January 2020
Notice of compliance received:	20 January 2020
Decision period commenced:	20 January 2020
Council meeting date:	18 February 2020
Statutory determination date:	25 February 2020

## OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling units (forty-five units), Food and drink outlet and Shop, made by Brookport Holdings C/- ADAMS + SPARKES Town Planning and Development, on Lot 2 on RP601732, Lot 8 on SP280136, Lot 9 on SP280136, Lot 1 on RP600691, Lot 12 on CP905040, Lot 3 on RP600691 and Lot 10 on SP289416 and located at 8 Anzac Parade, 10 Anzac Parade, 12 Anzac Parade, 14 Anzac Parade, 5 Queen Street and 17 Hill Street, Yeppoon, Council resolves to Approve the application subject to the following conditions:

### 1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the

Developer.

- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
  - 1.6.1 Operational Works:
    - (i) Road Works;
    - (ii) Access and Parking Works;
    - (iii) Sewerage Works;
    - (iv) Water Works;
    - (v) Stormwater Works;
    - (vi) Site Works;
  - 1.6.2 Plumbing and Drainage Works; and
  - 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 2.0 **APPROVED PLANS AND DOCUMENTS**
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan (Ground + Carpark Level 0)	100-01 Issue F	29 November 2019
Site Plan (Carpark Level 1)	100-02 Issue C	28 November 2019
Site Plan (Level 2)	100-03 Issue B	16 October 2019
Level 2 Plan	200-02 Issue D	16 October 2019
Level 3 Plan	200-03 Issue C	11 October 2019
Level 4 Plan	200-04 Issue C	11 October 2019

Level 5 Plan	200-05 Issue C	11 October 2019
Level 6 Plan	200-06 Issue C	11 October 2019
Level 7 Plan	200-07 Issue C	11 October 2019
Eastern Elevation	300-01 Issue B	11 October 2019
Southern Elevation	300-02 Issue B	11 October 2019
Western Elevation	300-03 Issue B	11 October 2019
Northern Elevation	300-04 Issue B	11 October 2019
Building Section	400-01 Issue C	11 October 2019
Ground – Turn path plan	1935-SK01 Issue B (Sheet 1 of 2)	November 2019
Ground – Turn path plan	1935-SK02 Issue B (Sheet 2 of 2)	November 2019
Level 1- Turn path plan	1935-SK03 Issue A (Sheet 1 of 2)	November 2019
Level 1- Turn path plan	1935SK04 Issue A (Sheet 2 of 2)	November 2019

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

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

### 3.0 ROAD WORKS

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

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

3.3 Suitably sized shared pathways (sealed) must be designed and constructed along Queen Street and Anzac Parade road frontages complying with relevant *Australian Standards and* State planning documents. Any shared pathway along the Anzac Parade must be minimum 2.5 metres wide to comply with Principal Cycle Network Plan requirements.

3.4 Pathways must incorporate kerb ramps at all road crossing points.

3.5 Any application for Development Permit for Operational Works (road works) must include detailed engineering plans with details of any new road works, or modifications to the existing roads, including road drainage, street lighting, traffic signs, pavement markings and any infrastructure required to be relocated.

3.6 Relevant existing access driveways must be made redundant and the crossover must be reinstated with standard kerb and channel to the satisfaction of Council.

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

3.8 Any application for Development Permit for Operational Works (road works) must be accompanied by a detailed Traffic Impact Assessment report certified by a suitably qualified Registered Professional Engineer of Queensland to identify the impacts of the proposed development on the Council road network, including any measures to manage impacts.

The report must take into account the impacts on adjoining roads including Barry Street, Queen Street, Anzac Parade, and Hill Street and associated intersections. The engineering assessment must provide details covering the following (but not limited to);

3.8.1 Provide details and demonstrate sufficient entering queue space is available at the site entry at ultimate development stage;

3.8.2 Demonstrate assumed trip generation rates for all uses are appropriately justified and supported;

3.8.3 Identify the peak hour generation rate to be used and include justifications for any assumed rates and traffic distributions;

3.8.4 Identify other developments and further approvals located (if any) in the vicinity of the proposed development that are relevant to the assessment for inclusion in background traffic considerations;

3.8.5 Adopt appropriate base year and design horizon. i.e. adopt background traffic in the year of construction completion (base year) and design horizon (10 years from the base year); and

3.8.6 Accompany a SIDRA intersection analysis on the following intersections and demonstrate there is no adverse impact on the local road network for the assumed design horizon, or, that measures are proposed as part of a Development Permit for Operational Works (road works) to mitigate such impacts on;

- Queen Street and Anzac Parade;
- Queen Street, Barry Street, site main access (car park access); and
- Queen Street and Hill Street.

The intersection analysis must provide recommendations for improving road elements including intersections, catering for the traffic growth at the intersection for ten (10) years after the completion of construction. Attention shall be paid to the safety and efficiency of the intersection, with regard to the type and number of vehicles, operating patterns and usage.

3.9 Street and public space lighting must be provided in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*, and Road, street and public place lighting policy and procedures.

#### 4.0 ACCESS AND PARKING WORKS

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

4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).

4.3 All access, parking and associated vehicle manoeuvring areas must be sealed.

4.4 Any application for a Development Permit for Operational Works (access and parking

works);

- (i) Must include evidence of lawful access (access easement) over Lot 10 on SP289416, being the Council owned public carpark;
  - (ii) Must provide details to demonstrate that proposed pedestrian links are safe;
  - (iii) Must provide details and demonstrate sufficient entering queue space is available at the site entry at ultimate development stage; and
  - (iv) Must be accompanied by a detailed swept path analysis of the design vehicle demonstrating safe and free flow of traffic. Plans must show all internal traffic circulation movements with directions.
- 4.5 The existing commercial standard access driveway servicing the public carpark must be upgraded if necessary to facilitate two-way traffic movements of the proposed development. The width of the access driveway and its location must demonstrate compliance with the detailed swept path analysis of the design vehicle (refer condition 4.4).
- 4.6 All ingress and egress traffic movements to and from the development must be in a forward direction (forward gear).
- 4.7 The residential component of the development is to be provided with a minimum of fifty-seven (57) standard off-street parking spaces (minimum 2.6 metres by 5.4 metres) including twelve (12) off-street parking spaces for visitors. Tandem parking spaces are approved only if both parking spaces are allocated to a single residential unit.
- 4.8 The commercial component of the development is to be provided with a minimum of thirty-eight (38) standard off-street parking spaces (including universal access spaces).
- 4.9 Universal parking spaces must be provided in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 4.10 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Manual of Uniform Traffic Control Devices (Queensland)*.
- 4.11 An Internal Traffic and Parking Management Plan must be implemented over the life span of the development to address any traffic management issues including internal vehicle parking, service vehicle entries and manoeuvres, and to meet requirements of separate users adequately and orderly. The Internal Traffic and Parking Management Plan must be implemented for relevant residential and commercial uses within the site on an on-going basis.
- 4.12 The proposed dual use loading zone along the Queen Street frontage or removal of any existing on-street parking spaces is not approved. All necessary loading and unloading zones must be designed and constructed within the development site. Amended details of loading and unloading zones and a waste management strategy must be provided as part of any application for a Development Permit for Operational Works (access and parking works).
- 4.13 No direct vehicular access to Anzac Parade is permitted from the proposed development.
- 5.0 SEWERAGE WORKS
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the site.
- 5.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (sewerage works).
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- 5.3 Any application for a Development Permit for Operational Works (sewerage works) must be accompanied by a sewer network analysis report certified by a suitably qualified Registered Professional Engineer of Queensland. The sewerage network analysis report must demonstrate that the existing sewerage reticulation network is adequate to cater for the additional loading generated by the proposed development. As necessary, the sewerage network analysis report must determine necessary additional infrastructure required, in order to satisfy the design criteria outlined *Capricorn Municipal Development Guidelines*.
- 5.4 A new sewerage connection point must be provided generally in accordance with an approved sewer network analysis report.
- 5.5 Sewer infrastructure, including connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with trafficable lids.
- 5.6 Any sewer layout plan submitted as part of a Development Permit for Operational Works (sewerage works) must identify all necessary realignment of existing private or Council infrastructure within the development site. The proposed development must comply with *Queensland Development Code Mandatory Part 1.4 (MP 1.4)*.
- 6.0 WATER WORKS
- 6.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).
- 6.3 Any application for a Development Permit for Operational Works (water works) must be accompanied by a water network analysis report certified by a suitably qualified Registered Professional Engineer of Queensland. The water network analysis must demonstrate that the proposed development will have the minimum pressure and fire containment requirements in accordance with the design criteria outlined in the *Capricorn Municipal Development Guidelines* and identify any necessary upgrade works off-site.
- 6.4 A new water connection point must be provided generally in accordance with an approved water network analysis report.
- 6.5 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.
- 6.6 The proposed development must be provided with a master meter at the property boundary (on the footpath) and sub meters for each sole occupancy building in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Sub-metering Policy.
- 7.0 PLUMBING AND DRAINAGE WORKS
- 7.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works or must be obtained prior to the commencement of any Plumbing and Drainage Works on the site.
- 7.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Water supply network analysis report, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
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- 7.3 The development must be connected to Council's reticulated sewerage and water networks.
- 8.0 **BUILDING WORKS**
- 8.1 Buildings and structures must not exceed the height limits indicated on the approved plans.
- 8.2 Prior to occupation of the building, a certificate from a licensed surveyor is to be submitted to Council demonstrating that the completed building does not exceed the height limits indicated on the approved plans.
- 8.3 External wall finishes must have the same tonal value as the surrounding vegetation and must not include bright, high contrast colours including whites, yellows, reds and blues.
- 8.4 Any glass or reflective surfaces must be treated to avoid undue nuisance, discomfort or hazards from reflectivity to any part of the surrounding locality.
- 8.5 Awnings at ground level must be a continuous width (no waved recesses, curved or tapered corners are acceptable) and must be designed and constructed to ensure the safety of pedestrians walking underneath and;
- 8.5.1 include tamper proof under awning lighting; and
- 8.5.2 must finish 500 millimetres before any roadside kerb or vehicle parking area.
- 8.6 Any awning structure that protrudes from the allotment boundary into the road reserve must not be constructed without consent or allocation from the relevant statutory authority.
- 8.7 Night lighting must be provided to all recessed shop fronts and building entrances and for the full length of the public walkway (arcade) between Anzac Parade and the public car park.
- 8.8 All entry and exit points which front a road, public place or communal place must be clearly identifiable and well lit.
- 8.9 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*'.
- 8.10 Any lighting devices installed in any public places and community places must be in accordance with *Australian Standard AS1158: Public Lighting Code*.
- 8.11 Individual tenancies and units must be clearly numbered and appropriate way finding signage must be provided at each level.
- 8.12 All external elements, such as air conditioners, must be adequately screened from public view.
- 8.13 Any building plant not located underneath or central to the building must be screened from view of the street by one or more of the following:
- (i) a solid screen fence;
  - (ii) a roof design feature;
  - (iii) a wall; or
  - (iv) dense vegetation.
- 8.14 All waste storage areas must be aesthetically screened, kept in a clean, tidy condition in accordance with *Environmental Protection (Waste Management) Regulations* and must be screened from view of the street by one or more of the following:
- (v) a solid screen fence;
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- (vi) a wall; or
  - (vii) dense vegetation.
- 8.15 All structures must comply with the provisions of *Queensland Development Code Mandatory Part 1.4 (MP 1.4)*, relative to relevant infrastructure.
- 9.0 **STORMWATER WORKS**
- 9.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 9.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, *Urban Stormwater Quality Planning Guidelines*, *State Planning Policy*, any approved stormwater management report(s), sound engineering practice, and the provisions of a Development Permit for Operational Works (stormwater works).
- 9.3 All stormwater including roof and allotment drainage must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 9.4 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a detailed Stormwater Management Report certified by a suitably qualified Registered Professional Engineer of Queensland. The report must include the following but not limited to;
- 9.4.1 Details addressing stormwater quantity impacts and measures to mitigate. The volume of any detention must be sufficient to attenuate the peak discharge from the site to ensure no actionable nuisance due to the flow regime, immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration; and
  - 9.4.2 Details addressing the stormwater quality impacts and measures to mitigate. The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with *Urban Stormwater Quality Planning Guidelines and State Planning Policy*. Rainfall and Potential Evapo-Transpiration details must be obtained from Council for any stormwater quality modelling (example: MUSIC).
- 9.5 All ongoing maintenance and management actions necessary for any proposed stormwater quality management devices must be carried out by suitably qualified person(s) in a timely manner. A completed log book must be maintained and must be available on-site for inspection by Council and /or relevant authorities.
- 10.0 **SITE WORKS**
- 10.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 10.2 All site works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*, and sound engineering practice and the provisions of a Development Permit for Operational Works (site works).
- 10.3 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 an actionable nuisance to adjoining properties or damage infrastructure.

- 10.4 All site works must be undertaken to ensure that no actionable nuisance results from:
- 10.4.1 an increase in peak discharge immediately downstream of the development for a selected range of storm durations, and a selected range of Annual Exceedance Probability (AEP) events up to Defined Flood Event (inclusive);
  - 10.4.2 an increase in downstream or upstream flood inundation levels; and
  - 10.4.3 increase in velocity profiles.

11.0 LANDSCAPING WORKS

- 11.1 A Landscaping Plan must be submitted for approval by Council prior to establishment of the landscaping or commencement of use and the design must:
- (i) reflect the overall layout and design of landscaping to be established within the development site including communal and private open space;
  - (ii) be an appropriate scale relative to both the street reserve width and the size of the development;
  - (iii) include plantings of mature specimens;
  - (iv) retain the Pandanus located within the outdoor dining/ public seating area at the Anzac Parade/ Queen Street corner;
  - (v) include additional shade trees within the outdoor dining/ public seating area at the Anzac Parade/ Queen Street corner (wind tolerant endemic species preferred);
  - (vi) include street trees along Queen Street in accordance with approved plans (refer to condition 2.1);
  - (vii) where possible, retain and reuse landscaping and vegetation removed within the public car park greenspace area;
  - (viii) include additional shade trees within the public car park greenspace area; and
  - (ix) include an automated reticulated watering system.
- 11.2 A Planting Plan and supporting documentation must be submitted for approval by Council prior to establishment of the landscaping or commencement of use. The landscaping works must be generally in accordance with the approved plans (refer condition 2.0) and must document the "Extent of Works" which includes, but is not limited to:
- (i) location and name of any existing trees to be retained (the location of the trees shall be overlayed or be easily compared with the proposed development design);
  - (ii) the extent of soft and hard landscape proposed;
  - (iii) important spot levels and/or contours. The levels of the trees to be retained shall be provided in relation to the finished levels of the proposed buildings and works;
  - (iv) underground and overhead services;
  - (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters);
  - (vi) details of landscape structures including areas of deep planting;
  - (vii) specification notes on mulching and soil preparation;
  - (viii) trees, shrubs and groundcovers to all areas to be landscaped;
  - (ix) position and canopy spread of all trees and shrubs;
  - (x) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden; and
  - (xi) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting (endemic species preferred).
- 11.3 Large trees must not be planted within one (1) metre of the centreline of any
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sewerage infrastructure. Small shrubs and groundcover are acceptable.

11.4 Root barriers must be provided between proposed trees and relevant infrastructure.

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

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

11.6 All landscaping must be constructed and or established, prior to the commencement of the use.

11.7 The landscaped areas must be subject to an ongoing maintenance and replanting programme (if necessary).

## 12.0 ELECTRICITY AND TELECOMMUNICATIONS

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

## 13.0 ASSET MANAGEMENT

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

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

13.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the issue of the Compliance Certificate for the Survey Plan. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

## 14.0 ENVIRONMENTAL

Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which demonstrates how the Construction-Phase stormwater management design objectives of the *State Planning Policy* are achieved. The Erosion and Sediment Control Plan must address all relevant issues and include the following details (but not limited to):

- (i) site location, topography and soil type;
- (ii) objectives, concept and design details;
- (iii) implementation procedures for construction and post construction phases of work;
- (iv) interim drainage plan during construction;
- (v) erosion susceptibility and risk management method(s);
- (vi) dust suppression method (s);
- (vii) top soil management method (s);
- (viii) acid sulphate soil management methods (if applicable); and
- (ix) Vegetation management (if any).

14.1 The Erosion Control and Stormwater Control Management Plan must be

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

#### 15.0 OPERATING PROCEDURES

- 15.1 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 Anzac Parade, Queen Street or Hill Street.

#### ADVISORY NOTES

##### NOTE 1. Aboriginal Cultural Heritage

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

##### NOTE 2. Asbestos Removal

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

##### NOTE 3. General Environmental Duty

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

##### NOTE 4. General Safety Of Public During Construction

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

##### NOTE 5. Licensable Activities

- a. Should an activity licensable by Livingstone Shire Council be proposed for the premises, Council's Environmental Health Unit must be consulted to determine whether any approvals are required, such as food business licensing. Approval for such activities is required before 'fit out' and operation.
- b. Council's Local Laws Unit should be consulted to determine whether any approvals are required for licensable activities. Such activities may include footpath dining. Approval for such activities is required before the commencement of use.

##### NOTE 6. Future Pedestrian Connection

The proposed arcade located between Anzac Parade and the Council owned public car park, being a lockable design, does not provide unrestricted public access and therefore does not satisfy the requirement for future pedestrian connectivity.

A suitable pedestrian connection must be included in future development over Lot 2 on RP601732.

**NOTE 7. Infrastructure Charges Notice**

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

**RECOMMENDATION B**

That in relation to the application for a Development Permit for a Material Change of Use for Multiple dwelling units (forty-five units), Food and drink outlet and Shop, made by Brookport Holdings C/- ADAMS + SPARKES Town Planning and Development, on Lot 2 on RP601732, Lot 8 on SP280136, Lot 9 on SP280136, Lot 1 on RP600691, Lot 12 on CP905040, Lot 3 on RP600691 and Lot 10 on SP289416 and located at 8 Anzac Parade, 10 Anzac Parade, 12 Anzac Parade, 14 Anzac Parade, 5 Queen Street and 17 Hill Street, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$502,500.00**.

**BACKGROUND**

A prelodgement meeting was held 4 September 2019 for a proposed multi use development over the subject site. Several issues were discussed with the applicant, including building height (proposed seven storeys exceeding the acceptable six storeys), access and parking provisions, footpath dining options and ground level tenancies, streetscape and urban design. The applicant referenced previous (lapsed) approvals for seven (7) storeys over the site for the basis of the proposal.

The applicant was encouraged to consider a built form consistent with development along Anzac Parade, which exhibit balconies, straight lines and roof articulation. Further investigation was required on the existing green space located between the subject site and the Council owned public carpark at 17 Hill Street, and consideration to safe pedestrian connectivity. The car parking shortfall was identified and reliance on “credits” were to be demonstrated by the applicant.

The applicant was advised that a Traffic Impact Assessment Report and conceptual Stormwater Management Plan and Network Analysis for water and sewer would be required and the application should demonstrate adequate refuse storage and collection for all uses.

**COMMENTARY**

The proposal is for a multi-use development over seven (7) storeys comprising of Multiple dwelling units (forty-five units) located above ground level, Food and drink outlets and Shop tenancies at ground level, and two (2) levels of car parking. The development includes a roof top pool deck at level six (6) and tennis court at level two (2). The development is a split level design with the eastern portion fronting Anzac Parade consisting of retail at ground level and residential uses from levels two (2) through to seven (7). The western portion fronting Queen Street consists of retail at ground level, two (2) levels of car parking (basement 01 and 02) four (4) levels of residential units and the pool deck on level seven (7). The development provides seventy-nine (79) car parks inclusive of twenty-four (24) tandem spaces. The maximum height from ground level does not exceed seven (7) storeys at any point. The units comprise of fourteen (14), three (3) bedroom apartments, twenty-seven (27) two (2) bedroom apartments and four (4) one (1) bedroom apartments in the following configuration:

Level	Components
1	One (1) two (2) bedroom dwelling
2	Two (2) three (3) bedroom dwellings Five (5) two (2) bedroom dwellings Two (2) one (1) bedroom dwellings Tennis court

3	Two (2) three (3) bedroom dwellings Five (5) two (2) bedroom dwellings Two (2) one (1) bedroom dwellings
4	Two (2) three (3) bedroom dwellings Six (6) two (2) bedroom dwellings
5	Two (2) three (3) bedroom dwellings Six (6) two (2) bedroom dwellings
6	Two (2) three (3) bedroom dwellings Four (4) two (2) bedroom dwellings Pool deck and open space
7	Four (4) three (3) bedroom dwellings

The application has been made over seven (7) lots, with the majority of development concentrated at the Anzac Parade / Queen Street corner, with an overall site cover of ninety (90) per cent and site cover of forty (40) per cent from levels two (2) to seven (7). The development will integrate with the existing Strand Hotel located on Lot 2 on RP601732. The development proposes no direct vehicle access from any road frontage, all access, specifically for onsite car parking, deliveries and waste management, is via proposed access easements over Lot 10 on SP289416, being the Council multi deck carpark.

### **SITE AND LOCALITY**

The development is designed over six (6) lots, with access being obtained via the Council multi deck car park on the adjoining site. The subject sites are located in the Major centre zone, opposite the Yeppoon Foreshore on Anzac Parade. The development encompasses four Central Business District Collector roads, three roundabouts and a signalised intersection at Queen and Barry Streets.

The site is relatively flat with a slight slope upwards from Hill Street towards Anzac Parade. Ground levels range from five (5) metres Australian Height Datum at the south west portion of the site to 7.5 metres Australian Height Datum to the east.

The site currently contains a drive-through bottle shop, short-term accommodation units, gallery, café, hotel, associated parking and the Council multi deck car park. Officers undertook a site visit on 13 December 2019 whereby the property was viewed from all street frontages and from within the multi deck car park.

The site is located within an established urban area and is connected to all services. The locality is characterised by retail including shops and personal services, restaurants, take-away food stores and bars, health care services, public parks, clubs, public car parking and short-term accommodation units.

The related permits over the subject site are detailed in the following table:

Existing development permits over the site	
Lot 2 on RP601732 8 Anzac Parade, Yeppoon	BP1094 Building permit for refurbishment of Pub issued 16 October 1969  BP1268 Building permit for additions to Pub issued 25 August 1970  BP1984 Building permit for Garden lounge and Motel units issued 5 April 1973  BP2840 Building permit for Hotel alterations issued 5 June 1975

	<p>BP6737 Building permit for Hotel alterations issued 17 March 1986</p> <p>BP97-656 Building permit for alterations to Hotel issued 4 December 1997</p> <p>B-2819-2012 Building permit for alterations and refurbishment of ground floor of Strand Hotel approved with conditions 13 November 2012</p> <p>D-154-2014 Development permit for Building Works assessable against the Planning Scheme for an awning and deck approved with conditions 13 August 2014</p> <p>B-153-2017 Building permit for Motel refurbishment (Stranded Beach Stay) approved with conditions 7 April 2017</p> <p>D-186-2018 Development permit for Reconfiguring a Lot (two lots into two lots) approved with conditions 6 December 2018</p> <p>D-98-2019 Superseded Planning Scheme request for a Material Change of Use for Multiple dwelling units, shop and restaurant – lapsed</p> <p>Major mixed use development permits which have lapsed:</p> <p>D-1620-2003</p> <p>D-1911-2009</p> <p>D-1760-2005</p>
<p>Lot 8 on SP280136</p> <p>8 Anzac Parade, Yeppoon</p>	<p>D-137-2015 Development permit for Reconfiguring a Lot (three lots into three lots) approved with conditions 3 July 2015</p> <p>D-186-2018 Development permit for Reconfiguring a Lot (two lots into two lots) approved with conditions 6 December 2018</p> <p>D-98-2019 Superseded Planning Scheme request for a Material Change of Use for Multiple dwelling units, shop and restaurant – lapsed</p>
<p>Lot 9 on SP280136</p> <p>10 Anzac Parade, Yeppoon</p>	<p>D-137-2015 Development permit for Reconfiguring a Lot (three lots into three lots) approved with conditions 3 July 2015</p> <p>D-98-2019 Superseded Planning Scheme request for a Material Change of Use for Multiple dwelling units, shop and restaurant – lapsed</p>
<p>Lot 1 on RP600691</p> <p>12 Anzac Parade, Yeppoon</p>	<p>BP1319 Building permit for Flats (four) issued 2 November 1970</p> <p>BP96-306 Building permit for additions issued 12 September 1997</p> <p>D-98-2019 Superseded Planning Scheme request for a Material Change of Use for Multiple dwelling</p>

	<p>units, shop and restaurant – lapsed</p> <p>Major mixed use development permits which have lapsed:</p> <p>D-1911-2009</p> <p>D-1760-2005</p>
<p>Lot 12 on CP905040</p> <p>14 Anzac Parade, Yeppoon</p>	<p>BP94-0664 Building permit for additions to Restaurant issued 17 October 1994</p> <p>BP95-0186 Building permit for additions to Restaurant issued 11 May 1995</p> <p>BP2003-198 Building permit for alterations to Restaurant and Certificate of Classification</p> <p>D-98-2019 Superseded Planning Scheme request for a Material Change of Use for Multiple dwelling units, shop and restaurant – lapsed</p> <p>Major mixed use development permits which have lapsed:</p> <p>D-1911-2009</p>
<p>Lot 3 on RP600691</p> <p>5 Queen Street, Yeppoon</p>	<p>B-49-2016 Building permit for demolition of Hotel and ancillary buildings approved with conditions 16 February 2016</p> <p>Major mixed use development permits which have lapsed:</p> <p>D-1620-2003</p> <p>D-1911-2009</p> <p>D-1760-2005</p>
<p>Lot 10 on SP289416</p> <p>17 Hill Street, Yeppoon</p>	<p>B-286-2003 B-439-2003 Building permit for demolition of Class 2-9 structure approved with conditions 1 April 2003</p> <p>B-439-2003 Building permit for demolition of shed 8 July 2003</p> <p>B-1544-2010 Building permit for demolition of Commercial premises (laundromat) and storage shed approved with conditions 10 August 2010</p> <p>B-273-2016 Building permit for Carpark and Carwash and ground floor Café approved with conditions 3 June 2016</p> <p>D-39-2017 Development permit for a Material Change of Use for a take away food store and Shop approved with conditions 7 March 2017</p> <p>Major mixed use development permits which have lapsed:</p> <p>D-1620-2003</p> <p>D-1911-2009</p> <p>D-1760-2005</p>

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



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

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

<b>Benchmarks applying for the development</b>	<b>Benchmark reference</b>
Strategic Framework: <ul style="list-style-type: none"> <li>▪ Settlement pattern theme – Centres</li> <li>▪ Community identity and diversity theme</li> </ul> Major centre zone code Accommodation activities code Coastal hazard overlay code Flood hazard overlay code Scenic amenity overlay code General development code Development works code	<i>Livingstone Planning Scheme 2018</i> , Version 2, in effect 25 June 2018
Part E: State interest policies and assessment benchmarks	<i>State Planning Policy</i> , July 2017
<b>Relevant matters considered</b>	
Any development approval for, and any lawful use of, the premises or adjacent premises	The relevance of existing approvals on the subject site and adjoining properties in respect of the land use pattern and commensurate development
The common material submitted with the application	In respect of the reports provided in the material including proposal plans and supporting information
Submissions provided on the application	In respect of relevant matters raised in submissions.
The Local Government Infrastructure Plan	In respect of trunk infrastructure provisions and charging for development.

### **Internal advice and assessment**

#### **Infrastructure Operations Unit – 7 February 2020**

Support, subject to conditions relating to car parking, stormwater management and further development permits.

#### **Natural Resource Management – Development Control Unit 23 October 2019**

No comments.

#### **Public and Environmental Health – 21 October 2019**

Support, subject to standard advisory note regarding general environmental duty.

Economic Development – 6 February 2020

Support, subject to conditions relating to additional landscaping and shading.

**External referral**

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning as a concurrence agency given the site is identified as being carried out on a lot that shares a common boundary with another lot that contains a Queensland heritage place in accordance with Part 8, Division 2 Item 15 of Schedule 10 of the *Planning Regulation 2017*. The Department assessed the application and provided conditions on 29 November 2019.

**Information request**

An information request was issued by council on 20 November 2019 which included (but was not limited to) the following;

- Traffic Impact Assessment Report
- Access, off-street parking spaces and loading and unloading zones
- Sewerage
- Water works and connection
- Advisory note relating to network analysis

The applicant provided a response on 6 December 2019.

**Further advice**

Council issued informal further advice to the applicant on 23 January 2020 advising that Council were undertaking a Traffic Impact Assessment Report in association with the proposed development to identify what effect the development will have on the surrounding road network.

The applicant responded to the further advice on 31 January 2020 and advised that they would not support any extensions by agreement in association with the preparation of the Traffic Impact Assessment Report and advised Council to condition the application accordingly in the absence of the Report and relevant data/ findings.

**State Planning Policy – July 2017**

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

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

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

Liveable Communities:

Assessment benchmark	Officer response
Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently.	<b>Complies</b> Fire hydrants will be determined through the building works process and will be appropriately located in accordance with recommendations from an engineer. The development will be conditioned to connect to the reticulated water network and must be a combined fire and domestic metered connection.
Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied.	<b>Complies</b> There are no roads proposed as part of the development. The development will be accessed via Access Easements over Lot 10 on SP289416 (multi deck car park) and will be created to an appropriate width for service vehicles such as delivery vehicles and waste collection vehicles and accordingly suitable for emergency vehicles.
Fire hydrants are suitably identified so that fire services can locate them at all hours.	<b>Complies</b> The development will be conditioned to connect to the reticulated water network and must be a combined fire and domestic metered connection.

Environment and Heritage - Water quality:

Assessment benchmarks	Officer response
<p>Development is located, designed, constructed and operated to avoid or minimise adverse impacts on environmental values arising from:</p> <p>(a) altered stormwater quality and hydrology</p> <p>(b) waste water</p> <p>(c) the creation or expansion of non-tidal artificial waterways</p> <p>(d) the release and mobilisation of nutrients and sediments.</p>	<p><b>Complies</b></p> <p>The development is conditioned to require a further Development Permit for Operational Works (stormwater works) and the following condition is included which will comply with the <i>State Planning Policy</i>:</p> <p><i>"All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Urban Stormwater Quality Planning Guidelines, State Planning Policy, any approved stormwater management report(s), sound engineering practice, and the provisions of a Development Permit for Operational Works (stormwater works)."</i></p>
Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)	<b>Complies</b> The development is conditioned to require a further Development Permit for Operational Works (stormwater works) which are to comply with the <i>State Planning Policy</i> .
Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.	<b>Not applicable</b> The subject site is not located within a water supply buffer area.

Natural hazards, risk and resilience:

Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:	
Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.	<b>Complies</b> The subject site is identified as being located within the erosion prone area, however the site is separated from the coastline by a road reserve, car parking and public open space. The subject site has been historically developed with no indication of erosion.
All natural hazard areas:	
Development supports and does not hinder disaster management response or recovery capacity and capabilities.	<b>Complies</b> The subject site is located in an established urban area and will not hinder disaster management response or recovery capacity and capabilities.
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.	<b>Complies</b> The development will be appropriately assessed and conditioned during the Building Application process to ensure footings and structures are designed and engineered by a suitably qualified registered professional engineer of Queensland, avoiding risk and damage to the site and adjoining properties.
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.	<b>Not applicable</b> The development is for residential use and commercial uses such as shops and food and drink outlets. It is unlikely the proposed uses will create a hazardous environment in relation to being located within an erosion prone area.
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.	<b>Complies</b> There is no vegetation located over the subject site, with the exception of a small greenspace within the multi deck car park site and existing lawn fronting Lot 1 on RP600691.

**Central Queensland Regional Plan**

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

**Livingstone Planning Scheme 2018**

The *Livingstone Planning Scheme 2018* (commenced 1 May 2018) is the relevant categorising instrument applicable to the assessment of this application.

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

- (a) the strategic intent, and statements of preferred dominant land uses in the form of describing the *places* that form part of the planning scheme area;
- (b) the following six (6) *themes* that collectively represent the policy intent of the planning scheme:

- Settlement pattern;
  - Natural environment and hazards;
  - Community identity and diversity;
  - Access and mobility;
  - Infrastructure and services; and
  - Natural resources and economic development;
- (c) the *strategic outcomes* proposed for development in the planning scheme area for each theme;
- (d) the *specific outcomes* for each, or a number of, elements of each theme; and
- (e) the *land use strategies* for achieving these outcomes.

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

- Settlement pattern; and
- Community identity and diversity.

The following section is an excerpt from the relevant sections of the Strategic Framework.

**Settlement pattern theme**

The strategic outcomes for the settlement pattern theme are expressed in section 3.3.1. The following strategic outcomes relevant to this application and a response to those outcomes are as follows:

- The settlement pattern provides for a diverse range of housing options to meet the changing needs of the population, and creates opportunities for living close to services and facilities.
- Higher density development is focussed around centres and public transport nodes and high order public transport corridors so as to stimulate strong and vibrant centres and community focal points, and to assist in making more efficient use of infrastructure and other public investment.
- The design of development is consistent with the desired built form and character of specific places and the existing or intended role and function of the place in the settlement pattern.
- Centres develop based on a hierarchy to ensure that their role, function and scale are appropriate in the context of their catchment area and the surrounding setting.
- An integrated open space and recreation network is accessible and caters for the needs of the community, particularly at locations in proximity to centres and urban infill and intensification places.

The Multiple dwelling aspect of the development being for forty-five (45) units over six (6) storeys, provides an alternative housing option for the Major Centre Zone. Traditionally the zone caters for short-term accommodation, and the proposal will provide an opportunity for long-term residential accommodation to be located close to centre services and facilities. The proposal is a major, multi-use development located accordingly in the zone and accessible by public transport and in proximity to community uses such as parks, beaches and the Yeppoon Lagoon. The design is reflective of the character of the locality, being multi storey accommodation buildings with retail and food and drink outlets at ground level. The scale of the development is appropriate and proposes preferred uses for the Major Centre Zone. The development incorporates open space and recreation on the sixth level, with an outdoor entertaining including a pool and a tennis court on level two (2). The development is also located opposite the Yeppoon foreshore and main beach and in walking distance to the Yeppoon Lagoon, playgrounds and skate park. The development will not compromise the relevant strategic outcomes for the settlement pattern theme.

**Centres**

The above strategic outcomes are further refined into elements. The Centres element is relevant to this application and a response follows:

- The settlement pattern is supported by a hierarchy of centres for the planning scheme area which:
  - (a) provides for a mixture of centre activities, community activities, and entertainment activities which supply goods and services to the residents of the planning scheme area and to tourists;
  - (b) provides for a greater concentration, scale and mixture of centre activities, community activities, and entertainment activities in the higher order major centres and district centres, compared to that provided for at local centres and neighbourhood centres;
  - (c) provides opportunities for the development of accommodation activities where compatible with surrounding land use;
  - (d) encourages the creation of lively, pedestrian-friendly environments which provide safe, comfortable and universally accessible links between important public spaces and activities; and
  - (e) develops in well-defined and accessible locations.
- The major centre located in the locality of Yeppoon has a role as the highest order of all centres in the hierarchy of centres in the planning scheme area, providing for the highest concentration and mixture of land uses.
- The types of centre activities, community activities and entertainment activities located in the major centre of Yeppoon have a built form and design which is appropriate for the character of the centre and the location.
- The major centre of Yeppoon is characterised by a traditional 'main street' feel and the design of development maintains this by contributing to the following:
  - (a) buildings having active uses in lower levels which face streets and other public places;
  - (b) buildings having accommodation activities locate the accommodation predominantly above ground level and the accommodation is able to provide surveillance to public places;
  - (c) high quality streetscapes with landscaping suited to a coastal location;
  - (d) utilisation of laneways; and
  - (e) pedestrian friendly footpaths covered by awnings.
- The Yeppoon major centre accommodates most major growth in centre activities, community activities and entertainment activities in the planning scheme area and continues to provide a subsidiary and supporting role to the principal centre in Rockhampton, which is to continue as the place for the highest concentration of centre activities, community activities and entertainment activities servicing the wider Central Queensland region.
- Accommodation activities co-locate within a centre to contribute to the viability of the centre. These activities are only located above ground level and are designed to provide casual surveillance of public places to improve community safety.
- All centres are designed and developed in a manner which contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area by:
  - (a) activating and engaging with the street frontages and important public spaces;
  - (b) providing a pedestrian friendly environment;

- (c) integrating architecture, seating, landscaping and other streetscape work;
- (d) including shade protection for pedestrians;
- (e) containing buildings which:
  - (i) have appropriate vertical and horizontal articulation;
  - (ii) have variations in textures, materials and colours; and
  - (iii) are designed in response to the climate of the location.

The development provides a mixture of centre activities, including shops and food and drink outlets which supply goods and services to residents and visitors. The development is high density and an appropriate scale and mixture of uses for the Major centre zone. It provides long-term accommodation conveniently located within the town centre, close to services and public transport, which is compatible with surrounding land uses.

The development compliments the Anzac Parade esplanade by creating activation at street level, with shops fronting the street and the adjacent foreshore and the recessed shop fronts create a wide, safe and pedestrian friendly covered walkway around the site, linking to existing development and public spaces. The inclusion of public seating casually integrated into the design creates a pedestrian friendly environment. The built form has been designed to reflect the coastal character of the locality with a scalloped balcony design and natural coloured brickwork, render finishes and timber and stone cladding. Although the road reserve treatment does not lend itself to large greenspace areas, landscaping is proposed at ground level which includes vertical landscaping treatments incorporated into the building, proposed planting beds along the footpath, with further enhancement of the Queen Street and Anzac Parade corner, which will integrate landscaping with outdoor dining and public seating.

The built form uses a variety of textures and materials and variance in articulations while maintaining a coastal colour scheme complementary of the area. The accommodation activities are located above ground level and make use of glass windows, doors and balconies to encourage casual surveillance of adjacent public places. The development includes a midblock public access in the form of an arcade providing connectivity between Anzac Parade and the multi-deck car park.

The performance assessment of the proposal demonstrates that the development will not compromise the Centres Settlement Pattern Theme.

### **Community identity and diversity theme**

The strategic outcomes for the community identity and diversity theme are expressed in section 3.5.1. The following elements are relevant to the assessment of this application:

- Housing diversity; and
- Safe communities.

### **Housing diversity**

- Development contributes to growth in the number and types of housing options available for the community to:
  1. cater for a growing population; and
  2. cater for different community lifestyle preferences and needs over their life-time.
- Accommodation activities are appropriately located so as to have good access to:
  1. essential community activities;
  2. places providing goods and services and opportunities for employment; and
  3. places providing opportunities for informal and formal recreation.

### **Safe communities**

- Development contributes to the creation of places which are safe by:

1. concentrating a range of complementary land uses in centres or nodes so as to encourage activity at different times of the day and night;
2. creating opportunities for passive surveillance of public space to discourage antisocial behaviour;
3. providing clear boundaries between public and private areas;
4. limiting opportunities for vandalism and nuisance;
5. providing appropriate lighting of public space; and
6. providing safe pedestrian pathways and entry points to buildings.

The development provides an alternative residential option for residents with a combination of unit designs and sizes to suite various households. The units provide outdoor recreation spaces without the maintenance of a large backyard, and are in proximity to public open spaces such as the grassed foreshore, Yeppoon main beach, playgrounds, parks and the Yeppoon Lagoon. The units are located conveniently within the centre of town, within walking distance to the Central Business District, Council Offices and main street retail sector. The combination of uses encourages patronage at different times of the day, creating opportunity for casual surveillance. The foyer provides entry to the residential units while providing clear boundaries between public and private areas. Due to the long-term nature of the residential uses, a reception area is not required. Lighting will be conditioned in accordance with the relevant standards to ensure appropriate lighting of public spaces and laneways. The recessed shop frontages adequately distinguish entry points into tenancies.

The performance assessment of the proposal demonstrates that the development will not compromise the Community identity and diversity theme.

#### **Major Centre Zone Code**

The purpose of the Major centre zone code is:

- (1) *to identify the desired character and amenity for the zone and to protect it from incompatible development;*
- (2) *to provide for the development of the major centre of Yeppoon which:*
  - (a) *is the highest order centre in the planning scheme area; and*
  - (b) *is a scale that services a large trade catchment in excess of 8000 households;*
- (3) *to provide opportunities for the major centre of Yeppoon to evolve as a lively, mixed-use community hub;*
- (4) *to provide for the development of the major centre of Yeppoon as a place comprising the largest range and mixture of uses from within the centre activities group, entertainment activities group and community activities group;*
- (5) *to provide for the development of a range and mixture of other uses where they are compatible with preferred uses and they support the needs of the trade catchment area;*
- (6) *to provide for the management of impacts on adjoining sensitive land use; and*
- (7) *to facilitate the achievement of the overall outcomes sought for the zone.*

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

- (1) *the major centre of Yeppoon operates as the primary, multifunctional centre in the planning scheme area, which accommodates the highest order retail, commercial, administrative, health, community, civic, cultural, entertainment and accommodation uses;*
- (2) *sufficient land is included in the zone to accommodate the projected retail and commercial needs for the life of the planning scheme, including land for additional*



- shopping and mixed use development at the western end of James Street, and re-development and infill opportunities on smaller sites;*
- (3) *the major centre of Yeppoon develops as walkable and legible place, having a pedestrian focussed environment at ground level, with a range of connected, safe and pleasant public spaces forming community focal points;*
- (4) *development is:*
- (a) a use from within the centre activities group; or*
  - (b) a use from within the entertainment activities group; or*
  - (c) a use from within the community activities group; or*
  - (d) a low impact use which:*
    - (i) is compatible with and supports a use within the centre activities group, entertainment activities group, or community activities group; or*
    - (ii) does not limit or compromise the of a use within the centre activities group, entertainment activities group, or community activities group;*
- (5) *the development of a use from within the centre activities group is a preferred use within the zone in the following circumstances:*
- (a) it is an adult store; or*
  - (b) it is a food and drink outlet; or*
  - (c) it is health care services; or*
  - (d) it is an office; or*
  - (e) it is a shop; or*
  - (f) it is a shopping centre;*
- (6) *the development of a use from within the entertainment activities group is a preferred use within the zone in the following circumstances:*
- (a) it is a bar; or*
  - (b) it is a function facility; or*
  - (c) it is a hotel; or*
  - (d) it is a nightclub entertainment facility; or*
  - (e) it is a theatre;*
- (7) *the development of a use from within the community activities group is a preferred use within the zone in the following circumstances:*
- (a) it is a child care centre; or*
  - (b) it is a club; or*
  - (c) it is a community care centre; or*
  - (d) it is a community use; or*
  - (e) it is an educational establishment; or*
  - (f) it is a place of worship;*
- (8) *the development of a use that is not from within the centre activities group, entertainment activities group, or community activities group is a preferred use within the zone in the following circumstances:*
- (a) it has low impacts;*
  - (b) it is compatible with other uses in the centre;*
  - (c) it is designed to integrate with development in the immediate area;*
-

- (d) *the use:*
  - (i) *is a caretaker's accommodation; or*
  - (ii) *is a dwelling unit; or*
  - (iii) *is an environment facility; or*
  - (iv) *is a funeral parlour; or*
  - (v) *is a garden centre; or*
  - (vi) *is indoor sport and recreation (being a gymnasium or fitness studio); or*
  - (vii) *is a park; or*
  - (viii) *is a research and technology industry (being a computer server facility); or*
  - (ix) *is a sales office; or*
  - (x) *is a service industry; or*
  - (xi) *is from within the special activities group and it is an essential component of infrastructure servicing the community;*
- (9) *the development of a use from within the accommodation activities group (other than a caretaker's accommodation or dwelling unit) occurs within the zone only in the following circumstance:*
  - (a) *it does not limit or compromise the development of preferred uses;*
  - (b) *it is designed to integrate with development in the immediate area;*
  - (c) *it is designed to complement the character of the location;*
  - (d) *the development is located above the ground level storey;*
  - (e) *the use:*
    - (i) *is a dual occupancy; or*
    - (ii) *is rooming accommodation; or*
    - (iii) *is short-term accommodation; or*
    - (iv) *is multiple dwelling units;*
- (10) *the development of a market or emergency services occurs only if the following circumstance:*
  - (a) *it does not limit or compromise the development of preferred uses;*
  - (b) *it is designed to integrate with development in the immediate area;*
- (11) *large format shops, showrooms and warehouses are not located in the Yeppoon major centre;*
- (12) *the development of a use which has a medium, high, or severe impact on land use in the immediate area does not occur;*
- (13) *the development is compatible with an urban form that is characterised by:*
  - (a) *the height of buildings and structures above ground level does not exceed the height limits identified for the specific locations shown on Figure 6.2.4.4.1.1 – Yeppoon Business District Height Limits and Figure 6.2.4.4.1.2 – Yeppoon Central Shopping Centre Height Limits;*
  - (b) *high site cover;*
  - (c) *incorporation of podium and tower designs for taller buildings;*
  - (d) *orientation of development to important streets and important public focal points such as the foreshore, Beaman Park, and the town square at the junction of James and Normanby Streets;*

- (e) *building designs which accommodate a range of uses;*
- (f) *appealing streetscapes and public places;*
- (14) *the major centre of Yeppoon is characterised by a traditional 'main street' feel and the design of development maintains this by contributing to the following:*
  - (a) *buildings having active uses in lower levels which face streets and other public places;*
  - (b) *buildings having accommodation activities locate the accommodation predominantly above ground level and the accommodation is able to provide surveillance to public places;*
  - (c) *high quality streetscapes with landscaping suited to a coastal location;*
  - (d) *utilisation of laneways; and*
  - (e) *pedestrian friendly footpaths covered by awnings;*
- (15) *new development on the former railway site located on the northern side of James Street only occurs in accordance with the following:*
  - (a) *development on this site contributes to the strengthening of the 'main street' character of the centre, by orientating uses to existing streets or any new streets, laneways or internal pedestrian footpaths;*
  - (b) *internally focussed 'big-box' development does not occur; and*
  - (c) *development on this site is appropriately integrated with historic buildings and structures;*
- (16) *development provides on-site car parking for staff and any accommodation activities, with the parking areas located to the rear of buildings and if practicable gaining access from a laneway;*
- (17) *the major centre of Yeppoon provides opportunities for off-site vehicle parking in appropriate circumstances;*
- (18) *development provides facilities to promote public and active transport use, and safe and equitable access to a range of transport modes;*
- (19) *the appearance of development provides visual interest and contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area; and*
- (20) *the development is provided with adequate infrastructure and essential services.*

The proposed development is for Multiple dwelling units (forty-five units), Food and drink outlet and Shop, which are preferred uses within the Major centre zone as per overall outcomes (5) and (9), whereby the Multiple dwelling units do not limit or compromise the development of other preferred uses, are integrated with development in the immediate area, compliment the character of the location and are located above ground level.

The following is an assessment of the proposal against the specific benchmarks of the Major centre zone code, which includes an assessment of the development against the relevant acceptable outcomes and performance outcomes of the code.

**Table 6.2.4.4.1 – Outcomes for assessable development**

Performance outcomes	Acceptable outcomes	Assessment response
<b>Land use</b>		
<b>PO1</b> The use: (a) is a preferred use for the zone (as identified in the overall outcomes for the zone); or	No acceptable outcome is nominated.	<b>PO1 - Complies</b> A Food and drink outlet and Shop are preferred uses within the Major centre zone. Multiple dwelling units may occur within the zone whereby the use

Performance outcomes	Acceptable outcomes	Assessment response
(b) is a use that is identified in the overall outcomes for the zone and is compatible with and does not limit or compromise the development of a preferred use for the zone.		does not limit or compromise the development of other preferred uses, is integrated with development in the immediate area, compliments the character of the location and is located above ground level.
<b>PO2</b> The use reinforces and contributes to the viability, role and function of the major centre of Yeppoon as the highest order centre in the planning scheme area.	No acceptable outcome is nominated.	<b>PO2 – Complies</b> The development provides a high density mixed-use development, creating retail opportunities and providing alternative long-term accommodation types within the Major centre zone.
<b>PO3</b> Large format shops, showrooms and warehouses are not located in the Yeppoon major centre.	No acceptable outcome is nominated.	<b>PO3 – Complies</b> The nominated retail area of 950 square metres includes mixture a of Food and drink outlets and Shops and will not include any large format shops, showrooms or warehouses.
<b>PO4</b> Ground level streetscapes are developed with uses which create daytime and night time activity.	<b>AO4.1</b> The development of a long-term accommodation activity occurs only above the ground level storey.	<b>AO4.1 – Complies</b> The Multiple dwelling units are located on levels two (2) though to level seven (7) and will not be developed at ground level.
	<b>AO4.2</b> Active uses are provided on the ground level of all buildings identified as built to boundary buildings on Figure 6.2.4.4.1.3 – Yeppoon Business District Streetscape.	<b>AO4.2 – Complies</b> The ground floor uses, involving a mixture of Food and drink outlets and Shops are generally proposed to be built to boundary except where to accommodate dining areas and pedestrian walkways.
<b>PO5</b> The use appropriately integrates with any established uses in the immediate area.	No acceptable outcome is nominated.	<b>PO5 – Complies</b> The proposed building will be integrated with the existing Strand hotel and creates safe, pedestrian friendly covered walkways around the site, linking to adjoining development and public spaces. The proposed arcade provides midblock public access and connectivity between Anzac Parade and the multi-deck car park.
<b>PO6</b> The use does not result in medium impacts, high impacts, or extreme impacts and risks due to emissions, or dangerous or hazardous goods and activities.	No acceptable outcome is nominated.	<b>PO6 – Complies</b> The proposed uses being dwelling units, shops and food and drink outlets, will not result in high levels of emissions or in involve the use of dangerous or hazardous goods.
<b>PO7</b> The use is located, designed and operated in a manner that maintains public safety and minimises impacts on other land use.	No acceptable outcome is nominated.	<b>PO7 – Complies</b> The widened pedestrian thoroughfares along each road reserve will improve pedestrian safety and connectivity between Anzac Parade and the multi-deck car park and adjoining land uses.  All loading and unloading of deliveries and waste management is proposed to be undertaken off street at the rear of the development.

Performance outcomes	Acceptable outcomes	Assessment response															
<b>PO8</b> If the use adjoins a residential category zone, it does not involve a drive through facility.	No acceptable outcome is nominated.	<b>PO8 – Not applicable</b> All adjoining sites are located within the Major centre zone.															
<b>PO9</b> The development of a public use that generates frequent and a large amount of public visitation: <ul style="list-style-type: none"> <li>(a) is highly accessible; and</li> <li>(b) is well located in relation to public and active transport networks.</li> </ul>	No acceptable outcome is nominated.	<b>PO9 – Complies</b> The development is highly accessible via pedestrian connectivity by being located within the Central Business District, being adjacent to the Council multi deck car park, with additional on-street parking in surrounding streets, and being within walking distance to a major bus transfer and taxi ranks.															
<b>PO10</b> Development at the former Yeppoon Station and rail yards site (Lot 3 SP 254313): <ul style="list-style-type: none"> <li>(a) accommodates a range of centre activities and compatible accommodation activities;</li> <li>(b) incorporates distinctive open spaces;</li> <li>(c) includes 'main street' design features to James Street and Arthur Street.</li> </ul>	<b>AO10.1</b> Development at the former Yeppoon Station and rail yards site (Lot 3 SP254313) comprises a mix of uses at street level including retail, food and drink outlets, cultural, entertainment and community activities with appropriate accommodation activities located above the ground level storey.	<b>AO10.1 – Not applicable</b> The application is not associated with or near Lot 3 SP254313.															
<b>Built form</b>																	
<b>PO11</b> The height and bulk of buildings and structures contribute to the following: <ul style="list-style-type: none"> <li>(a) a consolidated town centre containing medium rise buildings;</li> <li>(b) continuous and integrated streetscapes having buildings of similar height;</li> <li>(c) a human scale at street level with activated streets and safe and comfortable pedestrian circulation; and</li> <li>(d) retention of distant views and vistas to important local landscape features when viewed from primary public viewer places.</li> </ul>	<b>AO11.1</b> The height of buildings and structures does not exceed the height limits identified for the specific locations shown on Figure 6.2.4.4.1.1 – Yeppoon Business District Height Limits and Figure 6.2.4.4.1.2 – Yeppoon Central Shopping Centre Height Limits.	<b>AO11.1 – Does not comply</b> The proposed development exceeds the height limit nominated in Figure 6.2.4.4.1.1 – Yeppoon Business District Height Limits of six (6) storeys, given the development proposes seven (7) storeys. <b>Compliance with PO11</b> Despite exceeding the building height limit by one (1) storey, the development is not excessively high in relation to surrounding developments. The development proposes seven (7) storey with a maximum height of 24.9 metres from ground level. Comparison of existing multi-storey developments: <table border="1"> <thead> <tr> <th>Development</th><th>Storeys</th><th>Height (metres)</th></tr> </thead> <tbody> <tr> <td>Echelon Apartments</td><td>Six (6)</td><td>19.225</td></tr> <tr> <td>Salt Apartments</td><td>Six (6)</td><td>19.2</td></tr> <tr> <td>Oshen Apartments</td><td>Seven (7)</td><td>20.2</td></tr> <tr> <td>Bayview Towers</td><td>Nine (8)</td><td>Not known</td></tr> </tbody> </table> The variation in height and split level design along Queen Street staggers the roof line and lessens the overall impact of the height of the building. The bulk of the design is lessened from the Anzac Parade perspective with wave inspired balconies which	Development	Storeys	Height (metres)	Echelon Apartments	Six (6)	19.225	Salt Apartments	Six (6)	19.2	Oshen Apartments	Seven (7)	20.2	Bayview Towers	Nine (8)	Not known
Development	Storeys	Height (metres)															
Echelon Apartments	Six (6)	19.225															
Salt Apartments	Six (6)	19.2															
Oshen Apartments	Seven (7)	20.2															
Bayview Towers	Nine (8)	Not known															

Performance outcomes	Acceptable outcomes	Assessment response
		<p>create movement at human scale and a distinctive ground level, with a built form, materials and colour scheme in contrast to the upper levels. The development creates interest at street level with safe and comfortable pedestrian circulation, with widened, covered walkways, a mixture of retail and food tenancies, outdoor dining opportunities, street furniture and integrated landscaping.</p> <p>A variation in building heights along Anzac Parade creates interest in the overall streetscape and skyline along the esplanade.</p>
	<p><b>AO11.2</b></p> <p>Site cover does not exceed the following:</p> <ul style="list-style-type: none"> <li>(a) eighty (80) per cent for buildings up to and including three (3) storeys in height;</li> <li>(b) fifty (50) per cent for buildings greater than three (3) storeys in height.</li> </ul>	<p><b>AO11.2 – Complies in part</b></p> <p>The development is seven storeys and has an overall site cover of ninety (90) per cent which exceeds the acceptable site cover of fifty (50) per cent for buildings greater than three (3) storeys in height.</p> <p><b>Compliance with PO11</b></p> <p>Despite the non-compliance, the site cover calculation for levels two (2) to seven (7) only equates to forty (40) per cent, significantly reducing the overall bulk of the building.</p> <p>The development makes good use of space and is consistent with other development in the area in terms of scale and site cover. The development incorporates on-site car parking and communal open space for residents, including a pool deck and recreation space on the sixth level and tennis court at level two (2).</p> <p>The development provides widened pedestrian thoroughfares along the Anzac Parade and Queen Street road reserves and connectivity between Anzac Parade and the multi-deck car park.</p> <p>The development creates an activation at street level with the retail area, public seating, outdoor dining and landscaping.</p>

## Performance outcomes

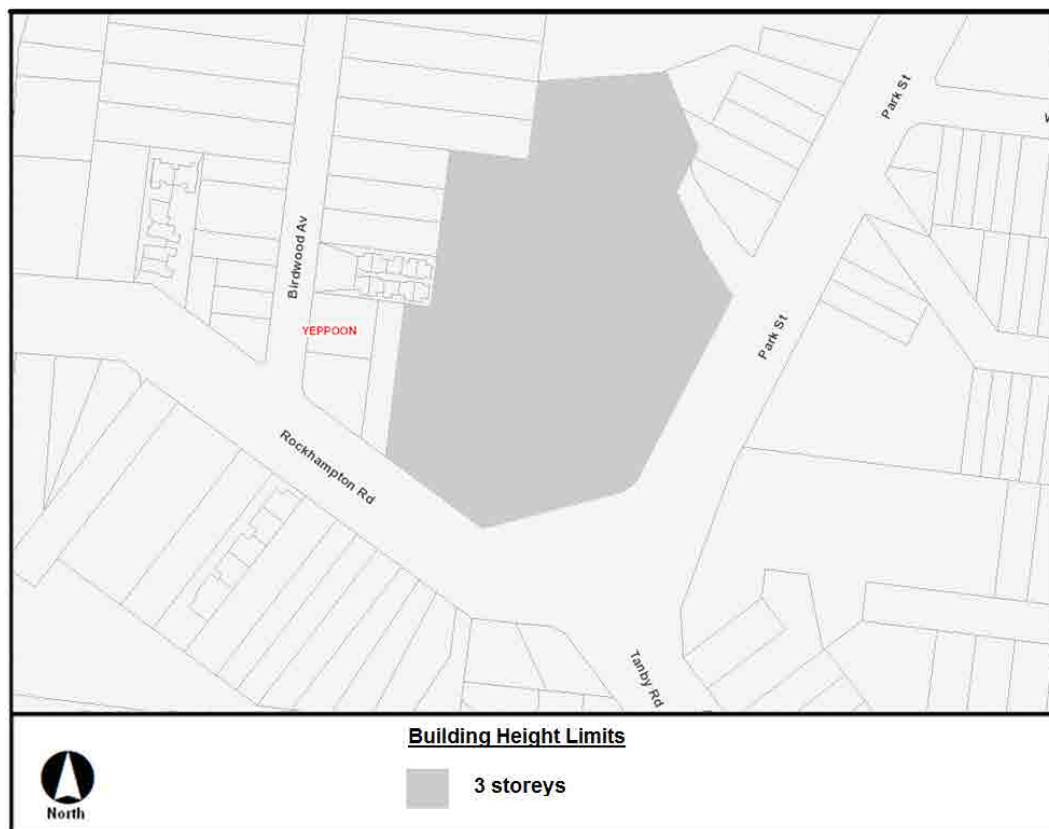
## Acceptable outcomes

## Assessment response

Figure 6.2.4.4.1.1 – Yeppoon Business District Height Limits



Figure 6.2.4.4.1.2 – Yeppoon Central Shopping Centre Height Limits

**PO12**

Buildings three storeys or higher are designed to include:

(a) a distinctive bottom, middle

No acceptable outcome is nominated.

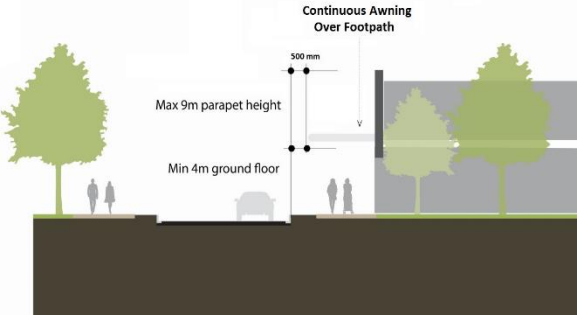
**PO12 - Complies**

The development achieves an attractive and interesting streetscape, with a distinctive



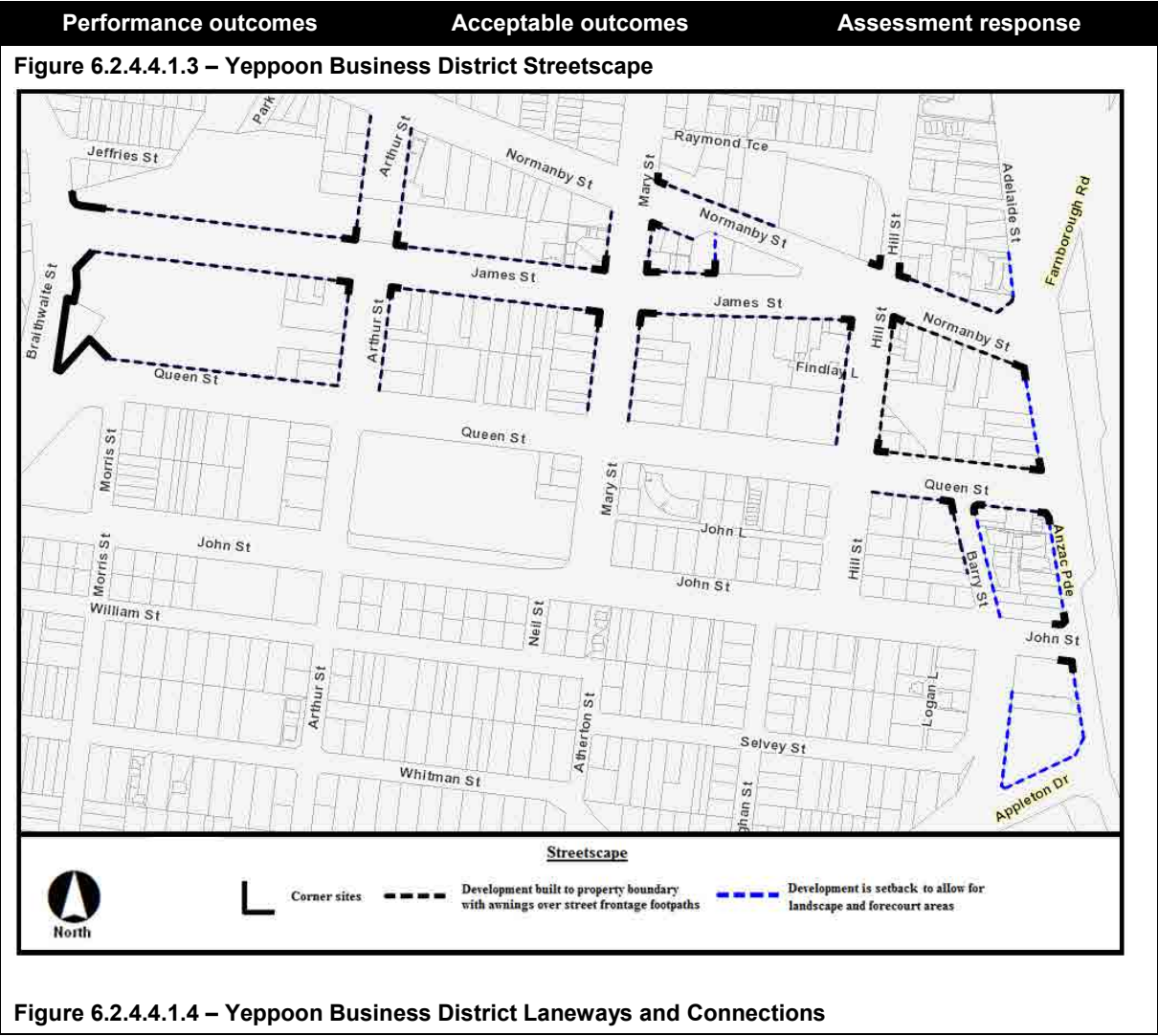
Performance outcomes	Acceptable outcomes	Assessment response
<p>and top; and</p> <p>(b) variations in plan shape, such as curves, steps, recesses, projections or splays; and</p> <p>(c) variations in vertical profile, with steps or slopes at different levels.</p>		<p>ground floor, and split level design along the northern and southern elevations.</p> <p>The ground level uses a variation in shape, material and texture, incorporating recessed shop entrances, street furniture and landscaping. The development particularly enhances the existing outdoor dining at the Anzac Parade / Queen Street corner. The design changes considerably above ground level by combining concrete and glass balustrade in the balcony design with glazed windows and doors. The vertical profile of balconies differs at each level, using staggered, scalloped outward projections.</p> <p>The inclusion of balconies and mixed use ground floor tenancies will assist in creating an interesting development from a ground level perspective.</p> <p>Level 6 includes a pool and outdoor recreation areas including landscaping, seating and lounging areas, toilet amenities.</p> <p>The split level design from the Queen Street elevation creates a step down effect, with the height being seven (7) storeys at the eastern end, stepping down to six (6) levels at the pool deck, with a significant drop to retail.</p>
<p><b>PO13</b></p> <p>The design and siting of buildings and structures does not adversely impact the amenity of the streetscape or adjoining sites having regard to the following:</p> <p>(a) minimisation of potential sources of nuisance;</p> <p>(b) provision of and maintenance of access to natural light and ventilation;</p> <p>(c) integration with and consideration of the design and siting of any buildings and structures located on adjoining sites (particularly those associated with a sensitive land use) or public places; and</p> <p>(d) provision of and maintenance of privacy for any habitable buildings.</p>	<p><b>AO13.1</b></p> <p>There is a 1.8 metre high screen fence located along all common property boundaries with a residential category zone or other adjoining sensitive land use.</p>	<p><b>AO13.1 – Not applicable</b></p> <p>The subject site does not adjoin a residential category zone.</p>
	<p><b>AO13.2</b></p> <p>Buildings are set back from all common property boundaries with a residential category zone in accordance with the following:</p> <p>(a) for a building having a height up to and including 4.5</p>	<p><b>AO13.2 – Not applicable</b></p> <p>The subject site does not adjoin a residential category zone.</p>

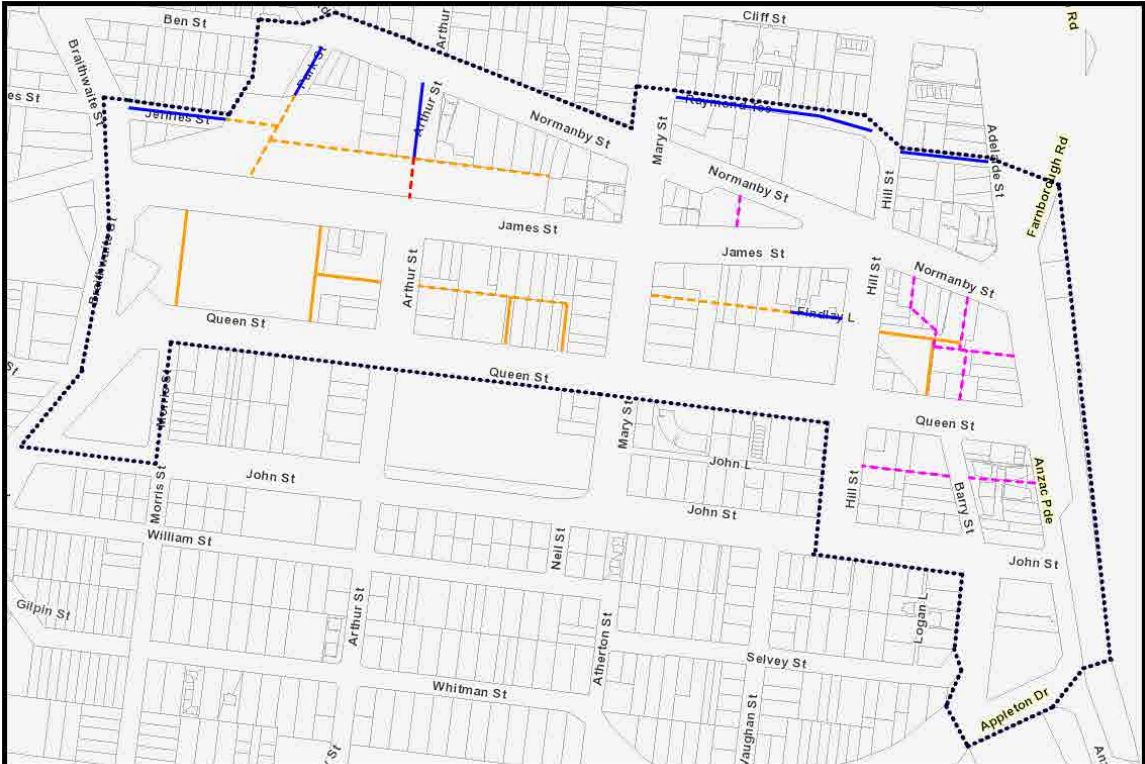
Performance outcomes	Acceptable outcomes	Assessment response
	metres, a minimum setback of five (5) metres; or (b) for a building having a height greater than 4.5 metres, a minimum setback of five (5) metres plus 0.3 of a metre for every additional metre in height over 4.5 metres.	
	<b>AO13.3</b> If the distance separating a window of a habitable room, a balcony or a patio is less than three (3) metres at ground level or nine (9) metres at levels above the ground level storey, of a window of a habitable room or a balcony or a patio of an adjacent building, privacy is protected by utilising the following: (a) window sill heights a minimum of 1.5 metres above floor level; or (b) fixed opaque glazing in any part of the window below 1.5 metres above floor level; or (c) fixed external screens; or (d) in the case of screening for a ground floor level, fencing to a height of 1.5 metres above ground floor level.	<b>AO13.3 – Not applicable</b> The development does not adjoin any habitable buildings.
<b>PO14</b> Development is designed to: (a) fit responsibly into the streetscape; (b) activate and engage with the street and important public spaces; (c) create a pedestrian rather than car oriented street frontage; (d) create a safe pedestrian environment at street level; (e) create interesting street level façades which avoid expanses of blank walls oriented to the street; and (f) provide an awning over pedestrian areas or shade trees where an awning would conflict with the streetscape (for example, heritage buildings).	<b>AO14.1</b> New developments: (a) are oriented to the street and on-site customer parking areas; (b) at ground level, include display windows for a minimum of eighty (80) per cent of the façade area; and (c) result in ground floor tenancies which do not exceed ten (10) metres in width, or the ground floor tenancies are punctuated at least every fifteen (15) metres by a vertical design feature or shop window displays.	<b>AO14.1 – Complies</b> The development provides retail at ground level, opening onto the Anzac Parade and Queen Street street frontages. Lobbies provide access to the on-site car parking at the rear.  The retail component proposes large glass shop fronts for the full length of Anzac Parade. The retail area will be divided into a number of tenancies with a mixture of shops and food and drink outlets.
	<b>AO14.2</b> Buildings are built to the road frontage boundary at locations identified on Figure 6.2.4.4.1.3 – Yeppoon Business District Streetscape and an awning is provided over the footpath.	<b>AO14.2 - Complies</b> The buildings are generally built to boundary, with the exception of covered pedestrian walkways, recessed shop fronts and outdoor dining areas at ground level, and an awning is proposed for the full length of the building.
	<b>AO14.3</b> Where fronting a street or public	<b>AO14.3 – Complies</b> Upper levels provide a combination


Performance outcomes	Acceptable outcomes	Assessment response
	space, any part of a building above ground floor level includes design features, windows or balconies to at least thirty (30) per cent of the façade area of each floor level.	of concrete and glass balustrade balconies, windows and glass doors.
	<p><b>AO14.4</b></p> <p>Buildings have awnings over external pedestrian footpath areas and the awnings:</p> <ul style="list-style-type: none"> <li>(a) provide continuous weather protection;</li> <li>(b) are not higher than 7.5 metres from the constructed pavement or footpath to the soffit of the awning; and</li> <li>(c) extend from the building over the pedestrian footpath area the greater of the following: <ul style="list-style-type: none"> <li>(i) three (3) metres; or</li> <li>(ii) a distance which finishes 0.5 of a metre before any roadside kerb or vehicle parking area.</li> </ul> </li> </ul> <p>Note: The following figure illustrates the outcome sought.</p> 	<p><b>AO14.4 – Complies</b></p> <p>The retail areas along Anzac Parade are recessed to allow pedestrian movement within the site in addition to a scallop designed awning overhanging the footpath, at a height of 3.6 metres from ground level. The awning provides continuous all weather protection, constructed of aluminium cladding at a minimum width of 3.2 metres.</p>
<p><b>PO15</b></p> <p>All buildings provide opportunities for ground floor reuse and adaptation for alternative preferred uses.</p>	<p><b>AO15</b></p> <p>Building ground floors have a floor to ceiling height of at least four (4) metres.</p>	<p><b>AO15 – Does not comply</b></p> <p>The ground floor retail area has a floor to ceiling height of 3.6 metres, which does not comply with the requirement of four (4) metres.</p> <p><b>Compliance with PO15</b></p> <p>Despite the non-compliance, the proposed ceiling height of 3.6 metres is sufficient for Shops and Food and drink outlets as proposed. In accordance with the <i>National Construction Code 2019</i>, the ceiling height in a food premises is recommended to be a minimum of 2.4 metres, therefore the proposed height will be acceptable for future shops and food tenancies.</p>
<p><b>PO16</b></p> <p>Where multi-storey buildings are developed, the design ensures that any accommodation activities have appropriate amenity and access to natural light.</p>	<p><b>AO16</b></p> <p>Any part of a building over three (3) storeys in height is set back in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) a minimum of six (6) metres from the front boundary but no more than ten (10) metres from the front boundary; and</li> <li>(b) side boundary setbacks in</li> </ul>	<p><b>AO16 – Does not comply</b></p> <p>Due to the scalloped balcony designs, setbacks vary between 110 millimetres and 2,940 millimetres along Anzac Parade and balconies are built to boundary along Queen Street. The northern side property boundary is built to boundary and the western side property boundary</p>

Performance outcomes	Acceptable outcomes	Assessment response
	accordance with the Queensland Development Code.	achieves a setback of 3,090 millimetres. <b>Compliance with PO16</b> Despite the non-compliance, all units are provided with a balcony and windows and given the foreshore location, all units will have adequate access to natural light. There are no adjoining residential uses that will be affected in terms of access to natural light.
<b>PO17</b> The character of the major centre of Yeppoon is reinforced by buildings that: (a) reflect the area's 'main street' character; (b) are orientated towards streets and public spaces; (c) strengthen the linkage between Anzac Parade and James Street.	<b>AO17.1</b> Buildings are set back a minimum of six (6) metres from the primary road frontage boundary to allow for landscape and forecourt areas at locations identified on Figure 6.2.4.4.1.3 – Yeppoon Business District Streetscape.	<b>AO17.1 - Does not comply</b> The setback of ground floor buildings along Anzac Parade vary between 1.81 metres and 5.14 metres, which does not meet the minimum setback of six (6) metres. <b>Compliance with PO17</b> Despite the non-compliance, the tenancies are orientated towards the street and foreshore and provided sufficient safe and covered pedestrian movement around the site, with the arcade providing linkage from Anzac Parade through to the multi deck car park. The development integrates with the existing Strand Hotel, and will improve the existing footpath treatment while maintaining the "main street" character, with an active ground level with retail, food tenancies, outdoor dining opportunities, street furniture and integrated landscaping.
	<b>AO17.2</b> Buildings are built to the road frontage boundary at locations identified on Figure 6.2.4.4.1.3 – Yeppoon Business District Streetscape and an awning is provided over the footpath.	<b>AO17.2 – Complies</b> The development is built to the Queen Street road frontage boundary with an extended awning provided at the corner.
<b>PO18</b> The design and siting of buildings contributes to the development of the major centre of Yeppoon as a place which has: (a) a high level of pedestrian connectivity between destinations within the centre; (b) a functional movement system; (c) safe and highly accessible vehicle parking areas located at the rear of premises for customers; and (d) safe and effective drop-off and collection areas at the rear of premises for service and delivery vehicles.	<b>AO18.1</b> Development on land affected by a future vehicle or pedestrian connection or laneway identified on Figure 6.2.4.4.1.4 – Yeppoon Business District Laneways and Connections, provides the following: (a) mid-block public access laneways that are dedicated as public roads and which provide two way traffic as follows: (i) an eight (8) metres road reserve; and (ii) a five (5) metre carriageway (parking on one side of road); and (b) mid-block public access for pedestrians which: (i) are a minimum of three	<b>AO18.1 – Complies in part</b> The site includes a Future pedestrian connection between Lot 2 on RP601732 and Lot 8 on SP280136. The connection will be altered slightly for the purpose of this development. Rather than running adjacent to the property boundaries, as demonstrated in Figures 6.2.4.4.1.4, the walkway is proposed to run between the proposed development and the existing Strand Hotel, and link with the existing pedestrian pathway established on the adjoining multi deck site.

Performance outcomes	Acceptable outcomes	Assessment response
	<p>(3) metres in width; and</p> <p>(ii) consist of an open walkway, or an arcade through a building, or unrestricted public access through shops which extend from street to street; and</p> <p>(c) in the event of the relocation of the Yeppoon Railway Station building, dedication as new road reserve the area of land indicated for a future road for the extension of Arthur Street between Normanby Street and James Street.</p>	
<p><b>PO19</b></p> <p>Development extending from street to street provides inter-block connections, interaction between the internal uses and activity on the street.</p>	<p><b>AO19.1</b></p> <p>Arcades are well lit, include active frontages for the full length of the facility, are able to be locked when not used and have an easily recognisable entry and exit.</p>	<p><b>AO19.1 – Complies</b></p> <p>The walkway (arcade) is lockable and incorporates lighting and recognisable entry and exit.</p>
	<p><b>AO19.2</b></p> <p>Street to street connections provided by arcades or thoroughfares are provided when sites are redeveloped where indicated on Figure 6.2.4.4.1.4 – Yeppoon Business District Laneways and Connections.</p>	<p><b>AO19.2 – Complies</b></p> <p>The development provides a walkway between Anzac Parade and the multi deck car park, which provides pedestrian connection to Queen Street and Normanby Street.</p>
<p><b>PO20</b></p> <p>The safety and effectiveness of vehicle laneways is not compromised by the introduction and proliferation of active uses along the laneway frontages.</p>	<p><b>AO20</b></p> <p>Development fronting a vehicle laneway provides access only for loading, car parking, storage and rear access to buildings.</p>	<p><b>AO20 – Not applicable</b></p> <p>The subject site does not front a vehicle laneway.</p>



Performance outcomes	Acceptable outcomes	Assessment response
 <p><b>Laneways and Connections</b></p> <ul style="list-style-type: none"> <li>Existing formal street/laneway</li> <li>Existing informal vehicle/pedestrian connection</li> <li>Future pedestrian connection</li> <li>Future vehicle/pedestrian laneway</li> <li>Future road</li> </ul>		
<p><b>PO21</b></p> <p>Where located on a site fronting Anzac Parade, development enhances the amenity of public spaces and provides opportunities for public access to facilities in the private domain.</p>	<p><b>AO21.1</b></p> <p>Where located on a site fronting Anzac Parade, development actively addresses footpaths with doorways and windows and provides opportunities for outdoor dining.</p>	<p><b>AO21.1 – Complies</b></p> <p>The development proposes retail areas fronting Anzac parade with large windowed shop fronts, recessed entrances and outdoor dining proposed to adjoin food premises. The development enhances the amenity of public spaces in an area that lacks amenity due to the operations of a drive through bottle shop and older style unit development.</p>
	<p><b>AO21.2</b></p> <p>Where located on a site fronting Anzac Parade, building forecourt areas are provided and they include:</p> <ul style="list-style-type: none"> <li>(a) planting features between the building and Anzac Parade;</li> <li>(b) shade or weather protection structures are part of outdoor or semi-outdoor eating establishments along Anzac Parade; and</li> <li>(c) front pedestrian entrances are located on and focused towards Anzac Parade.</li> </ul> <p>Note: The following figure illustrates the outcome sought.</p>	<p><b>AO21.2 - Complies</b></p> <p>The development proposes to improve the existing outdoor dining arrangement at the Anzac Parade / Queen Street corner in addition to providing outdoor dining areas along Anzac Parade. The design incorporates casual street furniture, raised gardens beds and vertical plantings, under the shaded pedestrian walkway.</p>

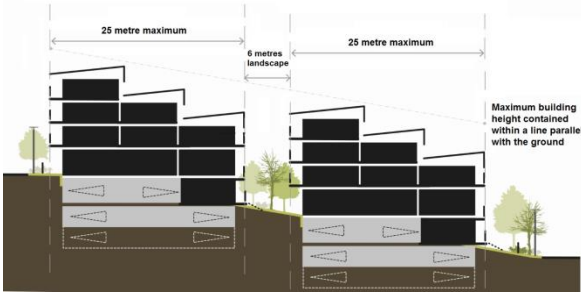
Performance outcomes	Acceptable outcomes	Assessment response
		
Appearance		
<p><b>PO22</b></p> <p>The development is designed in a manner that contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area by incorporating elements including but not limited to the following:</p> <ul style="list-style-type: none"><li>(a) emphasis on entry points;</li><li>(b) orientation to the street and any public places;</li><li>(c) use of buildings, structures or vegetation to screen any waste storage areas and building plant from view of the street;</li><li>(d) inclusion of vegetation to screen any large unarticulated building walls;</li><li>(e) inclusion of vegetation at appropriate locations to enhance public streets and places and to provide shading for pedestrian comfort.</li></ul>	<p><b>AO22.1</b></p> <p>The development has a pedestrian entry point at or visible from the primary road frontage.</p>	<p><b>AO22.1 – Complies</b></p> <p>The retail area opens to Anzac Parade and the Foyer to the accommodation units fronts Queen Street.</p>
	<p><b>AO22.2</b></p> <p>Any waste storage areas are screened from view of the street by one or more of the following:</p> <ul style="list-style-type: none"><li>(a) a solid screen fence; or</li><li>(b) a wall; or</li><li>(c) dense vegetation.</li></ul>	<p><b>AO22.2 – Complies</b></p> <p>A “bin room” is provided at the ground level car park in addition to an allocated area for bins proposed at the rear of the site which is not visible from street.</p> <p>A condition is included to the effect:</p> <p><i>“Any waste storage areas are screened from view of the street by one or more of the following:</i></p> <ul style="list-style-type: none"><li><i>(a) a solid screen fence;</i></li><li><i>(b) a wall; or</i></li><li><i>(c) dense vegetation.”</i></li></ul>
	<p><b>AO22.3</b></p> <p>Any building plant:</p> <ul style="list-style-type: none"><li>(a) is screened from view of the street by one or more of the following:<ul style="list-style-type: none"><li>(i) a solid screen fence, or</li><li>(ii) a roof design feature; or</li><li>(iii) a wall; or</li></ul></li></ul>	<p><b>AO22.3 – Complies</b></p> <p>“Services” areas are provided at each level.</p> <p>A condition is included to the effect:</p> <p><i>“Any building plant not located underneath or central to the building must be screened from view of the street by one or more of the</i></p>



Performance outcomes	Acceptable outcomes	Assessment response
	(iv) dense vegetation; or (b) is located within, underneath or central to the building so as to not be visible from the street.	<i>following:</i> (i) a solid screen fence; (ii) a roof design feature; (iii) a wall; or (iv) dense vegetation.”
	<b>AO22.4</b> There is a densely vegetated area having a depth of at least five (5) metres from the property boundary, located along all common property boundaries where adjoining any residential category zone.	<b>AO22.4 – Not applicable</b> The development does not adjoin any residential category zones.
	<b>AO22.5</b> The densely vegetated area specified in AO21.4 complies with the following: (a) there is a minimum of two (2) rounded canopy trees for every five (5) linear metres or part thereof of the length of the property boundary; and (b) any established native tree species having a height exceeding two (2) metres, or a trunk diameter of thirty (30) centimetres are retained within vegetation area.	<b>AO22.5 – Not applicable</b> Addressed in AO22.4
<b>PO23</b> Buildings have an appearance which provides visual interest and contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area by use of the following: (a) vertical and horizontal articulation to create shadow and break up the built form by use of fenestration, recesses, wall offsets, balconies, projections, splays or other building design features; (b) external building walls having variations in textures, materials and colours; and (c) external building materials which are unlikely to create a nuisance, discomfort or hazard due to solar reflection.	<b>AO23.1</b> Buildings have a maximum unarticulated length of fifteen (15) metres to the street frontage.	<b>AO23.1 - Complies</b> The Anzac Parade street frontage is articulated with recessed areas, variation in design, materials, textures and colours. The use of natural coloured brickwork, render finishes and timber and stone cladding ensures the building will not create a reflective nuisance to surrounds. The Queen Street frontage is articulated with wrap around retail at the eastern corner, the apartment foyer midway and vertical shading fronting the additional retail space to the west.
	<b>AO23.2</b> External building walls have at least three (3) variations, with the variations consisting of one or more of the following: (a) changes in surface textures; or (b) changes in materials; or (c) changes in colours.	<b>AO23.2 – Complies</b> The building uses a mixture of materials including natural coloured brickwork, render finishes and timber and stone cladding in various natural toned colours, complementary of the coastal setting.

Performance outcomes	Acceptable outcomes	Assessment response
	<b>AO23.3</b> The design of the building does not include glass or surfaces that are likely to: <ul style="list-style-type: none"> <li>(a) reflect solar rays for prolonged periods due to exterior finishes and design elements, or</li> <li>(b) create undue nuisance, discomfort or hazards to any part of the surrounding locality.</li> </ul>	<b>AO23.3 – Conditioned to comply</b> The development proposes clear glazed windows. A condition will be included to ensure non-reflective glazing is proposed.
<b>PO24</b> Buildings are well designed and decorated to reflect the sub-tropical climate and coastal character of Yeppoon.	No acceptable outcome is nominated.	<b>PO24 – Complies</b> The inclusion of balconies for all units make use of the foreshore view and amenity, and the wave design reflects the surrounding natural environment. The building is designed using natural colours and materials, including brickwork, render finishes and timber and stone cladding, complementary of the coastal setting.
<b>PO25</b> The roof of a building is designed in a manner that creates visual interest and can conceal any plant equipment.	No acceptable outcome is nominated.	<b>PO25 – Complies</b> The roofline along Anzac Parade continues the scalloped design of the balconies creating interest along the skyline. All plant equipment will be conditioned to be screened in the following condition: <i>“Any building plant not located underneath or central to the building must be screened from view of the street by one or more of the following:</i> <ul style="list-style-type: none"> <li>(i) a solid screen fence;</li> <li>(ii) a roof design feature;</li> <li>(iii) a wall; or</li> <li>(iv) dense vegetation.”</li> </ul> The Queen Street roofline creates visual interest with the split level design, with level seven (7) stepping down to the rooftop pool deck located on level six (6).
<b>PO26</b> The location of street trees, seating, shade structures, waste bins, drinking fountains, public transport stops and public art and the like are: <ul style="list-style-type: none"> <li>(a) provided at a scale and location appropriate to the design and layout of the centre;</li> <li>(b) co-ordinated to create cohesive streetscapes and movement areas to soften the built form and provide</li> </ul>	No acceptable outcome is nominated.	<b>PO26 – Complies</b> The development provides various landscaping in the form of vertical plantings and raised and street level garden beds, incorporated with integrated street furniture and outdoor dining. The widened pedestrian zone provides a pedestrian friendly environment. Although there is no public art proposed as part of the development, the design of the area provides opportunity for future collaboration.

Performance outcomes	Acceptable outcomes	Assessment response
increased user amenity; and (c) located so as to retain at least a 1.5 metre wide clear pedestrian zone.		
<b>PO27</b> Development designed as stand-alone shopping centres does not occur unless they contribute to the amenity of the streetscape and maximise opportunities for outwardly-focused (or sleeved) active uses facing shopping streets, car parking areas, landscaped forecourts, and public spaces.	<b>AO27</b> Where fronting active streets, large standalone shopping centres include: (a) shop display windows on street frontages (excluding laneways) which are not opaque or covered with signage occupying more than fifty (50) per cent of window area; or (b) 'sleeving' of smaller tenancies on large shopping centres.	<b>AO27 – Not applicable</b> The development does not involve a large standalone shopping centre.
<b>PO28</b> Buildings which are located on corner sites or share boundaries to public spaces, including parks, are designed to express or emphasise the importance of their location through excellent architectural design.	<b>AO28.1</b> Where a building is adjacent to a public place: (a) the building's main entrance addresses the public place; or (b) the building's design addresses the public place via openings, entrances or verandas; and (c) that part of a building that shares a boundary with the open space zone is not fenced with the preferred approach to be the provision of landscaping or paving treatments to delineate the public space from private.	<b>AO28.1 - Complies</b> The entrances to the eastern retail area open to Anzac Parade and the Foyer to the accommodation units fronts Queen Street in addition to wrap around retail at the corner.
	<b>AO28.2</b> Buildings on corner sites provide active frontages to both street frontages and the main entrance addresses the principal street or the street corner.	<b>AO28.2 – Complies</b> The design of the building at the Anzac Parade and Queen Street corner creates a wrap-around effect, with a food and drink outlet likely to be located in the corner to incorporate with the outdoor dining area. The development proposes to enhance the existing outdoor dining located at the corner.
<b>PO29</b> Development retains horizontal vegetated breaks on hill slopes, in order to prevent the appearance of large, single, multi-storey buildings.	<b>AO29</b> On sloping land: (a) buildings are stepped so that their maximum height is contained within a line parallel with the ground; (b) buildings on a slope greater than one (1) vertical in six (6) horizontal (16.6 per cent) are interrupted every twenty-five (25) metres (measured in the horizontal plane) by a six (6) metre wide break that includes deep planting of trees which will reach at least seven (7) metres at maturity; and (c) buildings use different materials, colours or design	<b>AO29 – Complies</b> Although the site is not considerably sloped, the design makes use of the existing ground level and proposes a split level building, with the maximum height from ground level not exceeding seven (7) storeys at any point.

Performance outcomes	Acceptable outcomes	Assessment response
	<p>elements to distinguish between different buildings separated on the slope.</p> <p>Note: The following figure illustrates the outcome sought.</p> 	
<b>Vehicle parking areas and access</b>		
<b>PO30</b> Parking areas are designed to minimise impacts on sensitive land use due to noise, car park lighting, vehicle lighting, and loss of privacy.	No acceptable outcome is nominated.	<b>PO30 – Complies</b> All car parking areas are positioned at the rear (western side) of the development of which there are no balconies overlooking.
<b>PO31</b> On-site vehicle parking areas do not compromise the walkability and active shop front focus of the streetscape and they are sited: (a) to the side or the rear of buildings; or (b) below ground level.	No acceptable outcome is nominated.	<b>PO31 – Complies</b> The car parking areas, located at the rear (western side) of the development, do not compromise pedestrian access to the retail tenancies or the pedestrian connection from Anzac Parade through the walkway.
<b>PO32</b> Access to sites is via existing crossovers and new crossovers do not interrupt key pedestrian areas unnecessarily.	No acceptable outcome is nominated.	<b>PO32 – Complies</b> Access is via proposed easements located within Lot 10 on SP289416 (multi deck carpark).
<b>PO33</b> When visible from the street, ancillary parking facilities and standalone parking stations are designed with external finishes and landscaping appropriate to the streetscape setting.	No acceptable outcome is nominated.	<b>PO33 – Complies</b> The ground floor retail along Queen Street is sited in front of the second level of car parking, with the first level of car parking being at basement level.
<b>Infrastructure</b>		
<b>PO34</b> Safe, accessible, robust and reliable infrastructure relating to access and parking, energy supply, roads, roof and allotment drainage, sewage and wastewater treatment and disposal, stormwater management, telecommunications, and water supply, is adequately provided for the development in accordance with best practice and endorsed standards for the location, and relative to the needs of the development.	<b>AO34</b> The development complies with the requirements of the Development Works Code.	<b>PO34 – Complies</b> The development complies with the various requirements of the Development works code apart from a deviation from Acceptable Outcome AO1.1 in relation to a shortfall of on-site car parking of thirty-eight (38) spaces. The development has been conditioned accordingly and is able to meet the Performance Outcomes for the code.

As evident from the above assessment, the proposal complies with the various requirements of the Major centre zone code, apart from deviations from Acceptable Outcomes AO11.1, AO11.2, AO15, AO16 and AO17.1. Suitable justification has been provided to support the deviation from the acceptable outcomes given the proposal is able to meet the Performance Outcomes for the code.

### **Accommodation Activities Code**

The purpose of the code is:

- (1) *to identify performance outcomes (in addition to those contained within zone codes) to enable an assessment of the suitability of the location, design and siting of specific uses from within the accommodation activities group;*
- (2) *to ensure that the development of specific uses from within the accommodation activities group results in safe and quality living environments;*
- (3) *to facilitate the achievement of the overall outcomes sought for the development of accommodation activities.*

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

- (1) *the development of a use within the accommodation activities group:*
  - (a) *is suitably located in relation to the characteristics of type of accommodation being provided;*
  - (b) *provides for the living space, recreation space, privacy and amenity needs of residents;*
  - (c) *protects the character and amenity of the streetscape and surrounding area; and*
- (2) *the development of nature based tourism does not adversely affect important natural environment features, landscape features, or cultural heritage values.*

The following is an assessment of the proposal against the specific benchmarks of the Accommodation activities code, which includes an assessment of the development against the relevant acceptable outcomes and performance outcomes of the code.

**Table 9.2.1.4.2 - Additional outcomes for assessable development**

Performance outcomes	Acceptable outcomes	Assessment response
<b>Location, design and siting</b>		
<b>If multiple dwellings</b>		
<b>PO5</b> The multiple dwellings are designed and developed: <ol style="list-style-type: none"> <li>(a) at appropriate scale and density relative to the zone of the site and surrounding land use;</li> <li>(b) to ensure there is appropriate living space for residents;</li> <li>(c) to ensure the safety of residents; and</li> <li>(d) to ensure there is a high level of amenity and privacy for residents of the multiple dwellings and for residents of adjoining premises.</li> </ol>	No acceptable outcome is nominated.	<b>PO5 – Complies</b> The development is located within the Major centre zone and the proposed forty-five (45) units are an appropriate density for a centre zone. The units provide a mixture of designs and sizes to suite various households, and provide sufficient living space, including a balcony for each unit. The development provides safe movement between car parking areas and lobby entrances. There are no adjoining residential developments ensuring no overlooking into adjoining residences.

As evident from the above assessment, the proposal complies with the relevant requirement of the Accommodation activities code.

**Coastal Hazard Overlay Code**

The following is an assessment of the proposal against the specific benchmarks of the Coastal hazard overlay code, which includes an assessment of the development against the relevant performance outcomes of the code.

**Table 8.2.5.4.1 – Outcomes for development that is accepted subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Assessment response
<b>Erosion prone areas</b>		
<b>PO3</b> Development is located, designed and constructed to avoid adverse impacts on people and property from coastal erosion.	<b>AO3.1</b> Development is: (a) essential community infrastructure which cannot be located elsewhere; or (b) coastal-dependent development; or (c) temporary, readily relocatable or able to be abandoned.	<b>AO3.1 – Does not comply</b> The development is not essential community infrastructure, coastal dependant or readily locatable. <b>Compliance with PO3</b> Despite the non-compliance the site is separated from the coast by road reserve, car parking and public open space. The subject site is protected by existing defences along Yeppoon Main Beach, including the existing rock wall and foreshore infrastructure fronting Anzac Parade.
	<b>AO3.2</b> Where involving an additional building or extensions or alterations to an existing building, the development does not extend any further seaward than existing buildings or structures.	<b>AO3.2 – Complies in part</b> The existing development over the subject site is generally built to boundary along Anzac Parade, with the exception of the gallery and units building which is setback between six (6) and nine (9) metres. <b>Compliance with PO3</b> The majority of the site is already built to boundary and the additional site cover is not likely to contribute to coastal erosion given the site is separated from the coast by road reserve, car parking and public open space.

**Table 8.2.5.4.2 – Additional outcomes for assessable development**

Performance outcomes	Acceptable outcomes	Assessment response
<b>Erosion prone areas</b>		
<b>PO14</b> Development avoids or mitigates any increase in risk to people and property from adverse coastal erosion impacts by: (a) minimising the area of the development footprint within the erosion prone area; (b) locating development as far landward as possible; (c) maximising the ability for buildings or structures to be abandoned, or disassembled for relocation either on the site or to another site; (d) installing and maintaining on-site coastal protection works.	No acceptable outcome is nominated	<b>PO14 - Does not comply</b> The development footprint entirely encompasses the mapped erosion prone area. <b>Compliance with PO14</b> Despite the non-compliance, the subject site is already significantly developed. The subject site is located within the Major centre zone which encourages development with high site cover percentage and buildings to be built to boundary. Significant earthworks and planning has been undertaken within the foreshore precinct to mitigate erosion.

<p><b>PO15</b></p> <p>Where used, coastal protection works are:</p> <ul style="list-style-type: none"> <li>(a) consistent with a shoreline erosion management plan that has been prepared for the area; or</li> <li>(b) undertaken in response to a demonstrated need to protect existing permanent structures from an imminent threat of coastal erosion, where abandonment or relocation of the structures is not feasible, and a relevant shoreline erosion management plan has not been prepared.</li> </ul>	<p>No acceptable outcome is nominated</p>	<p><b>PO15 – Not applicable</b></p> <p>There are no coastal protection works proposed as part of this development.</p>
<p><b>PO16</b></p> <p>Development in an erosion prone area:</p> <ul style="list-style-type: none"> <li>(a) maintains, protects or enhances vegetation on coastal landforms;</li> <li>(b) maintains sediment volumes of dunes and near-shore coastal landforms; or</li> <li>(c) mitigates any increased risks from erosion through the location, design, construction and operating standards of development;</li> <li>(d) maintains physical coastal processes beyond the development including longshore transport of sediment along the coast; and</li> <li>(e) prevents increasing the risk of shoreline erosion for areas adjacent to the development, unless the development is an erosion control structure.</li> </ul> <p>Editor's note: Applications are to be supported by a report certified by a registered professional engineer that demonstrates this performance outcome will be achieved</p>	<p>No acceptable outcome is nominated</p>	<p><b>PO16 – Not applicable</b></p> <p>The subject site contains existing development and limited vegetation, with the exception of a small grassed lawn area fronting the gallery and units at Lot 1 on RP600691.</p>

As evident from the above assessment, the proposal complies with the various requirements of the Coastal hazard overlay code, apart from deviations from Acceptable Outcomes AO3.1 and AO3.2 and Performance Outcome PO14. Suitable justification has been provided to support the deviation given the proposal is able to meet the Performance Outcomes for the code.

### **Flood Hazard Overlay Code**

A section of the site, being the multi deck car park on Lot 10 on SP289416, is partially mapped as Flood hazard. Operational works have been undertaken over Lot 10 in accordance with Development Permit D-407-2010 which included drainage works and stormwater works which have mitigated flood risk over the site. The development area is unaffected by flood hazard, therefore it is considered the development can comply with the relevant aspects of the Flood hazard overlay code.

**Scenic Amenity Overlay Code**

The following is an assessment of the proposal against the specific benchmarks of the Scenic amenity overlay code, which includes an assessment of the development against the relevant performance outcomes of the code.

**Table 8.2.10.4.1 – Outcomes for development that is accepted subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Assessment response
<b>Coastal scenic transport routes</b>		
<b>PO2</b> Development located adjacent to a coastal scenic transport route does not detract from the natural visual amenity and: <ul style="list-style-type: none"> <li>(a) is visually unobtrusive relative to its natural setting, urban setting, or non-urban setting;</li> <li>(b) maintains distant views along the transport route; and</li> <li>(c) retains and enhances existing vegetation to visually screen and soften built-form elements.</li> </ul> Editor's note: Reference should be made to SC7.10 scenic amenity planning scheme policy for guidance on information that may be required to support a development application affected by a scenic amenity overlay.	<b>AO2.1</b> Where possible, driveway access to the development is taken from an alternative road to the scenic transport route to prevent removal of roadside vegetation.	<b>AO2.1 – Complies</b> No access is taken from Anzac Parade.
	<b>AO2.2</b> Where access from an alternative road to the scenic transport route is not possible, there is only one (1) access point to the scenic highway.	<b>AO2.2 – Not applicable</b> Addressed in AO2.1
	<b>AO2.3</b> Access points (including driveways) limit vegetation clearing to a maximum of four (4) metres wide for a driveway.	<b>AO2.3 - Not applicable</b> Access to the site is obtained through the Council public car park.
	<b>AO2.4</b> Where not located in an established urban category zone, new development includes a densely vegetated buffer area of vegetation along the full length of the common boundary with a coastal scenic transport route (excluding any access driveway) which: <ul style="list-style-type: none"> <li>(a) is no less than ten (10) metres deep;</li> <li>(b) contains dense vegetation;</li> <li>(c) retains any established native tree species having a height exceeding two (2) metres, or a trunk diameter of thirty (30) centimetres; and</li> <li>(d) where natural vegetation is sparse, additional planting is undertaken to form a screen as</li> </ul>	<b>AO2.4 – Not applicable</b> The site is located within the Major centre zone within the Central Business District.



Performance outcomes	Acceptable outcomes	Assessment response
	<p>follows:</p> <p>(i) there is a minimum of two (2) rounded canopy trees for every five (5) linear metres or part thereof of the length of the road frontage property boundary; and</p> <p>(ii) there is a minimum of two (2) shrubs for every three (3) linear metres or part thereof of the length of the road frontage property boundary.</p>	
	<p><b>AO2.5</b></p> <p>Walls of buildings facing a coastal scenic transport route do not include a wall in a single plane greater than ten (10) metres unless punctuated with:</p> <p>(a) at least one window with a shade hood; or</p> <p>(b) a recessed section of wall at least one square meter in area; or</p> <p>(c) a balcony or deck; or,</p> <p>(d) contrasting texture of cladding material.</p>	<p><b>AO2.5 – Complies</b></p> <p>The Anzac Parade street frontage is articulated with recessed shop entrances, large glass front retail spaces and a variation in design, materials, textures and colours, including natural coloured brickwork, render finishes and timber and stone cladding.</p>
	<p><b>AO2.6</b></p> <p>External wall finishes have the same tonal value as the surrounding vegetation and do not include bright, high contrast colours including whites, yellows, reds and blues.</p>	<p><b>AO2.6 – Complies</b></p> <p>The use of natural coloured brickwork, render finishes and timber and stone cladding ensures the building reflects the tonal value of the natural surrounds.</p>

As evident from the above assessment, the proposal complies with the various requirements of the Scenic amenity overlay code.

### **General Development Code**

The purpose of the General development code is to:

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

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

- (1) *the development is located at a site which does not result in an unacceptable risk to health and safety of occupants of the premises or an unacceptable risk of property damage;*
- (2) *the development contributes to functional and safe private and public environments;*
- (3) *the development is located at a site which has a sufficient area and suitable dimensions relative to the characteristics of the use and the characteristics of surrounding land use;*
- (4) *the development does not compromise the safety, efficiency and effectiveness of the transport network;*
- (5) *the development appropriately integrates with adjoining land use;*
- (6) *the development protects the character and amenity of the surrounding area; and*

- (7) *the development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds.*

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

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

Performance outcomes	Acceptable outcomes	Assessment response
<b>Flood resilience</b>		
<b>PO1</b> The development is resilient to the adverse impacts of flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	<b>AO1.1</b> The development is resilient to the adverse impacts of a flood by locating the floor level of all building rooms used for habitation or work a minimum of 300 millimetres above the level of a flood event of at least the annual exceedance probability specified in Table SC5.1.1 located in Schedule 5 of the planning scheme.	<b>AO1.1 – Complies</b> The development site is free from flood apart from Lot 10 on SP289416 (multi deck car park) which is identified as being located within the Flood hazard overlay and the Storm tide hazard area overlay.
<b>Location, design, siting, operation</b>		
<b>PO2</b> The development is located at a site that is able to accommodate all the buildings, facilities, and operational needs of the use without increasing the likelihood of land use conflict by: <ul style="list-style-type: none"> <li>(a) adversely affecting the amenity of adjoining land use and the surrounding area;</li> <li>(b) adversely affecting the safety, health and wellbeing of occupants of sensitive land use;</li> <li>(c) adversely affecting the operations of adjoining land use;</li> <li>(d) reducing the potential to use adjoining land for its intended purpose; and</li> <li>(e) adversely affecting the safe and effective provision of services to the development.</li> </ul>	<b>AO2.1</b> The development is located at a site that does not conflict with the minimum separation distances specified in tables SC4.1.1, SC4.1.2, SC4.1.3, and SC4.1.4, located in Schedule 4 of the planning scheme.	<b>AO2.1 – Not applicable</b> The development does not include any of the defined uses listed in <i>Schedule 4 Standards for separating conflicting land use</i> .

Performance outcomes	Acceptable outcomes	Assessment response								
<b>PO3</b> Development maintains a high level of amenity for adjoining sensitive land use with regard to the generation of unreasonable noise.	<b>AO3.1</b> Where located within a residential category zone, rural residential zone, or township zone, development does not exceed noise generation levels at the property boundary, interpreted under the provisions of the current version of the <i>Environmental Protection (Noise) Policy</i> as unreasonable, or the following whichever is the lesser: <table><tr><td>Period</td><td>Noise level at property boundary</td></tr><tr><td>0700 to 2000</td><td>Background noise level plus 5 dB(A)</td></tr><tr><td>2000 to 0700</td><td>Background noise level plus 3 dB(A)</td></tr><tr><td colspan="2">Measured as the adjusted maximum sound pressure level Lmax adj T.</td></tr></table>	Period	Noise level at property boundary	0700 to 2000	Background noise level plus 5 dB(A)	2000 to 0700	Background noise level plus 3 dB(A)	Measured as the adjusted maximum sound pressure level Lmax adj T.		<b>AO3.1 – Not applicable</b> The subject site is not located in a residential category zone, rural residential zone or township zone.
Period	Noise level at property boundary									
0700 to 2000	Background noise level plus 5 dB(A)									
2000 to 0700	Background noise level plus 3 dB(A)									
Measured as the adjusted maximum sound pressure level Lmax adj T.										
<b>PO4</b> Outdoor lighting maintains the amenity of any adjoining residential zoned premises and does not adversely impact the safety for vehicles or pedestrians on the adjoining streets as a result of light emissions, either directly or by reflection.	<b>AO4.1</b> Outdoor lighting is designed, installed and maintained in accordance with the parameters and requirements of the current version of the Australian Standard AS4282 — Control of the obtrusive effects of outdoor lighting.	<b>AO4.1 Complies</b> A condition has been included to the effect: <i>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'.</i>								
<b>PO5</b> A refuse container and container storage area is provided in a manner that: (a) maintains the amenity of the surrounding area; (b) is of adequate size to accommodate the expected amount of refuse to be generated by the use; (c) is in a position that is conveniently accessible for collection; and (d) is able to be kept in a clean state at all times.	<b>AO5.1</b> The development of a use within the accommodation activities group is provided with a refuse container and container storage area that: (a) is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres; (b) is large enough to accommodate at least one (1) standard issue sized rubbish bin per dwelling.	<b>AO5.1 – Complies</b>								
	<b>AO5.2</b> The development of a use (other than an use within the accommodation activities group), is provided with a refuse container and container storage area that:	<b>AO5.2 – Complies</b> A “bin room” is provided at the ground level car park in addition to an allocated area for bins proposed at the rear of the site which is not visible from street.								

Performance outcomes	Acceptable outcomes	Assessment response
	<ul style="list-style-type: none"> <li>(a) is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.8 metres;</li> <li>(b) has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system;</li> <li>(c) is within proximity to a hose cock;</li> <li>(d) is large enough to accommodate at one (1) or more industrial bins of a size appropriate to the nature and scale of use; and</li> <li>(e) is not located within three (3) metres of the common property boundary where adjoining a lot within a residential category zone or township zone.</li> </ul>	<p>A condition is included to the effect:</p> <p><i>"Any waste storage areas are screened from view of the street by one or more of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) a solid screen fence;</i></li> <li><i>(b) a wall; or</i></li> <li><i>(c) dense vegetation."</i></li> </ul>

Table 9.3.1.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
<b>Community safety</b>		
<b>PO6</b> Personal safety and property security are optimised through the design of buildings and spaces incorporating the following: <ul style="list-style-type: none"> <li>(a) means of easily identifying the premises;</li> <li>(b) appropriate night lighting;</li> <li>(c) suitably designed and located building entry and exit points;</li> <li>(d) opportunities for surveillance;</li> <li>(e) appropriate plant species for landscaping;</li> <li>(f) clear definition of boundaries between private and public spaces; and</li> <li>(g) any best practice for crime prevention through environmental design.</li> </ul>	<b>AO6.1</b> The development contains: <ul style="list-style-type: none"> <li>(a) appropriately designed and sited numbering which clearly identifies the street address and any individual tenancies or dwelling units at the premises; and</li> <li>(b) appropriately designed and sited signage for way finding and premises identification.</li> </ul>	<b>AO6.1 – Conditioned to comply</b> A condition is included to the effect: <p><i>"Individual tenancies and units must be clearly numbered and appropriate way finding signage must be provided at each storey"</i></p>
	<b>AO6.2</b> The development contains lighting that is designed and installed in any public places and community places in accordance with Australian Standard AS1158: Public Lighting Code.	<b>AO6.2 – Conditioned to comply</b> A condition is included to the effect: <p><i>"Any lighting devices installed in any public places and community places must be in accordance with Australian Standard AS1158: Public Lighting Code."</i></p>
	<b>AO6.3</b> Other than for controlled and well lit emergency exits, the development has clearly identifiable and well lit entry and exit points which:	<b>AO6.3 – Condition</b> A condition is included to the effect: <p><i>"All entry and exit points which front a road, public place or communal place must be clearly identifiable"</i></p>

Performance outcomes	Acceptable outcomes	Assessment response
	<ul style="list-style-type: none"> <li>(a) front a road, public place, or communal place; or</li> <li>(b) are in clear unobstructed view of a road, public place, or communal place; or</li> <li>(c) front a well-defined, unobstructed and appropriately lit pathway which connects to a road, public place, or communal place.</li> </ul>	<i>and well lit."</i>
	<p><b>AO6.4</b> Building entrances facing onto roads, public places or communal places:</p> <ul style="list-style-type: none"> <li>(a) do not incorporate recesses of sufficient size to conceal a person; or</li> <li>(b) where the recess is of sufficient size to conceal a person it:               <ul style="list-style-type: none"> <li>(i) is well lit; and</li> <li>(ii) is:                   <ul style="list-style-type: none"> <li>(A) gated with restricted access; or</li> <li>(B) has strategically placed mirrors.</li> </ul> </li> </ul> </li> </ul>	<p><b>AO6.4 – Complies</b> The development incorporates recessed shop entrances fronting Anzac Parade which are inconsistent and staggered in depth, varying between 1.1 metres and 4.5 metres. The retail component proposes large glass shop fronts which should aid in reducing the opportunity for concealment behind corners and within recesses. In addition, a condition is included to the effect: <i>"Street and public space lighting must be provided in accordance with Australian Standard AS1158 "Lighting for Roads and Public Spaces", and Road, street and public place lighting policy and procedures."</i></p>
	<p><b>AO6.5</b> Any movement corridor (walkways, laneways, pathways, tunnels, stairways, cycleways and the like) within a site or between sites do not exceed two-hundred (200) metres in length.</p>	<p><b>AO6.5 – Not applicable</b> The public walkway (arcade) between Anzac Parade and the public car park is approximately fifty (50) metres long.</p>
	<p><b>AO6.6</b> Any movement corridor (walkways, laneways, pathways, tunnels, stairways, cycleways and the like) having blind corners involving a change in direction of seventy-five (75) degrees or more are provided with design elements that maximise the ability to sense the presence of danger around the corner such as one of or a combination of the following:</p> <ul style="list-style-type: none"> <li>(a) a mirror to allow viewing around the blind corner; or</li> <li>(b) use of permeable material for the building or structure at the blind corner; or</li> <li>(c) reduction of the height of the building or structure at the blind corner to a height allowing for an unobstructed view; or</li> <li>(d) inclusion of a barrier extending out from the blind corridor with the barrier being permeable or having a height allowing for an unobstructed view; or</li> </ul>	<p><b>AO6.6 – Not applicable</b> The public walkway (arcade) between Anzac Parade and the public car park does not include any corners.</p>

Performance outcomes	Acceptable outcomes	Assessment response
	(e) use of night lighting fixed at locations which can cast shadow of persons or objects into view; or (f) other effective design elements.	
	<b>AO6.7</b> For vehicle parking areas, the planting of vegetation involves species that have clear trunks up to a height of two (2) metres or that have low ground covers less than one (1) metre in height.	<b>AO6.7 – Not applicable</b> There is no landscaping provided within the car parking areas.
	<b>AO6.8</b> The development has clearly defined boundaries between private and public space by use of one or more of the following elements: (a) fencing; or (b) changes in surface finishes; or landscape treatments.	<b>AO6.8 – Complies</b> The development includes a lobby and foyers to identify entrances to the residential units. Further, the car parking on-site is dedicated to residents only. The public retail components of the development are located fronting public spaces, being Anzac Parade and Queen Street, creating a clear separation between private and public spaces.
<b>Location, design, siting, operation</b>		
<b>PO7</b> The safety, efficiency, effectiveness and operation of the transport network servicing the site and surrounding area or any identified future components of the transport network, are not compromised by the development.	<b>AO7.1</b> Non-residential development, which commonly generates greater than ten (10) vehicle trips per day, does not have direct access to a road that is classified in the road hierarchy as a local residential access street or a residential access place.	<b>AO7.1 – Complies</b> The development is located on Central Business District Collector roads.
	<b>AO7.2</b> A traffic impact assessment report is prepared by an engineer who qualifies as a registered professional engineer of Queensland and the traffic impact assessment report satisfies Council that the safety, efficiency, effectiveness and operation of components of the transport network servicing the site and surrounding area or any identified strategic future components of the transport network, are not compromised by the development.	<b>AO7.2 – Conditioned to comply</b> A condition is included requiring an application for Development Permit for Operational Works (road works) to be accompanied a detailed Traffic Impact Assessment report.
<b>PO8</b> Development that generates use by a high quantity of people or frequent use by people is located at a highly accessible premises: (a) which is convenient for people needing to use the premises; and (b) which: (i) contains public transport facilities, or (ii) is in proximity to current or future public transport	No acceptable outcome is nominated.	<b>PO8 – Complies</b> The development is located accordingly in the Major centre zone and accessible by public transport.

Performance outcomes	Acceptable outcomes	Assessment response
facilities; or (iii) is in proximity to current or future high order transport routes; and (c) which provides for the efficient travel of emergency vehicles; and (d) which can minimise adverse impacts on local amenity.		
<b>PO9</b> Development that requires frequent use of heavy haulage vehicles, bulk freight of goods, or the transportation of dangerous or hazardous goods, liquids, materials and the like, is located at premises able to effectively utilise major transport facilities and routes, and other high order components of the transport network.	No acceptable outcome is nominated.	<b>PO9 – Complies</b> Access for deliveries and waste removal is via the proposed access easement via the multi deck car park, accessed from Queen Street and Hill Street which are both Central Business District Collector Roads.
<b>PO10</b> Development occurs on sites that are safe from contaminants that may cause harm to people or property.	No acceptable outcome is nominated.	<b>PO10 – Not applicable</b> The subject site is not known to contain contaminated land.
<b>PO11</b> The development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds including but not limited to the following: (a) large tracts of established native vegetation; or (b) inland and coastal waterways and wetlands; or (c) riparian vegetation; or (d) biodiversity corridors; or (e) visually prominent mainland and island mountains, hills, ridges, headlands, dunes, beaches; or (f) important urban green break areas; or (g) cultural heritage features.	No acceptable outcome is nominated.	<b>PO11 – Not applicable</b> There are no significant landscaped areas on the site, however the green break area within the multi deck site provides an important refuge for pedestrians. This area will be partially removed to facilitate vehicular access to the site. A condition has been included requiring, the relocation or of removed vegetation and additional shade trees to be planted.

As evident from the above assessment, the proposal complies with the various requirements of the General development code or can be conditioned to meet the overall outcomes for the code.

### **Development Works Code**

The purpose of the Development works code is:

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

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

- (1) *adequate infrastructure and services are provided to support the reasonable expectations for the needs of the development in relation to the following:*
- (a) *access and parking;*
  - (b) *energy supply;*
  - (c) *transportation and the movement of people and goods between places;*
  - (d) *roof and allotment drainage;*
  - (e) *sewage and waste water treatment and disposal;*
  - (f) *stormwater management;*
  - (g) *telecommunications;*
  - (h) *water supply; and*
- (2) *all operational work is designed and undertaken:*
- (a) *in accordance with best environmental management practice;*
  - (b) *in a manner that does not detract from the character and amenity of the setting;*
  - (c) *in a manner that protects or does not significantly adversely affect the natural environmental values of the site and surrounds;*
  - (d) *to be safe, reliable and easily maintained;*
  - (e) *so that surroundings, are not adversely impacted by off-site effects;*
  - (f) *having proper regard to existing public infrastructure and planned future public infrastructure; and*
  - (g) *in a manner that can minimise risk to human life, health and safety, and property.*

The following is an assessment of the proposal against the specific benchmarks of the Development works code, which includes an assessment of the development against the relevant acceptable outcomes and performance outcomes of the code.

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

Performance outcomes	Acceptable outcomes	Assessment response
<b>Access and parking</b>		
<b>PO1</b> The development is provided with an on-site parking and movement system designed and constructed to: <ul style="list-style-type: none"> <li>(a) be integrated with the site layout including:               <ul style="list-style-type: none"> <li>(i) direct access to a road providing an appropriate level of service required to accommodate traffic generated by the use;</li> <li>(ii) having appropriately designed footpath crossovers;</li> <li>(iii) provision for safe pedestrian movement between public footpath and facility entry points;</li> </ul> </li> <li>(b) accommodate sufficient manoeuvring room for the safe entry and exit of all modes of transport generated by the use</li> </ul>	<b>AO1.1</b> The development is provided with sufficient on-site vehicle parking and queuing space in accordance with the standards relevant to the use in compliance with Table 9.3.2.4.3.	<b>AO1.1 - Does not comply</b> The Multiple dwelling units aspect of development requires on-site vehicle parking of forty-five (45) covered spaces and twelve (12) visitor spaces based on forty-five (45) units. The combined retail area including the Food and drink outlet and Shop requires on-site vehicle parking of thirty-eight (38) spaces based on a gross floor area of 950 square metres. A total number of ninety-five 95 spaces are required (including 45 covered spaces). The development proposes a total of seventy-five (75) car parking spaces, of which twenty-four (24) spaces are a tandem arrangement. The application proposes that all on-site car parking is allocated to the dwelling units, therefore



Performance outcomes	Acceptable outcomes	Assessment response
<p>(including refuse collection vehicles, trucks, buses and the like as relevant to the development);</p> <p>(c) accommodate sufficient parking for the expected number and type of vehicles generated by the use;</p> <p>(d) facilitate non-discriminatory accessibility;</p> <p>(e) provide for safe and efficient loading and unloading of goods;</p> <p>(f) allow for vehicle queuing necessary for the use;</p> <p>(g) provide for passenger set down and pick up necessary for the use (including public transport needs);</p> <p>(h) facilitate public access to the foreshore and public open space networks;</p> <p>(i) provide a safe environment;</p> <p>(j) be compatible with the character and amenity of the area; and</p> <p>(k) make a positive aesthetic contribution to the streetscape character of the setting, particularly if involving multi-level parking.</p>		<p>resulting in a shortfall of thirty-eight (38) spaces (retail component).</p> <p>The applicant proposes that all car parking associated with the retail components (shop and food and drink outlet) can be facilitated within the adjoining multi-deck car park</p> <p><b>Conditioned to comply with PO1</b></p> <p>The proposed development will increase the number of car parks currently on-site, however these proposed car parks are solely for the purpose of providing spaces for the residential units. Therefore car parking has been conditioned to the following requirements:</p> <p><i>“A minimum of fifty-seven (57) standard off-street parking spaces (minimum 2.6 metres x 5.4 metres) including twelve (12) off-street parking spaces for visitors must be provided. Tandem parking spaces are approved only if both parking spaces are allocated to a single residential unit. “</i></p> <p>and</p> <p><i>“A minimum of thirty-eight (38) standard off-street parking spaces (including universal access spaces) must be provided.”</i></p>
	<p><b>AO1.2</b></p> <p>For development other than a use listed in the table below, an engineer who qualifies as a registered professional engineer of Queensland certifies that all vehicles likely to use the site are able to enter and leave the site in a forward gear, and that the on-site vehicle parking spaces, pick-up areas, loading and unloading areas, queuing areas, circulation and manoeuvring areas for the development are designed and constructed in accordance with the most up to date version of the Australian Standards as relevant to the development, including but not limited to the following:</p> <p>(a) <i>Australian Standard AS2890.1-1993: Parking Facilities –Off-street Car parking;</i></p> <p>(b) <i>Australian Standard AS1428.1-2001: Design for access and mobility – General requirements for access – New building work;</i></p> <p>(c) <i>Australian Standard AS2890.2-1993: Off-street parking – Commercial vehicle facilities.</i></p> <p>Accommodation activities</p>	<p><b>AO1.2 – Conditioned to comply</b></p> <p>A condition is included to the effect:</p> <p><i>“All ingress and egress traffic movements to and from the development must be in a forward direction (forward gear).”</i></p>

Performance outcomes	Acceptable outcomes	Assessment response
	Caretaker's accommodation Community residence Dual occupancy Dwelling house Dwelling unit Home based business Recreation activities Environment facility Park Rural activities Animal husbandry Cropping Permanent plantation Roadside stall Special activities Landing Major electricity infrastructure Substation Telecommunications facility	
	<b>AO1.3</b> A solid, good quality brick, timber or masonry screen fence having a minimum height of 1.8 metres is provided between the car parking area of development (other than a use within the accommodation activities group being for long-term accommodation) where adjoining a sensitive land use located within the residential category zone or the township zone.	<b>AO1.3 – Not applicable</b> The development does not adjoining a residential category zone.
<b>PO2</b> Access driveways are designed and sited: (a) to minimise disruption to public infrastructure; (b) to operate safely and efficiently taking into account the volume, frequency and type of vehicle traffic expected to be generated by the development; (c) to operate safely and efficiently taking into account the function of the adjoining road; and (d) to minimise impacts on the safety, efficiency, or function of the road network.	<b>AO2.1</b> The access driveway of the development does not require the modification, relocation or removal of any street tree or public infrastructure including a fire hydrant, water meter, street sign, manhole, stormwater gully pit or other Council asset.	<b>AO2.1 – Complies</b> Access to the car parking area is via a proposed easement through the adjoining multi deck car park. A condition has been included which requires access to be lawfully provided via an easement over Lot 10 on SP289416. The proposed access easement/s were considered and negotiated as part of land purchased in association with the multi deck car park.
	<b>AO2.2</b> The access driveway of the development is not constructed over an access point to infrastructure under the control of a regulatory authority, including storm water pits, water meters, water hydrants and telephone pits.	<b>AO2.2 - Complies</b> Addressed in AO2.1

Performance outcomes	Acceptable outcomes	Assessment response
	<b>AO2.3</b> The access driveway of the development does not enter the road carriageway at the location of an existing traffic island, speed control device, car parking bay, pedestrian crossing, bus stop or other infrastructure within the road carriageway.	<b>AO2.3 - Complies</b> Addressed in AO2.1
	<b>AO2.4</b> The access driveway of the development is not located within: <ul style="list-style-type: none"> <li>(a) two (2) metres of any adjoining property access driveway (excluding shared property accesses at the property line); and</li> <li>(b) one (1) metre of any public infrastructure such as a street sign, power pole, street light, manhole, stormwater gully pit or other Council asset;</li> <li>(c) the closest half of the road frontage to a road intersection for any corner lot.</li> </ul>	<b>AO2.4 – Complies</b> The development achieves access via a proposed easement through the adjoining multi deck car park and does not require the construction of a new driveway, however, the access will require alterations in the internal manoeuvrings and pedestrian movement within the multi deck car park, given the access traverses an existing pedestrian pathway within the multi deck site. The development has been conditioned to provide an easement over Lot 10 on SP289416 which will be negotiated between the property owner and Council to the satisfaction of both parties.
	<b>AO2.5</b> The access driveway of the development is designed and constructed in accordance with the Capricorn Municipal Development Guidelines Standard Drawing relevant to the development including but not limited to the following: <ul style="list-style-type: none"> <li>(a) <i>Standard Drawing CMDG-R-040 Rural Road Access and Property Access over Table Drains;</i></li> <li>(b) <i>Standard Drawing CMDG-R-041 Residential Driveway Slab and Tracks;</i></li> <li>(c) <i>Standard Drawing CMDG-R-042 Commercial Driveway Slab (Type A) Two Way Access;</i></li> <li>(d) <i>Standard Drawing CMDG-R-043 Commercial Driveway Slab (Type B) Two Way Access.</i></li> </ul>	<b>AO2.5 – Conditioned to comply</b> A condition is included to the effect: <p><i>“The existing commercial standard access driveway servicing the public carpark currently must be upgraded if necessary to facilitate two-way traffic movements of the proposed development. The width of the access driveway and its location must demonstrate compliance with the detailed swept path analysis of the design vehicle (refer condition 4.4).”</i></p> and <p><i>“All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines, Australian Standard AS2890 “Off Street Car Parking” and the provisions of a Development Permit for Operational Works (access and parking works).”</i></p>
	<b>AO2.6</b> Where adjoining a state-controlled road or Key Resource Area transport route, the development provides: <ul style="list-style-type: none"> <li>(a) a single site access driveway;</li> <li>(b) the access driveway to the lowest order road to which the site has frontage;</li> <li>(c) an access driveway which enables vehicles to enter and</li> </ul>	<b>AO2.6 – Not applicable</b> The subject site does not adjoin a state-controlled road or Key Resource Area transport route.

Performance outcomes	Acceptable outcomes	Assessment response
	exit the site in a forward direction.	
<b>Energy supply</b>		
<b>PO9</b> An energy supply is provided in a manner which: <ul style="list-style-type: none"> <li>(a) is safe; and</li> <li>(b) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location; and</li> <li>(c) does not compromise other infrastructure.</li> </ul>	<b>AO9.1</b> The development is provided with an energy supply in accordance with the requirements of Table 9.3.2.4.7.	<b>AO9.1 – Complies</b> The subject site has an existing electricity connection. A standard condition is included to the effect: <i>“Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.”</i>
	<b>AO9.2</b> If the development requires the provision of reticulated grid electricity supply in accordance with Table 9.3.2.4.7 or if the development is to be provided with a reticulated grid electricity supply, the reticulated grid electricity supply infrastructure is provided in accordance with the requirements of the relevant energy supply authority.	<b>AO9.2 – Complies</b> Addressed in AO9.1
	<b>AO9.3</b> If the development requires an on-site energy supply in accordance with Table 9.3.2.4.7 (and the development is not to be provided with a reticulated energy supply in accordance with AO9.2 above), the on-site energy supply is installed in accordance with all laws and regulations and current best practice.	<b>AO9.3 – Not applicable</b> Addressed in AO9.1
<b>Sewage and waste water treatment and disposal</b>		
<b>PO10</b> The development is provided with sewage and wastewater treatment and disposal infrastructure which: <ul style="list-style-type: none"> <li>(a) treats and disposes all generated sewage and waste water in a manner that protects public health and avoids environmental harm;</li> <li>(b) where practicable, is integrated with the existing public sewerage networks;</li> <li>(c) where practicable, facilitates the orderly provision of future public sewerage networks; and</li> <li>(d) is designed and constructed to be safe, operationally reliable and easily maintained.</li> </ul>	<b>AO10.1</b> The development is provided with sewage and waste water treatment and disposal infrastructure in accordance with the requirements of Table 9.3.2.4.6.	<b>AO10.1 – Complies</b> The subject site has an existing connection to reticulated sewer infrastructure. A further Development Permit for Operational works (sewerage works) has been conditioned.
	<b>AO10.2</b> If the development requires the provision of reticulated sewerage in accordance with Table 9.3.2.4.6 or	<b>AO10.2 – Complies</b> Addressed in AO10.1

Performance outcomes	Acceptable outcomes	Assessment response
	if the development is to be provided with reticulated sewerage, the reticulated sewerage is provided in accordance with the current version of the Capricorn Municipal Development Guidelines.	
	<b>AO10.3</b> If the development requires on-site sewerage infrastructure in accordance with Table 9.3.2.4.6 (and the development is not to be provided with reticulated sewerage in accordance with AO10.2 above), the on-site sewerage infrastructure is provided in accordance with the current version of the Queensland Plumbing and Wastewater Code.	<b>AO10.3 – Not applicable</b> Addressed in AO10.1
<b>Roof and allotment drainage</b>		
<b>PO11</b> Roof and allotment drainage is able to be collected and discharged from the development in a manner that does not adversely affect the stability of buildings, structures, or land on the site or on adjoining land.	<b>AO11.1</b> Roof and allotment drainage is conveyed to the kerb and channel or an inter-allotment drainage system in accordance with the most current version of the Australian Standard AS3500.3 (stormwater drainage).	<b>PO11 – Complies</b> A further Development Permit for Operational works (stormwater works) has been conditioned. Additionally, a condition is included to the effect: <i>"All stormwater including roof and allotment drainage must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure."</i>
<b>Telecommunications</b>		
<b>PO12</b> The development is provided with telecommunications infrastructure or equipment which: (a) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location; (b) where practicable, is integrated with the existing public telecommunication networks; and (c) is designed and constructed to be safe, operationally reliable and easily maintained.	<b>AO12.1</b> The development is provided with telecommunications infrastructure or equipment in accordance with the requirements of Table 9.3.2.4.7.	<b>AO12.1 – Complies</b> The subject site has an existing telecommunications connection. A standard condition is included to the effect: <i>"Electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities."</i>
	<b>AO12.2</b> If the development requires the provision of reticulated telecommunications infrastructure in accordance with Table 9.3.2.4.7 or if the development is to be provided with a reticulated telecommunications infrastructure,	<b>AO12.2 – Complies</b> Addressed in AO12.1

Performance outcomes	Acceptable outcomes	Assessment response
	the reticulated telecommunications infrastructure is provided in accordance with the requirements of the relevant telecommunications supply authority.	
	<b>AO12.3</b> If the development requires on-site telecommunications equipment in accordance with Table 9.3.2.4.7, the telecommunications equipment is sufficient to enable contact in normal circumstances with the each of the following nearest emergency services: (a) ambulance station; (b) police station; (c) fire brigade; and (d) state emergency service facility.	<b>AO12.3 – Not applicable</b> Addressed in AO12.1
<b>Water supply</b>		
<b>PO13</b> The development is provided with water supply infrastructure which: (a) is sufficient to support the consumption and emergency needs of the development and the reasonable expectations for the development based on its location; (b) where practicable, is integrated with the existing public water supply networks; (c) where practicable, facilitates the orderly provision of future public water supply networks; and (d) is designed and constructed to be safe, operationally reliable and easily maintained.	<b>AO13.1</b> The development is provided with a water supply in accordance with the requirements of Table 9.3.2.4.6.	<b>AO13.1 – Complies</b> The subject site has an existing connection to reticulated water supply. A further Development Permit for Operational works (water works) has been conditioned.
	<b>AO13.2</b> If the development requires the provision of reticulated municipal water supply in accordance with Table 9.3.2.4.6 or if the development is to be provided with a reticulated municipal water supply, the reticulated municipal water supply is provided in accordance with the current version of the Capricorn Municipal Development Guidelines.	<b>AO13.2 – Complies</b> Addressed in AO13.1
	<b>AO13.3</b> If the development requires an on-site water supply in accordance with Table 9.3.2.4.6 (and the development is not to be provided with a reticulated municipal water supply in accordance with AO13.2 above), the development is provided with an on-site water tank or multiple tanks for domestic water	<b>AO13.3 – Not applicable</b> Addressed in AO13.1

Performance outcomes	Acceptable outcomes	Assessment response
	supply purposes, which have a minimum combined capacity of 50,000 litres.	

**Table 9.3.2.4.2 – Additional outcomes for assessable development**

Performance outcomes	Acceptable outcomes	Assessment Response
<b>Stormwater management</b>		
<b>PO17</b> The development: <ul style="list-style-type: none"> <li>(a) collects and discharges stormwater in a manner that does not adversely affect the stability of buildings, structures, infrastructure or land, located on the site or off the site;</li> <li>(b) has a stormwater management system that is designed and constructed to be safe, operationally reliable, and easily maintained;</li> <li>(c) ensures that the stormwater management system and site work does not adversely impact flooding or drainage characteristics of premises which are located up-slope, down-slope, or adjacent to the site;</li> <li>(d) ensures that the stormwater management system and site work does not result in ponding or retention of water in a manner that is likely to result in loss of amenity for sensitive land use, or result in adverse impacts on public health and safety;</li> <li>(e) where practicable, is integrated with existing public stormwater management networks and planned future stormwater management networks; and</li> <li>(f) does not compromise the ability of the stormwater management system for the catchment to ensure that stormwater causes minimal nuisance, danger, and damage to people, property, infrastructure and the environment due to the quantity of stormwater discharge.</li> </ul>	<b>AO17.1</b> An engineer who qualifies as a registered professional engineer of Queensland certifies that the development has a stormwater management system which: <ul style="list-style-type: none"> <li>(a) collects and discharges stormwater to a lawful point of discharge;</li> <li>(b) is compatible with and does not compromise the stormwater management system for the catchment; and</li> <li>(c) is designed and constructed in accordance with the Capricorn Municipal Development Guidelines and any requirements of the stormwater management planning scheme policy contained in schedule 7.13 of the planning scheme.</li> </ul>	<b>PO17 – Complies</b> A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site, and must be accompanied by a detailed Stormwater Management Report certified by a suitably qualified Registered Professional Engineer of Queensland (RPEQ). A condition has been included requiring all stormwater management works to be designed and constructed in accordance with the Capricorn Municipal Development Guidelines.
<b>PO18</b> The development is planned, designed and constructed, and managed to avoid or minimise adverse impacts on environmental values associated with water quality in natural and developed catchments by achieving: <ul style="list-style-type: none"> <li>(a) identified stormwater quality design objectives for the</li> </ul>	<b>AO18.1</b> A site stormwater quality management plan has been prepared by a suitably qualified person and the plan: <ul style="list-style-type: none"> <li>(a) is consistent with any local area stormwater management planning; and</li> <li>(b) provides for achievable stormwater quality treatment</li> </ul>	<b>AO18.1 – Complies</b> A condition is included requiring all stormwater runoff discharged from the site to be managed in accordance with <i>Urban Stormwater Quality Planning Guidelines</i> and <i>State Planning Policy</i> .

Performance outcomes	Acceptable outcomes	Assessment Response
location; or (b) current best practice environmental management.	<p>measures which meet the construction phase design objectives identified in Table 9.3.2.4.8 and the post-construction phase design objectives identified in Table 9.3.2.4.9, or current best practice environmental management, reflecting land use constraints, such as:</p> <ul style="list-style-type: none"> <li>(i) erosive, dispersive, sodic and/or saline soil types;</li> <li>(ii) landscape features (including landform);</li> <li>(iii) acid sulfate soil and management of nutrient of concern;</li> <li>(iv) rainfall erosivity.</li> </ul> <p>Editor's note: Local area stormwater management planning may include urban stormwater quality management plans, catchment management plans, waterway management plans, healthy waters management plans, water quality improvement plans, and natural resource management plans.</p>	
	<p><b>AO18.2</b></p> <p>An erosion and sediment control plan is prepared by a suitably qualified person, and the plan ensures that the release of sediment-laden stormwater:</p> <ul style="list-style-type: none"> <li>(a) is avoided for the nominated design storm; and</li> <li>(b) is minimised when the nominated design storm is exceeded by addressing the construction phase design objectives for drainage control, erosion control, sediment control and water quality identified in Table 9.3.2.4.8.</li> </ul>	<p><b>AO18.2 – Complies</b></p> <p>A condition is included requiring any application for a Development Permit for Operational Works to be accompanied by an Erosion and Sediment Control Plan.</p>
	<p><b>AO18.3</b></p> <p>Erosion and sediment control practices (including any proprietary erosion and sediment control products) are designed, installed, constructed, operated, monitored and maintained in accordance with the erosion and sediment control plan required by AO18.2.</p>	<p><b>AO18.3 - Complies</b></p> <p>Addressed in AO18.2</p>
	<p><b>AO18.4</b></p> <p>Development incorporates stormwater flow control measures to achieve the design objectives identified in Table 9.3.2.4.8 and identified in Table 9.3.2.4.9, or current best practice environmental management, including management of frequent flows and peak flows.</p>	<p><b>AO18.4 - Complies</b></p> <p>Addressed in AO18.2</p>



Performance outcomes	Acceptable outcomes	Assessment Response
<b>Waste water treatment and disposal (where discharging to a waterway or off-site)</b>		
<b>PO19</b> The development does not discharge wastewater to a waterway or off-site unless it is treated and discharged in a manner which: <ul style="list-style-type: none"> <li>(a) is in accordance with current best practice environmental management;</li> <li>(b) meets the water quality objectives for the receiving water;</li> <li>(c) maintains ecological processes, riparian vegetation, waterway integrity and downstream ecosystem health; and</li> <li>(d) avoid causing adverse impacts on ecosystem health and waterway health.</li> </ul>	<b>AO19.1</b> If the development involves the treatment and discharge of wastewater to a waterway or off-site, a wastewater management plan is prepared by a suitably qualified person, and the plan addresses the following: <ul style="list-style-type: none"> <li>(a) wastewater type;</li> <li>(b) climatic conditions;</li> <li>(c) water quality objectives; and</li> <li>(d) best environmental practice.</li> </ul>	<b>AO19.1 - Complies</b> All wastewater on-site is directed to sewer infrastructure. The subject site has an existing connection to reticulated sewer infrastructure. A further Development Permit for Operational works (sewerage works) has been conditioned.
	<b>AO19.2</b> The wastewater management plan required by AO19.1 provides for the management of wastewater in accordance with a waste management hierarchy that: <ul style="list-style-type: none"> <li>(a) avoids wastewater discharge to waterways; or</li> <li>(b) if wastewater discharge to waterways cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal for sewer, surface water and groundwater.</li> </ul>	<b>AO19.2 – Complies</b> Addressed in AO19.1
	<b>AO19.3</b> Wastewater discharge is managed in manner which avoids or minimises the release of nutrients that are likely to increase the occurrence, frequency or intensity of algal blooms.	<b>AO19.3 – Complies</b> Addressed in 19.1
	<b>AO19.4</b> Development in coastal catchments: <ul style="list-style-type: none"> <li>(a) avoids lowering groundwater levels where potential or actual acid sulfate soils are present; and</li> <li>(b) manages wastewater so that: <ul style="list-style-type: none"> <li>(i) the pH of any wastewater discharged is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium, and metals;</li> <li>(ii) holding times of neutralised wastewater ensures the flocculation</li> </ul> </li> </ul>	<b>AO19.4 - Complies</b> Addressed in 19.1

Performance outcomes	Acceptable outcomes	Assessment Response
	<p>and removal of any dissolved iron prior to release;</p> <p>(iii) visible iron floc is not present in any discharge;</p> <p>(iv) precipitated iron floc is contained and disposed of; and</p> <p>(v) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.</p>	

As evident from the above assessment, the proposal complies with the various requirements of the Development works code apart from a deviation from Acceptable Outcome AO1.1 in relation to a shortfall of on-site car parking of thirty-eight (38) spaces. The development has been conditioned accordingly and is able to meet the Performance Outcomes for the code.

### **PUBLIC NOTIFICATION**

The proposal was the subject of public notification between 13 December 2019 and 20 January 2020, as per the requirements of the Planning Act 2016, and no submissions were received.

### **INFRASTRUCTURE CHARGES**

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

Charge area:	The subject site is located within charge area 2
Calculation:	<p>The charge is calculated in accordance with Table 4 - Adopted charge for development Uses within the Priority Infrastructure Area, as follows:</p> <ol style="list-style-type: none"> <li>Multiple dwelling units (three bedroom dwelling) at \$14,000.00 per unit (fourteen units)</li> <li>Multiple dwelling units (one or two bedroom dwelling) at \$10,000.00 per unit (thirty-one units)</li> <li>Food and drink outlet and Shop (combined retail area) at 950 square metres gross floor area at \$70.00 per square metre</li> <li>less a <b>credit</b> of \$70,000.00.</li> </ol>
Credit:	<p>The above calculation takes into account a credit of \$70,000.00 for the existing allotments pursuant to Part 4.0 of Council's <i>Adopted infrastructure Charges Resolution (No. 3) LSC 2018</i>. The credit is calculated as follows:</p> <ol style="list-style-type: none"> <li>five (5) existing lot at \$14,000.00 per lot.</li> </ol>
Offset:	No offsets are applicable to the development.
Networks Covered:	<p>Apportionment of charges over the following networks</p> <p>Transport</p> <p>Parks &amp; Community Facilities</p> <p>Water</p> <p>Sewerage</p>

A total contribution of **\$502,500.00** is payable and will be reflected in an Infrastructure Charges Notice for the development.

### **STATEMENT OF REASONS**

The development application for a **Development Permit for Material Change of Use for Multiple dwelling units (forty-five units), Food and drink outlet and Shop** approved as per this Decision Notice (approval) D-243-2019.

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

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

- (i) The development complies with the Performance outcomes within the Accommodation activities code, Flood hazard overlay code, Scenic amenity overlay code and General development code.
- (ii) The development does not comply with Acceptable outcome AO11.1 of the Major centre zone code as the proposed height of seven (7) storeys, exceeds the acceptable height limit of six (6) storeys.
- (iii) Despite the non-compliance, the variation in height and split level design along Queen Street, and variation in built form including curved balconies and awnings along Anzac Parade, lessen the bulk and overall impact of the height of the building.
- (iv) The development does not comply with Acceptable outcome AO11.2 of the Major centre zone as the overall site cover of ninety (90) per cent, exceeds the acceptable site cover of fifty (50) per cent for buildings greater than three (3) storeys in height.
- (v) Despite the non-compliance the site cover calculation for levels two (2) to seven (7) only equates to forty (40) per cent, significantly reducing the overall bulk of the building.
- (vi) The development does not comply with Acceptable outcome AO15 of the Major centre zone as the ground floor retail area, with a floor to ceiling height of 3.6 metres, does not comply with the required height of four (4) metres.
- (vii) Despite the non-compliance the proposed ceiling height of 3.6 metres is sufficient for Shops and Food and drink outlets as proposed.
- (viii) The development does not comply with Acceptable outcome AO16 of the Major centre zone as the proposed setbacks, ranging between 110 millimetres and 2,940 millimetres along Anzac Parade and zero (0) millimetres along Queen Street, cannot comply with the acceptable setback of six (6) metres.
- (ix) Despite the non-compliance, all residential units are provided with a balcony and windows, and given the foreshore location all units will have adequate access to natural light. There are no adjoining residential uses that will be affected in terms of access to natural light.
- (x) The development does not comply with Acceptable outcome AO17.1 of the Major centre zone as the proposed ground floor setback to Anzac Parade varying between 1.81 metres and 5.14 metres, does not meet the minimum setback of six (6) metres.
- (xi) Despite the non-compliance, the retail tenancies are orientated towards the street and foreshore and provided sufficient safe and covered pedestrian movement around the site, with the arcade providing linkage from Anzac Parade through to the multi deck car park.
- (xii) The development does not comply with Acceptable outcomes AO3.1, AO.2 and PO14 of the Coastal hazard overlay code as the development is located within an erosion prone area.
- (xiii) Despite the non-compliance the development is not likely to contribute to coastal erosion given the site is separated from the coast by road reserve, car parking and

public open space. Further, the subject site has been historically developed with no indication of erosion.

- (xiv) The development does not comply with Acceptable outcome AO1.1 of the Development works code due to a shortfall of on-site car parking of thirty-eight (38) spaces.
- (xv) The development has been conditioned accordingly to meet the required number of on-site car parking spaces of ninety-five (95) spaces.
- (xvi) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.
- (xvii) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with aspects of the assessment benchmarks.

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

- The common material for the development application;
- The assessment benchmarks identified in section 2 of this notice;
- The relevant matters identified in section 4 of this notice; and
- The matters prescribed by regulation identified in section 6 of this notice.

## 2. ASSESSMENT BENCHMARKS

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Strategic Framework: <ul style="list-style-type: none"> <li>▪ Settlement pattern theme – Centres</li> <li>▪ Community identity and diversity theme</li> </ul> Major centre zone code Accommodation activities code Coastal hazard overlay code Flood hazard overlay code Scenic amenity overlay code General development code Development works code	<i>Livingstone Planning Scheme 2018</i> , Version 2, in effect 25 June 2018
Part E: State interest policies and assessment benchmarks	<i>State Planning Policy</i> , July 2017

## 3. COMPLIANCE WITH BENCHMARKS

The development meets the overall outcomes for the Major centre zone code, Coastal hazard overlay code and the Development works code, despite not complying with the following Acceptable Outcomes.

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Major centre zone code – Acceptable outcomes AO11.1, AO11.2, AO15, AO16 and AO17.1	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.
Coastal hazard overlay code – Acceptable	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.

outcomes AO3.1, AO3.2 and PO14	
Development works code – Acceptable outcome AO1.1	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.

#### 4. RELEVANT MATTERS

The following matters were given regard to, or assessment carried out against, in undertaking the assessment of this development application:

Other relevant matters pursuant to section 45 (5) (b) that the assessment was carried out against	Benchmark reference
Any development approval for, and any lawful use of, the premises or adjacent premises	The relevance of existing approvals on the subject site and adjoining properties in respect of the land use pattern and commensurate development.
The common material submitted with the application	In respect of the reports provided in the material including proposal plans and supporting information.
Submissions provided on the application	No submissions were received for this application.
The Local Government Infrastructure Plan	In respect of trunk infrastructure provisions and charging for development.

#### 5. MATTERS RAISED IN SUBMISSIONS

There were no submissions received for this application.

#### 6. MATTERS PRESCRIBED BY REGULATION

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

- (i) The State Planning Policy – Part E;
- (ii) The Major centre zone code, Accommodation activities code, Coastal hazard overlay code, Flood hazard overlay code, Scenic amenity overlay code, General development code and the Development works code, in *Livingstone Planning Scheme 2018*;
- (iii) The land, the subject of the application has existing lawful uses, including a Food and drink outlet, Short term accommodation, Shops and Car parking;
- (iv) The adjoining centre activities, including Shops, Food and drink outlets, Offices and Health care services, in terms of commensurate and consistent development;
- (v) The existing multi storey, multi use developments within the locality in terms of commensurate and consistent development; and
- (vi) The common material, being the material submitted with the application.

#### PREVIOUS DECISIONS

It is noted Council has previously approved the following major mixed use development permits over the subject site which have lapsed:

D-1620-2003 Material Change of Use for a Mixed Use Development (Hotel, Multiple dwellings, Shops, Indoor sport and entertainment, Professional offices, Restaurants) - seven (7) storeys.

D-1760-2005 Material Change of Use for a Mixed Use Development (Hotel, Shops, Professional Offices, Multiple Dwelling and Indoor Sport and Entertainment and Restaurant) - seven (7) storeys.

D-1911-2009 Material Change of Use for a Hotel (with Convention Centre), Multiple Dwelling Units (98 Units), Offices, Shops and Restaurants - seven (7) storeys.

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

### **BUDGET IMPLICATIONS**

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

### **LEGISLATIVE CONTEXT**

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

### **LEGAL IMPLICATIONS**

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

### **STAFFING IMPLICATIONS**

No staffing implications have been identified in the assessment.

### **RISK ASSESSMENT**

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

### **CORPORATE/OPERATIONAL PLAN**

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

### **LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

### **CONCLUSION**

The proposed development is for Multiple dwelling units (forty-five units), Food and drink outlet and Shop which are consistent and preferred uses within the Major Centre zone in accordance with the *Livingstone Planning Scheme 2018*.

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

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

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as, pursuant to Section 60(2)(b) of the *Planning Act 2016*. Therefore, the proposal is supported, subject to reasonable and relevant conditions including related development applications for operational works.

**12.4 - DEVELOPMENT APPLICATION  
D-243-2019 FOR A DEVELOPMENT  
PERMIT FOR A MATERIAL CHANGE  
OF USE FOR MULTIPLE DWELLING  
UNITS (FORTY-FIVE UNITS) FOOD AND  
DRINK OUTLET AND SHOP AT 8  
ANZAC PARADE, 10 ANZAC PARADE,  
12 ANZAC PARADE, 14 ANZAC  
PARADE, 5 QUEEN STREET AND 17  
HILL STREET, YEPPOON**

**Locality plan**

**Meeting Date: 18 February 2020**

**Attachment No: 1**





## Locality plan



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**12.4 - DEVELOPMENT APPLICATION  
D-243-2019 FOR A DEVELOPMENT  
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12 ANZAC PARADE, 14 ANZAC  
PARADE, 5 QUEEN STREET AND 17  
HILL STREET, YEPPOON**

**Conceptual plans**

**Meeting Date: 18 February 2020**

**Attachment No: 2**





SA

CLIENT  
BROOKPORT HOLDINGS

PROJECT  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

DRAWING NAME  
PERSPECTIVE VIEW 01

ISSUE  
A 26.07.2019 UPDATED ISSUE  
B 11.10.2019 UPDATED ISSUE

SCALE	JOB NO	DRAWING	ISSUE
NTS			
@A3	81201	000-10	R





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CLIENT  
BROOKPORT HOLDINGS

PROJECT  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

DRAWING NAME  
PERSPECTIVE VIEW 02

ISSUE  
A 26.07.2019 UPDATED ISSUE  
B 11.10.2019 UPDATED ISSUE

SCALE	JOB NO	DRAWING	ISSUE
NTS			
@A3	81201	000-11	R





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CLIENT BROOKPORT HOLDINGS	PROJECT ANZAC & QUEEN STREET NEW MIXED-USE DEVELOPMENT	DRAWING NAME PERSPECTIVE VIEW 03	ISSUE A 11.10.2019 UPDATED ISSUE	SCALE NTS @A3	JOB NO 81201	DRAWING 000-12	ISSUE A
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BROOKPORT HOLDINGS

PROJECT  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

DRAWING NAME  
PERSPECTIVE VIEW 04

ISSUE  
A 11.10.2019 UPDATED ISSUE

SCALE	JOB NO	DRAWING	ISSUE
NTS @A3	81201	000-13	A





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CLIENT  
BROOKPORT HOLDINGS

PROJECT  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

DRAWING NAME  
PERSPECTIVE VIEW 05

ISSUE  
A 11.10.2019 UPDATED ISSUE

SCALE	JOB NO	DRAWING	ISSUE
NTS @A3	81201	000-14	A





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CLIENT BROOKPORT HOLDINGS	PROJECT ANZAC & QUEEN STREET NEW MIXED-USE DEVELOPMENT	DRAWING NAME PERSPECTIVE VIEW 06	ISSUE A 11.10.2019 UPDATED ISSUE	SCALE NTS @A3	JOB NO 81201	DRAWING 000-15	ISSUE A
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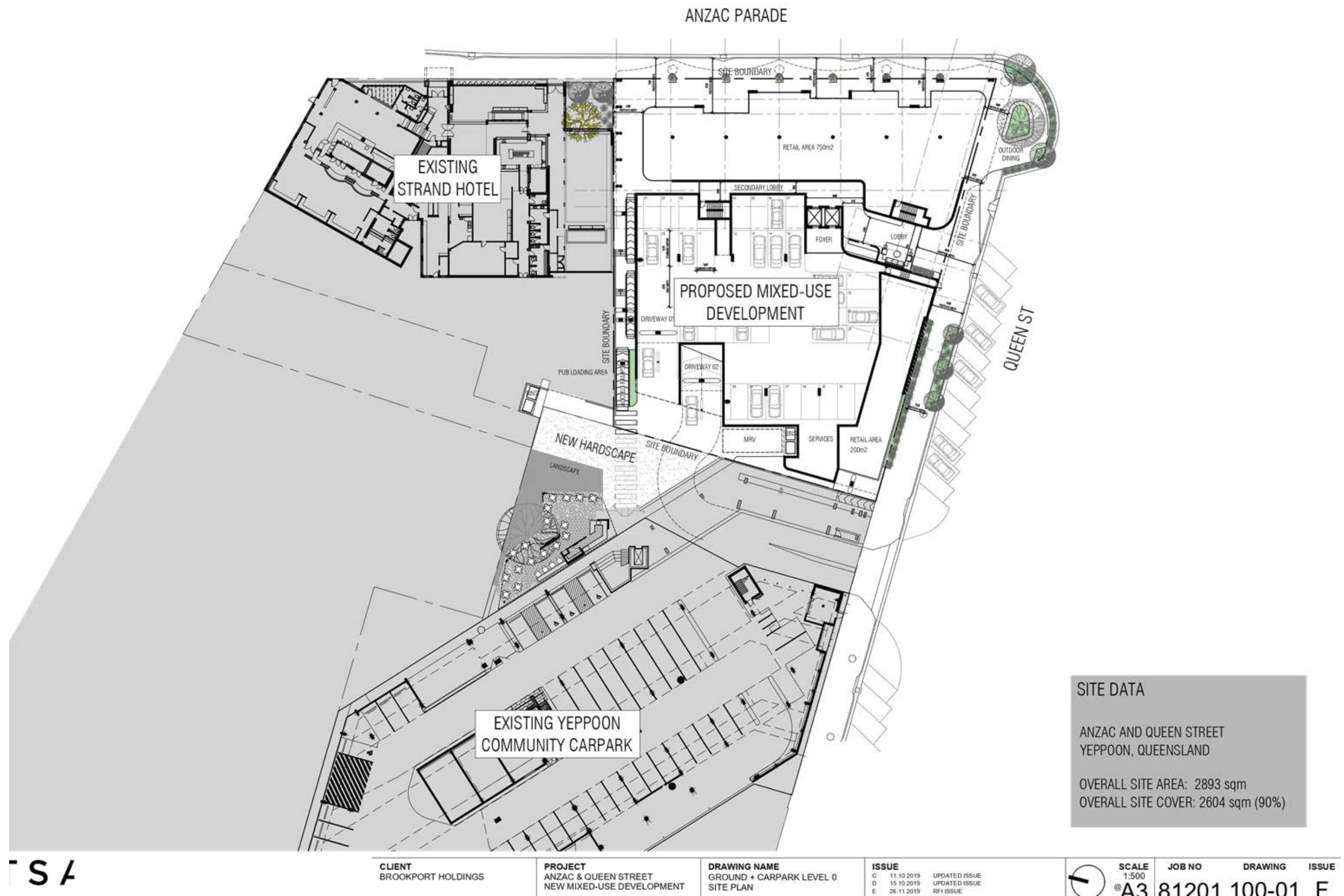


**12.4 - DEVELOPMENT APPLICATION  
D-243-2019 FOR A DEVELOPMENT  
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UNITS (FORTY-FIVE UNITS) FOOD AND  
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ANZAC PARADE, 10 ANZAC PARADE,  
12 ANZAC PARADE, 14 ANZAC  
PARADE, 5 QUEEN STREET AND 17  
HILL STREET, YEPPPOON**

**Floor plans**

**Meeting Date: 18 February 2020**

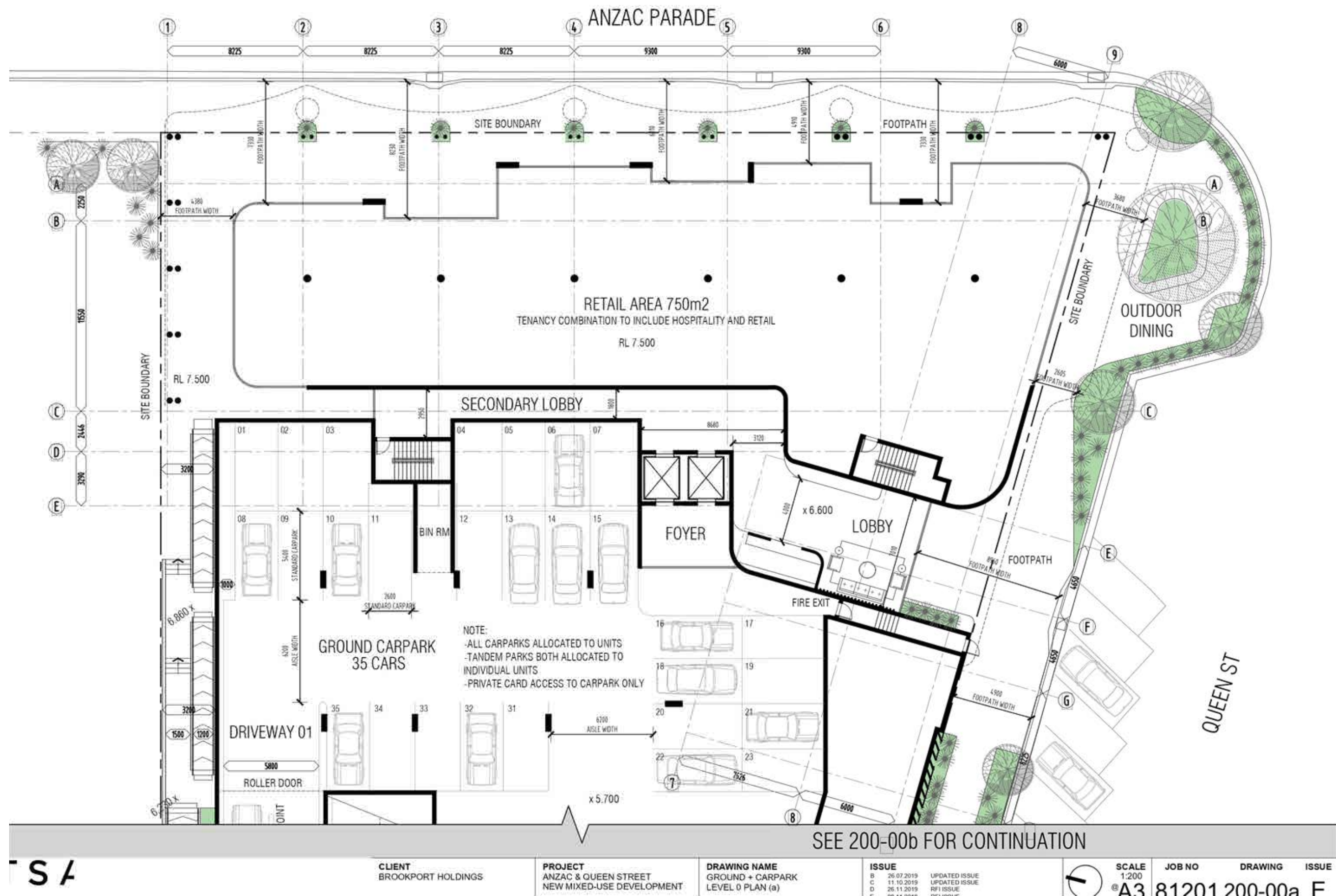
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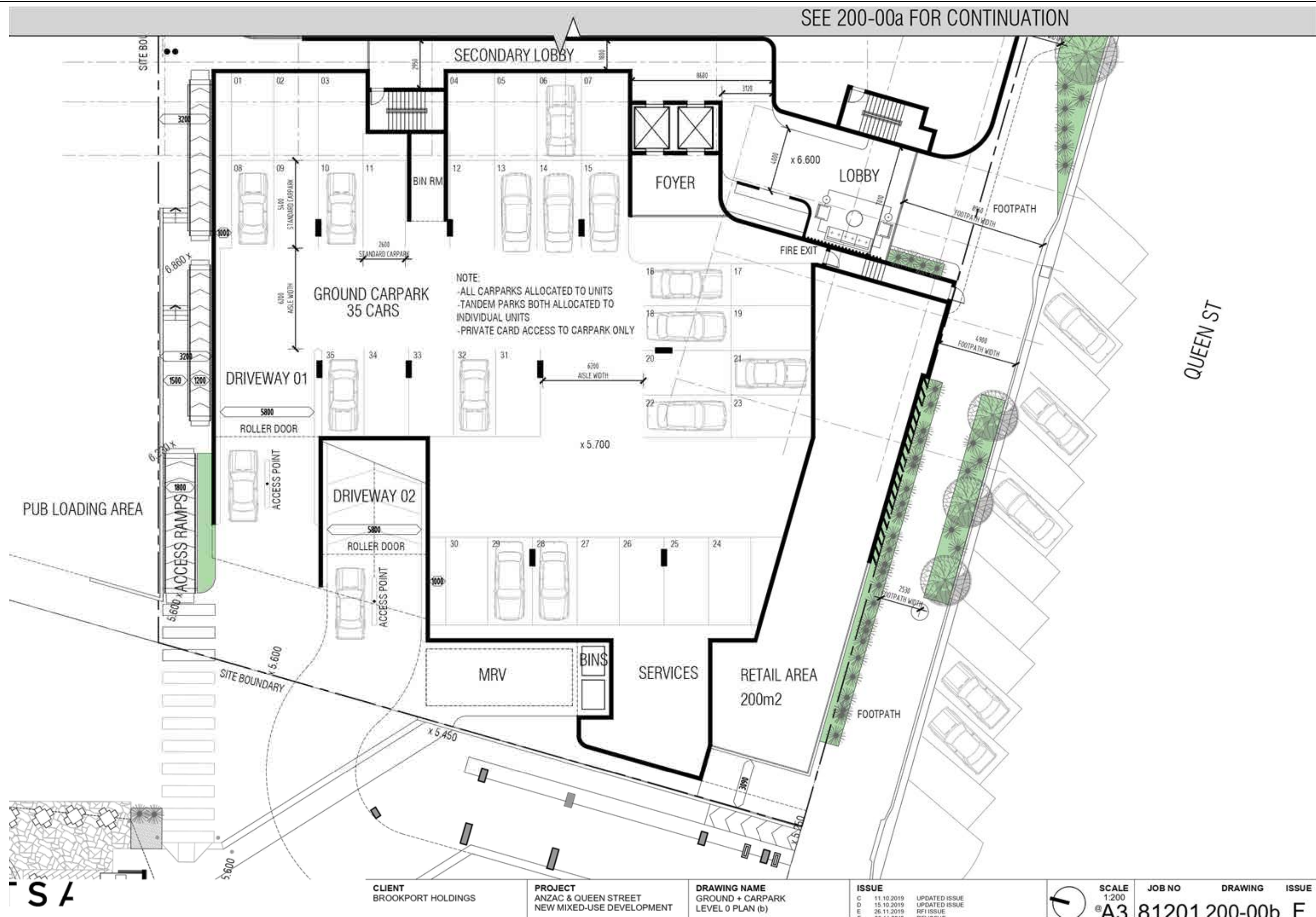


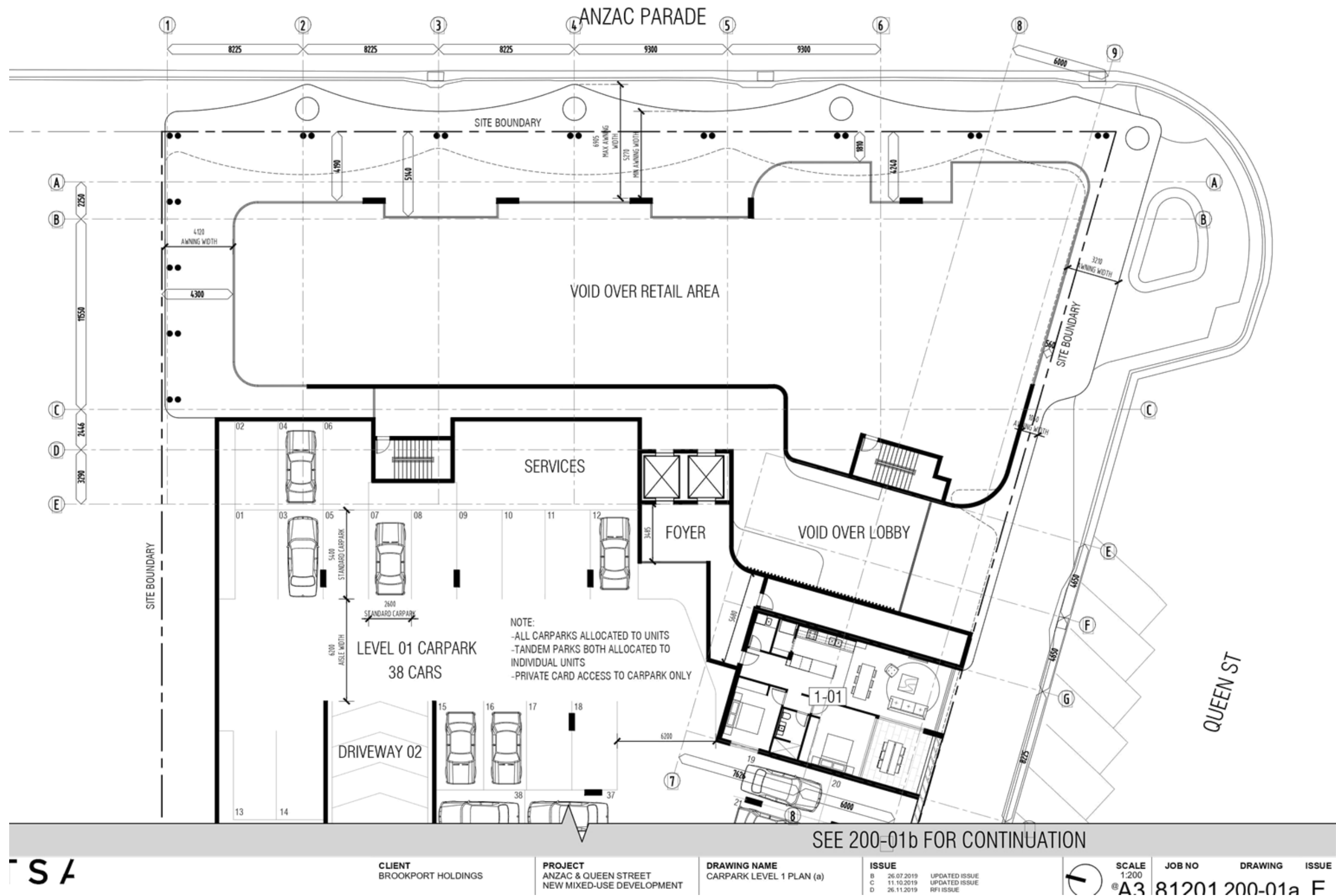




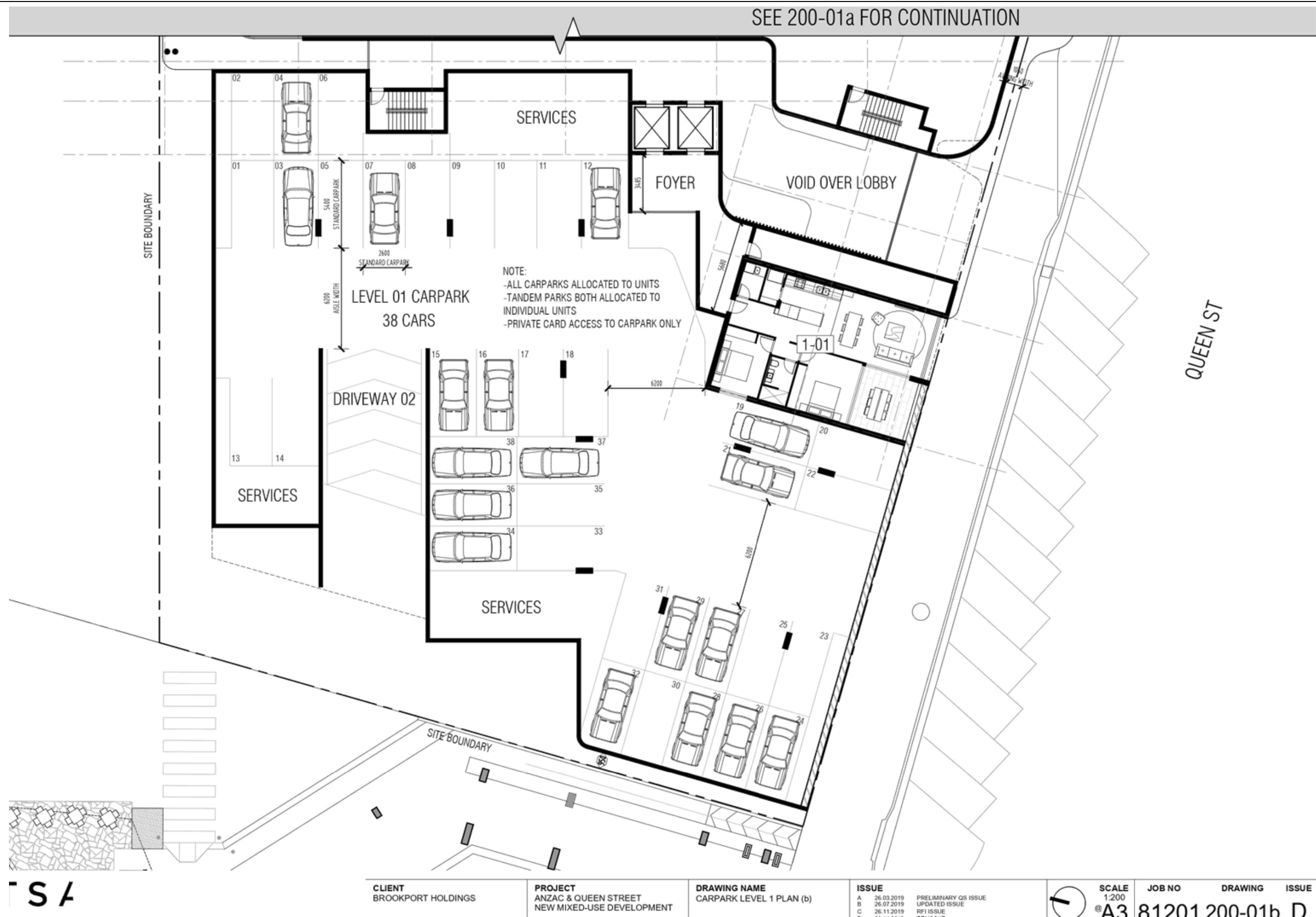














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CLIENT  
BROOKPORT HOLDINGS

PROJECT  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

DRAWING NAME  
LEVEL 2 PLAN

ISSUE  
A 26.03.2019 PRELIMINARY QS ISSUE  
B 26.07.2019 UPDATED ISSUE  
C 11.10.2019 UPDATED ISSUE  
D 27.10.2019 UPDATED ISSUE



SCALE  
1:200  
A3

JOB NO  
81201

DRAWING  
200-02

ISSUE  
D



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CLIENT  
BROOKPORT HOLDINGS

PROJECT  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

DRAWING NAME  
LEVEL 3 PLAN

ISSUE  
A 26.03.2019 PRELIMINARY QS ISSUE  
B 26.07.2019 UPDATED ISSUE  
C 11.10.2019 UPDATED ISSUE

SCALE  
1:200  
A3

JOB NO 81201  
DRAWING 200-03  
ISSUE C



SA

CLIENT  
BROOKPORT HOLDINGS

PROJECT  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

DRAWING NAME  
LEVEL 4 PLAN

ISSUE  
A 26.03.2019 PRELIMINARY QS ISSUE  
B 26.07.2019 UPDATED ISSUE  
C 11.10.2019 UPDATED ISSUE

SCALE  
1:200  
A3

JOB NO 81201  
DRAWING 200-04  
ISSUE C



SA

CLIENT  
BROOKPORT HOLDINGS

PROJECT  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

DRAWING NAME  
LEVEL 5 PLAN

ISSUE  
A 26.03.2019 PRELIMINARY QS ISSUE  
B 26.07.2019 UPDATED ISSUE  
C 11.10.2019 UPDATED ISSUE

SCALE  
1:200  
A3

JOB NO 81201  
DRAWING 200-05  
ISSUE C





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CLIENT  
BROOKPORT HOLDINGS

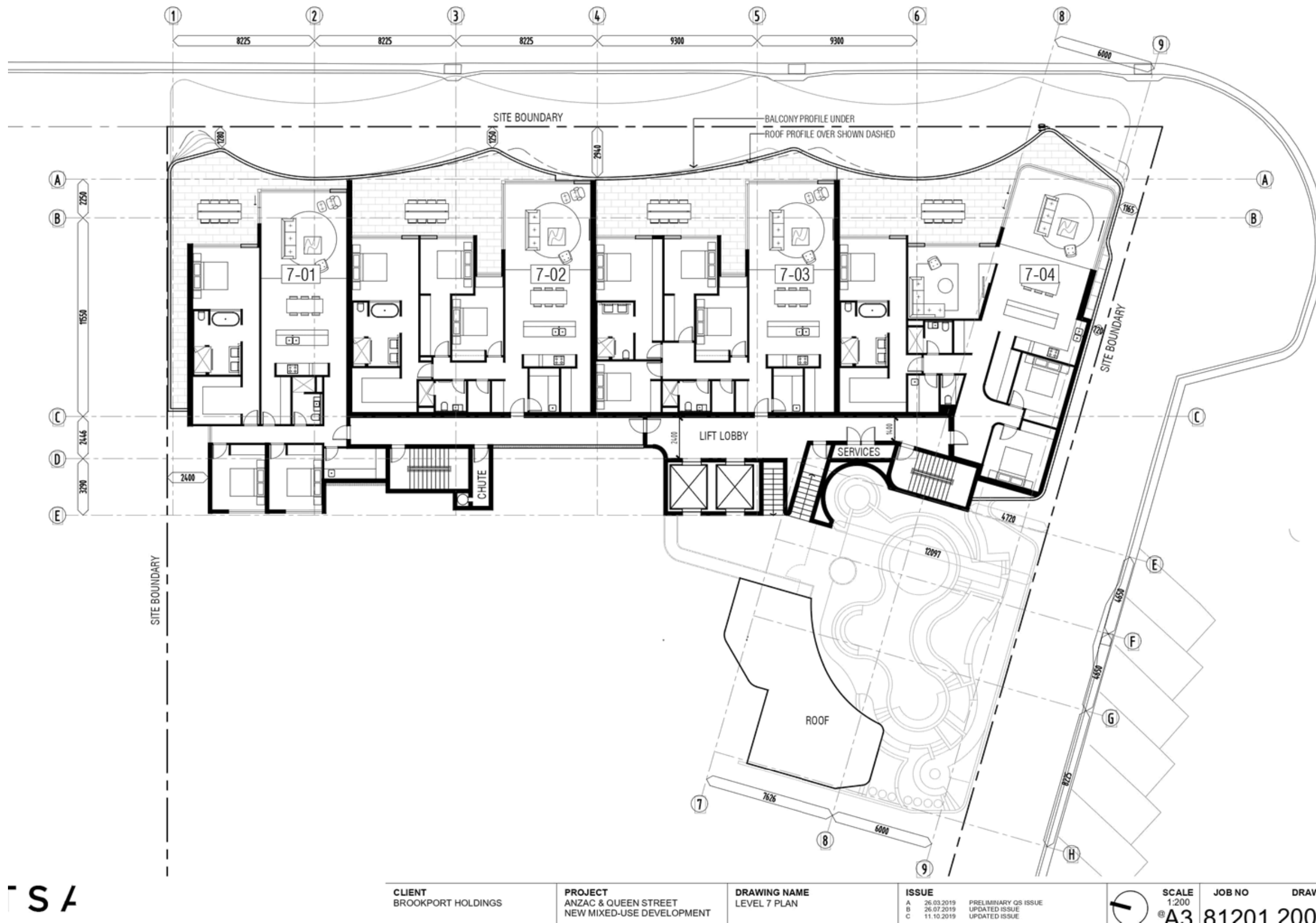
PROJECT  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

DRAWING NAME  
LEVEL 6 PLAN

ISSUE  
A 26.03.2019 PRELIMINARY QS ISSUE  
B 26.07.2019 UPDATED ISSUE  
C 11.10.2019 UPDATED ISSUE

SCALE  
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A3

JOB NO 81201  
DRAWING 200-06  
ISSUE C





**12.4 - DEVELOPMENT APPLICATION  
D-243-2019 FOR A DEVELOPMENT  
PERMIT FOR A MATERIAL CHANGE  
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ANZAC PARADE, 10 ANZAC PARADE,  
12 ANZAC PARADE, 14 ANZAC  
PARADE, 5 QUEEN STREET AND 17  
HILL STREET, YEPPOON**

**Elevations**

**Meeting Date: 18 February 2020**

**Attachment No: 4**



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STEWART ARCHITECTS

CLIENT	PROJECT	DRAWING NAME	ISSUE	SCALE	JOB NO	DRAWING	ISSU
BROOKPORT HOLDINGS	ANZAC & QUEEN STREET NEW MIXED-USE DEVELOPMENT	PROPOSED ELEVATIONS EASTERN ELEVATION	A 26.03.19 B 11.10.2019 PRELIMINARY QS ISSUE UPDATED ISSUE	A3	81201	300-01	B



**S /**  
STEWART ARCHITECTS

**CLIENT**  
BROOKPORT HOLDINGS

**PROJECT**  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

**DRAWING NAME**  
PROPOSED ELEVATIONS  
SOUTHERN ELEVATION

**ISSUE**  
A 26.03.19 PRELIMINARY QS ISSUE  
B 11.10.2019 UPDATED ISSUE

**SCALE** **JOB NO** **DRAWING** **ISSU**  
A3 81201 300-02 B



**S /**  
STEWART ARCHITECTS

CLIENT  
BROOKPORT HOLDINGS

PROJECT  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

DRAWING NAME  
PROPOSED ELEVATIONS  
WESTERN ELEVATION

ISSUE  
A 26.03.19 PRELIMINARY QS ISSUE  
B 11.10.2019 UPDATED ISSUE

SCALE JOB NO DRAWING ISSU  
A3 81201 300-03 B



**S /**  
STEWART ARCHITECTS

CLIENT  
BROOKPORT HOLDINGS

PROJECT  
ANZAC & QUEEN STREET  
NEW MIXED-USE DEVELOPMENT

DRAWING NAME  
PROPOSED ELEVATIONS  
NORTHERN ELEVATION

ISSUE  
A 28.03.19 PRELIMINARY 05 ISSUE  
B 11.10.2019 UPDATED ISSUE

SCALE JOB NO DRAWING ISSU  
A3 81201 300-04 B

**12.4 - DEVELOPMENT APPLICATION  
D-243-2019 FOR A DEVELOPMENT  
PERMIT FOR A MATERIAL CHANGE  
OF USE FOR MULTIPLE DWELLING  
UNITS (FORTY-FIVE UNITS) FOOD AND  
DRINK OUTLET AND SHOP AT 8  
ANZAC PARADE, 10 ANZAC PARADE,  
12 ANZAC PARADE, 14 ANZAC  
PARADE, 5 QUEEN STREET AND 17  
HILL STREET, YEPPPOON**

**Vehicle access**

**Meeting Date: 18 February 2020**

**Attachment No: 5**











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**12.5 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 1 RP609924  
(GRAFF ROAD, NERIMBERA)****File No:** 14.4.2**Attachments:**

1. Aerial photography [↓](#)
2. Road Closure Plan [↓](#)
3. Application for road closure Part B [↓](#)

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

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**SUMMARY**

*This report pertains to a request to permanently close an area of road reserve at Graff Road, Nerimbera to enable it to be amalgamated with the adjoining freehold land described as Lot 1 RP609924.*

**OFFICER'S RECOMMENDATION**

THAT Council resolve to:

- 1) advise the owners of Lot 1 RP609924 that it does not object to the proposal to close approximately 2,341.8m<sup>2</sup> of the road reserve at Graff Road which adjoins the north-eastern boundary of Lot 1 RP609924 and its amalgamation with this property; and
- 2) authorise the Manager Engineering Services to sign a 'Statement in relation to an application under the *Land Act 1994* over State land (Part C)' as confirmation to the Department of Natural Resources, Mines and Energy that Council, as Road Manager, does not object to the proposed permanent road closure.

**BACKGROUND**

Council has received a request from the owners of Lot 1 RP609924 (11 Graff Road, Nerimbera) for its views on a proposal to permanently close approximately 2,341.8m<sup>2</sup> of road reserve adjoining the north-eastern boundary of this property so that it can be amalgamated into Lot 1 - refer to Attachment 2 for the location of the proposed road closure.

**COMMENTARY**

Under the *Land Act 1994* an adjoining land owner may apply to have an area of road permanently closed and incorporated into the applicant's adjoining freehold land. The owners of Lot 1 RP609924 are requesting Council to complete a 'Statement in relation to an application under the *Land Act 1994* over State Land Part C' which the applicant will lodge with the Department of Natural Resources, Mines and Energy along with their application for road closure (refer to Attachment 3 for application form).

Advice was sought from various sections of Council and the following information was provided:

- The Infrastructure Planning Team, Water and Waste, Construction and Maintenance, Disaster Management and Resilience and Community Development and Sport and Recreation offered no objections.
- Development Assessment advised:

*'The land on both adjoining sides of the proposed section of road to be closed are zoned as rural land in the Livingstone Shire Planning Scheme 2018. Under section 1.3.4 of the Livingstone Shire Planning Scheme, if the land adjoining a road on both sides is located in the same zone then that road would be zoned the same.'*

*'There would be no conflict/changes in the potential land uses for the proposed road closure as the zoning would remain the same. Therefore, Development Assessment has no objections to the proposed permanent road closure.'*

- Natural Resource Management advised:

*'Some old growth trees occur on the existing roadway, however the vegetation is not mapped for protection under State legislation and is not identified in Overlays under the LSC Planning Scheme. There is no impediment to the road closure from an environmental perspective.'*

### **PREVIOUS DECISIONS**

This request has not been the subject of any previous Council resolution or direction.

### **BUDGET IMPLICATIONS**

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

### **LEGISLATIVE CONTEXT**

Pursuant to s 99 of the *Land Act 1994* an owner of land that adjoins road may apply for the permanent closure of the road. The owner may ask for the closed road to be amalgamated into the owner's adjoining land.

Applications are assessed by *NRM* on their own merits and the Minister may refuse a road closure application if the Minister is satisfied-

- a) the road is the only dedicated access to a person's land;
- b) the road is, or may be, used regularly by the public as a road or stock route; or
- c) the road provides continuity to a road network.

### **LEGAL IMPLICATIONS**

Not applicable.

### **STAFFING IMPLICATIONS**

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

### **RISK ASSESSMENT**

There are no risks associated with the consideration of this matter.

### **CORPORATE/OPERATIONAL PLAN**

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

### **LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

### **CONCLUSION**

The owners of Lot 1 RP609924 (11 Graff Road, Nerimbera) are seeking Council's views on a proposal to close approximately 2,341.8m<sup>2</sup> of Graff Road reserve so that it may be amalgamated into the adjoining freehold land. Consultation was undertaken with internal Council stakeholders. No objection was raised in relation to the proposed closure, therefore Council should offer no objection and authorise the Manager Engineering Services to

completed a 'Statement in relation to an application under the *Land Act 1994* over State Land Part C'.

**12.5 - PROPOSED PERMANENT ROAD  
CLOSURE ADJOINING LOT 1  
RP609924 (GRAFF ROAD,  
NERIMBERA)**

**Aerial photography**

**Meeting Date: 18 February 2020**

**Attachment No: 1**





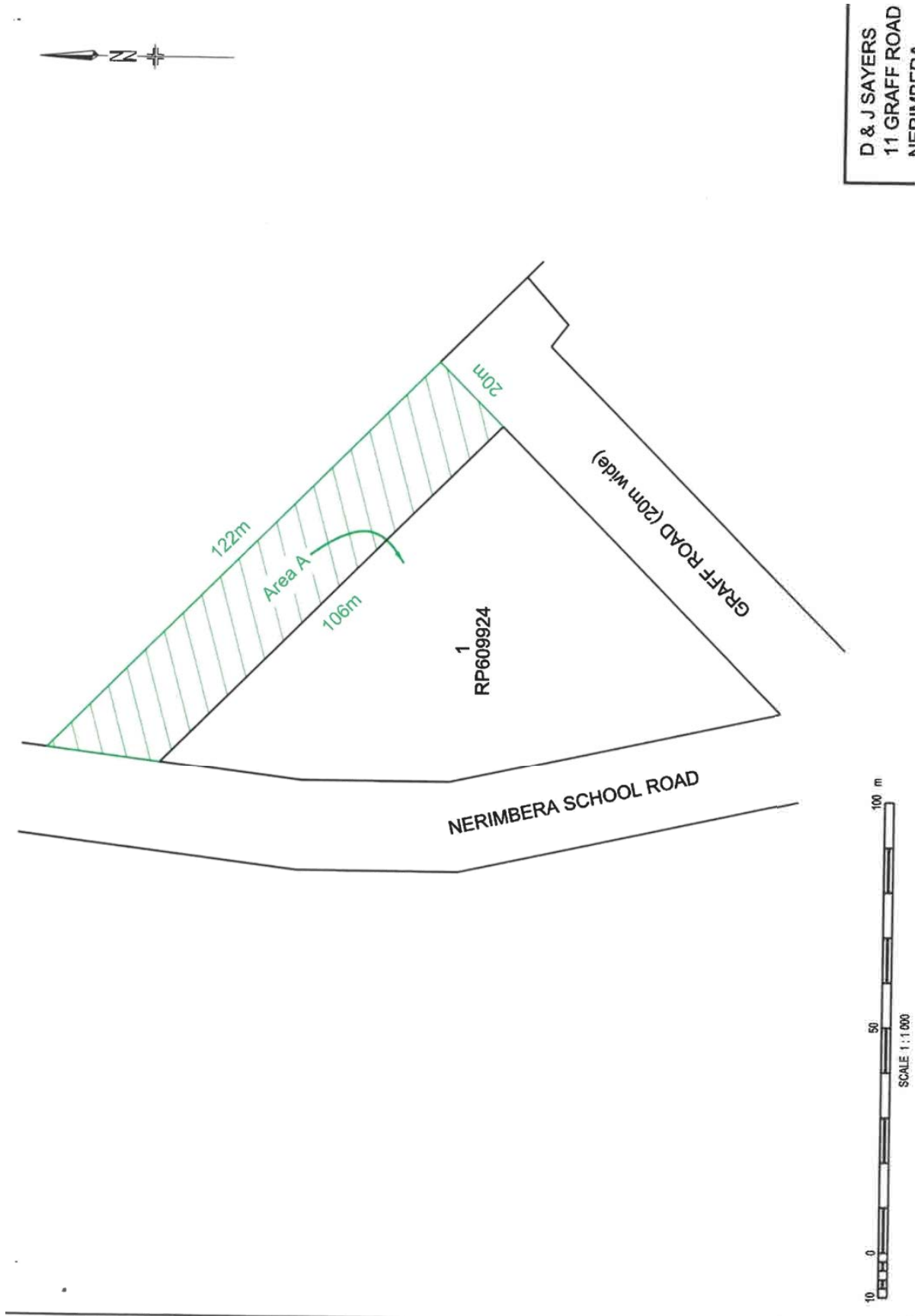


# **12.5 - PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 1 RP609924 (GRAFF ROAD, NERIMBERA)**

## **Road Closure Plan**

**Meeting Date: 18 February 2020**

**Attachment No: 2**



**12.5 - PROPOSED PERMANENT ROAD  
CLOSURE ADJOINING LOT 1  
RP609924 (GRAFF ROAD,  
NERIMBERA)**

**Application for road closure Part B**

**Meeting Date: 18 February 2020**

**Attachment No: 3**



DEPARTMENT OF NATURAL RESOURCES MINES AND ENERGY

**Application for road closure**

**Part B**

### Application form requirements

1. This Application is for a road closure.
2. Read the respective Roads – Applying for a road closure – Guide which include the application requirements.
3. Payment of the prescribed application fee. A refund of application fees will not be given.  
(Details of fees are available on the Department of Natural Resources, Mines and Energy (DNRME) website at <https://www.dnrme.qld.gov.au> or from a DNRME business centre).
4. A drawing showing the information listed in the "application requirements" that are included in the Applying for a road closure guide.
5. Any additional information to support application.
6. **Part A: Contact and land details form** will need to be completed and submitted with your application.
7. **Part C: Statement in relation to an application under the Land Act 1994 over state land** will need to be completed and submitted with your application.
8. Your application will not be considered as having been properly made unless all parts of this application form are completed accurately, otherwise your application may be returned to you to complete.

### Important information

9. A road is any area of land that has been set aside by legislation for the use of the travelling public. Not all roads are currently formed or being used by vehicles or pedestrians, and some may never be developed or used for that purpose.
10. You are encouraged to contact your nearest DNRME business centre to arrange a pre-lodgement meeting. The pre-lodgement meeting is intended to clarify the application requirements thereby preventing any unnecessary delays. It is also intended to cover the process, timeframes, costs and the quality of information necessary to properly assess the application.
11. An adjoining landholder may apply for a permanent or temporary road closure. An adjoining owner is defined as the registered owner of the property that shares a common boundary. i.e. Contiguous; directly connected; or without interruption.  
An adjoining owner can apply for the area of road that immediately adjoins the property boundary and not any part of the road that continues in either direction beyond the property boundary.  
If a road is a "dead end"; and the property boundary only adjoins on the end and does not extend along the road, the owner is not considered an adjoining owner for a road closure application. To be clear, a person who has limited frontage to the road cannot apply for closure of the entire length of the road.
12. A public utility provider as defined under the Land Act 1994 may also apply for a permanent road closure. An application for temporary closure can be considered for another person for:
  - pipes for irrigation purposes that cross the road beneath its surface.
  - water channels for irrigation purposes that cross the road.
13. A road maybe closed "in strata" to provide for works such as:
  - connecting overhead viaduct, or underground tunnel for commercial purposes between two buildings,.
  - structure which will overhang a road.
  - car park or building under or over a road.

14. You may be required to pay a purchase price for the permanent closure of a road.
15. When a road is closed permanently, its status changes from 'road' to 'unallocated state land'. Depending on how the land is to be allocated, the area of road to be permanently closed may be:
- incorporated into the applicant's adjoining freehold or leasehold land.
  - included in an existing reserve or set apart as a new reserve.
  - retained as a separate parcel of freehold land, although this option is rarely used in view of the planning requirements of local governments.
16. A road may be permanently closed under the *Land Act 1994* if the Minister is satisfied the road is not the only dedicated access to a person's land; used regularly by the public as a road or stock route; or providing continuity to a road network.
17. Although the state owns the land in a dedicated road, a local government (section 60 of the *Local Government Act 2009*) is responsible for the day to day management of dedicated roads in its area including their construction and maintenance. The *Department of Transport and Main Roads* is responsible for management of state controlled roads such as a freeway, highway or 'major road connecting cities'.

Information on this form, and any attachments, is being collected to process and assess your application under the *Land Act 1994*. The consideration of your application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed outside DNRME unless required or authorised by law.





1.	The Application is for:	<input checked="" type="checkbox"/> Permanent road closure	go to 2
		<input type="checkbox"/> Temporary road closure	go to 2

2. If you are not the manager of the road as defined below, have you consulted with the Road Manager to determine if the road is still required? ☒ Yes go to 3 ☐ No go to 3

Before submitting your application to the DNRME, it is recommended that you discuss your proposal for closure of a local road with the local government responsible for its management, or the Department of Transport and Main Roads for a state controlled road managed under the Transport Infrastructure Act 1994.

This will assist you to plan your project and will help reduce the time required to assess your application. It will also provide you with an opportunity to address in your application any issues identified through discussion with the road manager.

A signed 'Part C - Statement in relation to an application under the Land Act 1994 over State land' from the road manager must accompany this application.

A road may be permanently closed under the Land Act 1994 if the Minister is satisfied the road is not:

- (a) the only dedicated access to a person's land;
- (b) used regularly by the public as a road or stock route; or
- (c) providing continuity to a road network.

An application must be refused if the road is still needed in accordance with section 101(3) of the Land Act 1994.

**Note** – A road manager has the powers to authorise various uses on roads, however neither agency is able to permanently close the dedicated road and allocate the land for another use.

**Road Manager is –**

- The local government for a road that is controlled by the local council
- For a state controlled road, the chief executive of the Queensland Government agency administering the Transport Infrastructure Act 1994 such as the Department of Transport and Main Roads.

3. Are you a public utility provider or the registered owner, lessee or trustee of the land adjoining the area of road subject to this road closure application? ☒ Yes go to 4 ☐ No

Application cannot be considered unless temporary closure is for reasons listed in Question 4

Section 99(1) of the Land Act 1994 states that only a public utility provider or the registered owner, lessee or trustee of the land adjoining a road may apply for a **permanent closure** of the road.

4. Is the temporary closure to make structural improvements for: ☐ Pipes for irrigation purposes that cross the road beneath its surface

☐ Water channels for irrigation purposes that cross the road go to 5

Section 99(3) of the Land Act 1994 limits who can apply for temporary closure of a road to only the registered owner, lessee or trustee of the land adjoining a road or another person for;

- Pipes for irrigation purposes that cross the road beneath its surface; or
- Water channels for irrigation purposes that cross the road.

5. Provide details in Schedule 1 below, of any land you lease from the state or are the registered owner that adjoins or is in the vicinity of the land applied for. go to 6  
(If there is insufficient space, please lodge as an attachment)

**Schedule 1**  
You must enter either the Lot on Plan or Title Reference of the land.

Lot	Plan	Title Reference
1	RP 609924	303 601 92

6. Have you made a previous application for closure of this area of road? ☐ Yes go to 7 ☒ No go to 10

7. Was this application refused? ☐ Yes go to 8 ☐ No go to 10

8. Has there been any change in circumstances from the previous application, which may lead to this application being accepted for further consideration? ☐ Yes go to 9 ☐ No go to 10

The application maybe rejected without further consideration.

9. Provide details of the change in circumstances from the previous application. go to 10  
(If there is insufficient space, please lodge as an attachment)

10. Is any use currently being made of the road area? ☐ Yes go to 11 ☒ No go to 12

11. Provide details of the current use of road e.g. grazing, encroachment of building or structure go to 12  
(If there is insufficient space, please lodge as an attachment)

12. Provide details of the proposed use of the road area. go to 13  
(If there is insufficient space, please lodge as an attachment)

Incorporate into existing house block.

13.	Provide details of any additional information to support the application. (optional) (If there is insufficient space, please lodge as an attachment)	go to 14
<div style="border: 1px solid black; min-height: 30px; margin-top: 5px;"> <i>Unsealed, unmaintained road primary use is access to our residence. Alternative route on sealed road available to access other end of Craft Road.</i> </div>		

### Attachments

The following will need to be lodged with your application for it to be considered a properly made application. If all this information is not submitted or the forms are not completed accurately, your application will be returned.

14.	Tick the box to confirm the attachments for part of the application. <div style="margin-top: 10px;"> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <input style="margin-right: 10px;" type="checkbox"/> <div>Part A - Contact and land details form.</div> </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <input style="margin-right: 10px;" type="checkbox"/> <div>Part C - Statement from road manager.</div> </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <input style="margin-right: 10px;" type="checkbox"/> <div>Application fee.</div> </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <input style="margin-right: 10px;" type="checkbox"/> <div>A copy of a <u>Dial Before You Dig</u> enquiry confirmation sheet verifying if there is any Telstra infrastructure located on the road area applied for.</div> </div> <div style="display: flex; align-items: center; margin-bottom: 5px;"> <input style="margin-right: 10px;" type="checkbox"/> <div>A drawing showing the information listed in the "application requirements" that are included in the Applying for a road closure guide.</div> </div> <div style="display: flex; align-items: center;"> <input style="margin-right: 10px;" type="checkbox"/> <div>Additional information in support of your application such as correspondence from the road manager or current users of the road.</div> </div> </div>
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### Declaration

I certify that I have read the information which forms part of this application and the information I have provided is true and accurate.

Signature of applicant (or their legal representative)

Date: 15 / 02 / 2020

If applicant, section 142 of the Land Act 1994 states a person is eligible to apply for, buy or hold land under the Land Act 1994 if the person is an adult, that is, 18 years of age or over.  
If the legal representative of the applicant is signing as the applicant then the legal representative's full name must be printed immediately below the signature.

## 12.6 CATEGORY D BUSHFIRE RECOVERY EXCEPTIONAL ASSISTANCE IMMEDIATE SUPPORT PACKAGE

**File No:** ES9.5.1  
**Attachments:** 1. Rural Fire Brigade Requests [↓](#)  
**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer  
**Author:** David Mazzaferri - Manager Community Wellbeing

### SUMMARY

*This report is to seek Council endorsement of seven (7) priorities discussed at the Council Briefing Session on the 10 February 2020 in relation to Category D Bushfire Recovery Exceptional Assistance Immediate Support Package.*

### RECOMMENDATION

That Council resolve to submit the following programme of work for approval for funding pursuant to the Category D Bushfire Recovery Exceptional Assistance Immediate Support Package:

- 1) Gravel Pit Road to Tookers Road – Upgraded to allow northern brigades access;
- 2) Sealing of Grandbower Road;
- 3) 221 Lake Mary Road – about 400 metres of bitumen in front of new rural fire brigade location;
- 4) Construction of turnaround at end of Maries Road, which allows linkage to breaks;
- 5) Entrance from road to driveway apron at Coowonga Rural Fire Brigade;
- 6) Construction of access from road to concrete apron of Nerimbera Rural Fire Brigade; and
- 7) Upgrade to New Zealand Gully Road (3.1 kilometres, including clearing and resheeting of 50 per cent and clearing ten (10) metres wide).

### BACKGROUND

On Tuesday, 4 February 2020 a workshop was hosted by Livingstone Shire Council in partnership with Queensland Fire and Emergency Services. Thirteen brigades and seventeen volunteer rural fire officers attended and discussed priorities relevant to their local brigade areas.

Each brigade were given the opportunity to put suggestions forward that would improve capability to respond to an event within their local area. Suggestions were then compiled with comments into a table and further categorised (please see attached). The categories were:

- 1) Bushfire Resilience Officer;
- 2) immediate support from Category D; and
- 3) other.

The Immediate Support from Category D list was discussed at the Briefing Session held on the 10 February 2020 and seven (7) priorities were recommended.

### COMMENTARY

These seven (7) priorities are tabled below:

IMMEDIATE SUPPORT FROM CATEGORY D	Which Brigade requested	INFRASTRUCTURE PRELIM COSTINGS/COMMENTS

	this?	
Gravel Pit Road to Tookers Road – Upgraded – This will allow northern brigades access	Bondoola	2.6 kilometres – resheet entire length = \$120,000 every seven years (current fire trail has low level maintenance on as required in lead up to fire season) Further cost analysis to be conducted \$300,000 to \$400,000
Sealing of Grandbower Road	Bondoola	200 metres = \$120,000
221 Lake Mary Road – about 400 metres of bitumen in front of new shed location	Bungundurra	\$240,000.
Finish off Maries Road so we can link some of our breaks to it – Sign says end of council maintained road (private property). Maybe a better turnaround area at Maries Road would be helpful	Coowonga	\$20,000 if sufficient space.
Entrance from road to driveway apron at Rural Fire Brigade – Upgraded	Coowonga	\$20,000 approximately
Access from road to concrete apron is steep and washes away	On behalf of Nerimbera	Approximately \$20,000
Upgrade to New Zealand Gully Road		3.1 kilometres – assume clearing and resheet 50 per cent and clearing 10 metres wide = \$130,000

The estimated total (which will require further investigation and refinement) is \$850,000 to \$950,000.

## PREVIOUS DECISIONS

At its Ordinary Meeting of 21 January 2020, Council resolved:

*THAT Council prepare a report identifying rural roads and other supporting infrastructure in consultation with rural brigades that would improve access and firefighting capabilities for rural brigades and that consideration be given to expending the one million dollars being provided by the Federal Government as part of the bush fire recovery and resilience effort to those roads and assets.*

## BUDGET IMPLICATIONS

In recognition of the severity, scale, and duration of the 2019-2020 bushfire season, the Commonwealth Government has provided an immediate support payment of one million dollars to severely affected Councils activated under Category D funding of the Disaster Recovery Funding Arrangements.

The ongoing maintenance and on costs associated with the improvements will need to be considered in future budgets.

## LEGISLATIVE CONTEXT

Section 4A(a)(ii) and (iii) of the *Disaster Management Act 2003* states:

*4A Guiding principles*

*This Act is to be administered according to the following principles—*

*(a) disaster management should be planned across the following four phases*

*(ii) the taking of preparatory measures to ensure that, if an event occurs, communities, resources and services are able to cope with the effects of the event;*

*(iii) the taking of appropriate measures to respond to an event, including action taken and measures planned in anticipation of, during, and immediately after an event to ensure that its effects are minimised and that persons affected by the event are given immediate relief and support.*

## **LEGAL IMPLICATIONS**

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

## **STAFFING IMPLICATIONS**

Current resources do not allow the project management to implement the suggested improvements. It is anticipated that ten (10) per cent of the project costs would be required, being approximately \$100,000.

## **RISK ASSESSMENT**

As there is \$1,000,000 funding and over \$11,000,000 in suggested improvements, some brigades may not realise a benefit from the funding. There is a risk individual rural fire brigades may experience negativity with the outcome.

## **CORPORATE/OPERATIONAL PLAN**

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

## **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**

If the seven (7) priorities are endorsed by Council a Program of Works will need to be provided to Queensland Reconstruction Authority by the 21 March 2020.



**12.6 - CATEGORY D BUSHFIRE  
RECOVERY EXCEPTIONAL  
ASSISTANCE IMMEDIATE SUPPORT  
PACKAGE**

**Rural Fire Brigade Requests**

**Meeting Date: 18 February 2020**

**Attachment No: 1**

Category D Bushfire Recovery Exceptional Assistance Immediate Support Package - Meeting with Livingstone Shire RFB's - Tuesday 4 Feb 2020 - 6:30pm to 9:30pm						
Requests and comments categorised						
BUSHFIRE RESILIENCE OFFICER	Which RFB requested this?	IMMEDIATE SUPPORT FROM CAT D	Which RFB requested this?	INFRASTRUCTURE PRELIM COSTINGS/COMMENTS	OTHER	Which RFB requested this?
Biggest priority are evacuation routes – one way in and out – Williams road 4wd access only	Maryvale	Gravel Pit Road to Tookers Road – Upgraded – This will allow northern brigades access	Bondoola	2.6km – resheet entire length = \$120K every 7 years (current fire trail we do low level maintenance on as required in lead up to fire season)	Traffic control for roadside burns – When is it required. Dependant on size of road / risk assessment. If high, TMR will pay for it. TMR policy contradicts the mitigation burns RFB are trying to do. It is difficult for RFB to get permission from TMR within window of time	General
Surrounded by locked gates – Difficulty accessing private properties. Mayor advised that there will be a padlock on gates that all RFB can open and have access too	Maryvale Bungundurra	Gravel Pit Road – rubble strip off the road to keep it clean	Bondoola	Can be assessed during operations and supported as required by Council	Access to new station on Dawson Road	Belmont RFB
Encourage residents to maintain the roads	Maryvale	Sealing of Grandbower Road	Bondoola	200m = \$120K	Extension plan for RFB shed – Used as a community meeting point	Maryvale
Gasakis roads	Cooberrie	Power line track from Dowlings Road to Barmaryee	Bondoola	500m = \$25K (this is not a current fire trail)	Access to RFB shed and around it needs upgrading	Maryvale
Wild Road – Education a no go zone. If a fire starts at the bottom of that hill the RFB won't go in as there's no way out	Cooberrie	Cleaning sides of road on Stones, Druces and Mapes Road	Woodbury	Road reserve clearing Druces Rd – 1.6km = \$100K+ Road reserve clearing Stones Rd – 3km = \$50K Maintain fire break recently installed between Druces Rd and Stones Rd – Appears to be through private land. Location needs to be confirmed. About \$10K pa for 2.2km.	221 Lake Mary Road – Hardstand in front of property for new shed location	Bungundurra
Some undefendable blocks in Hidden Valley	Hidden Valley	Lake Mary Road - Upgraded	Belmont	The capital works program for 2025/2026 has a project upgrade for the first 2km of Lake Mary Rd to be upgraded to sealed standard, costed at approx 1.2 million.	Make properties more defensible; Risk Assessment of private properties where mitigation and maintenance is not being done ie. NZ Gully Road. Council to influence the risk assessments and with QFES support and fund appropriately	Nankin and General
Neighbours with ADF, QPWS and HQ Plantation; can be difficult to get stakeholder buy-in	Stockyard Point	Upgrading: Gravel Pit Road, Camms Road, Tanby Post Office Road, Mt Wheeler Road, Cabbage Tree Creek Road and Venture Road. SEE maps provided and scanned into O Drive	Cawarral	Upgrade Mt Wheeler Rd to Camms Rd – 3.1km - assume resheet of 50% of length - \$80K every 7 years (current fire trail we do low level maintenance on as required in lead up to fire season). Upgrade Tanby PO Rd to Camms Rd – 4.6km - assume resheet of 50% of length - \$120K every 7 years (current fire trail we do low level maintenance on as required in lead up to fire season). Some of this is through private land. Upgrade Cabbage Tree Ck Rd – 3.4km - assume resheet of 50% of length less 1km already done by land owner - \$60K every 7 years (current fire trail we do low level maintenance on as required in lead up to fire season). Upgrade Venture Rd – 1.7m - assume resheet of 50% of length - \$45K every 7 years (current fire trail we do low level maintenance on as required in lead up to fire season). Fire trail around back of Mt Wheeler – may be in private land. Location needs to be confirmed.	Fire trails; cannot keep people on motorbikes out	Nankin
Roadside vegetation – Fire break required on the outside of the properties along fence line. Property owners don't have their own fire breaks	Keppel Sands	Kilpatrick northern fire break from access 9 to NZ Gully	Cawarral	May be in private land. Location needs to be confirmed.	RFB water runs down hill into the drain behind the station. JC Notes: see CR523583 for action previously taken. Small saplings left to stabilise sides of drains, do not impede flows in drain	Keppel Sands
Education for Land Owners – Rates Notice, Dashboard, DIY Risk Assessment, Vegetation Management, New Residents to Rural Areas.	General	Paddys Swamp through to Blue Knob Road needs opening	Maryvale	There is an existing track but it is through private land.	Issues with Main Roads to maintain roadsides	Kunwarara
SC to give more support to RFB as everyone here is volunteers ie. Time to approve roadside burns (48 hours)	General	Roadsides coming into Maryvale – Roadsides need to be maintained between Daly Creek and RFB shed	Maryvale	Approx \$40,000+ for 2km	Shoalwater Bay fires and breaks – Fires coming into private property – need to get landowners to take responsibility for fires. Good neighbour policy	Kunwarara
Take Roadsides easy for landowners to maintain	Maryvale	Kellys Landing Road - Upgrade	Cooberrie	This does have a low level grade at the start of fire seasons. Brigades raised concerns in regards to public access and subsequent deterioration. This would be approx \$400,000 for 8km.	RFB need more consultation with ADF on their planned burns so they can share info with community	Kunwarara
Communications: Power back up for towers	Maryvale	Browns lookout to Howes Road. There was an old track years ago - Track required	Cooberrie	May be in private land. Location needs to be confirmed	Opportunity for RFB across the state to do training at Shoalwater – Understand the science, hazard reduction burns and cool burns	Kunwarara
Track across Tanby Range required – Bung's through to Radde's property (lay in private land. Location needs to be confirmed)	Hidden Valley	Woodlands to Wards Lane – Fire trail from Grays Hill to Wards Lane needed	Cooberrie	May be in private land. Location needs to be confirmed	HQ Plantations – All geared up and in defence mode and supportive however are not prepared to do burns	General



otification needs to be given to ndholders for rules that Council have nplemented – ie. op works \$1000 no nger available	Hidden Valley	Norpine hydrant went down; needs to be looked at	Bungundurra	To provide back-up power for Woodbury Water Treatment Plant we will need two gen-sets. One for the pump station at Kelly's Dam and	Can LSC sponsor Volunteer / leadership program and assist with costs ie. Bring trainer here or help get people to location of training – Get Ready Funding / QFES / Grants	General
yskleigh environmental park is all sand - insert hard stand along power line	Keppel Sands	Norpine Road - Needs a hardstand	Bungundurra	Approx \$10,000	Ready access to water; strategic bores and concrete tanks	Nankin
		221 Lake Mary Road – about 400m of bitumen in front of new shed location	Bungundurra	\$240K.	Palm Valley Road and Corner of Emu Park Road for water – Bore or concrete tank	Coowonga
		Trafficable road / Easements – Limestone Creek Road and Kreis Road (need a dry weather crossing)	Bungundurra	Major water hole unlikely to ever be empty – would require bridge \$3M+	Water storage area – Rasperry creek road has good underground water	Kunwarara
		Finish off Maries Road so we can link some of our breaks to it – Sign says end of council maintained road (private property). Maybe a better turnaround area at Maries Road would be helpful	Coowonga	\$20K if sufficient space.	Local Law about fire breaks	Kunwarara
		Hoffmans road - Upgrade	Coowonga	From Keppel Sands Rd to just past bends – 2km - \$1.2M	Opportunity for ADF to join the RFB – Livingstone staff should do the same to assist with hazard reduction burns	Kunwarara and Hidden Valley
		Cowwonga Road: Crocodile Farm and Junabel - Upgrades	Coowonga	Location needs to be confirmed, If it is referring to Savages Rd 650m - \$400k. The road leading into Junabel Miniature Horse Farm is a private access.	Water issue – 20,000 L solar/generated bores in vital locations	Bungundurra
		Entrance from road to driveway apron at RFB – Upgraded	Coowonga	\$20,000 approx		
		Bruce Highway, Atkinsons and Dalcamah road area – Upgraded	Kunwarara	This road already exists, to upgrade to gravel approx \$300,000		
		Access from road to concrete apron is steep and washes away	On behalf of Nerimbera	Approx \$20,000		
		Extend Todds Rd through to Rossmoya Rd end		8km – acquire road reserve and upgrade existing track - \$3M		
		Upgrade to NZ Gully Rd		3.1km – assume clearing and resheet 50% and clearing 10m wide = \$130K		

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**12.7 HARTLEY STREET PEDESTRIAN CROSSING FACILITIES - PROGRESS UPDATE**

**File No:** CR2.13.40  
**Attachments:** Nil  
**Responsible Officer:** Dan Toon - Executive Director Infrastructure  
**Author:** Amal Meegahawattage - Co-ordinator Infrastructure Planning

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**SUMMARY**

*Following a number of customer requests regarding the safety of the existing crossing facilities at the intersection of Hartley Street and Richard Street in Emu Park, for children travelling to and from school, Council officers have undertaken a review of the existing infrastructure to determine any immediate safety risks which need to be addressed and recommendations for improvements to existing infrastructure. This report is to provide an update to the Councillors on the actions taken by Council officers and also additional information relevant to the subject concerns.*

**OFFICER'S RECOMMENDATION**

THAT the report be received for the information of Councillors.

**BACKGROUND**

Following a number of customer requests from the community regarding the adequacy of the existing crossing facilities at the intersection of Hartley Street and Richard Street in Emu Park, Council officers conducted an investigation to arrive with five (5) options to improve safety and also to mitigate any walking and cycling safety risks at the subject site. These options, including a preferred option, were presented to the Council's Briefing Session on 9 September 2019.

Considered options in the above-mentioned report were as follows:

**Option 1 (PREFERRED)** – Mid-block crossing facility 75m to the south, extension of footpath on eastern side of Hartley Street to connect to existing footpath at Richard Street. This moves pedestrians away from the Richard Street intersection and identifying oncoming traffic would be easier. Sight distance to the crest to the south is still adequate. Road noise would also be less of a distraction.

**Option 2** – New crossing on roundabout approach on Hartley Street. This removes the need for Richard Street crossing while still following desire line for users. There is still a possibility, however, that due to the number of conflicting traffic movements to identify, that certain user groups such as children may be uncomfortable with crossing at this location.

**Option 3** – Staged crossing pedestrian refuge and pedestrian mazes on each approach to the Hartley Street crossing. This shortens travel distance and allows easier crossing as gaps only have to be chosen for one direction per lane. Pedestrian mazes force pathway users to come to a stop a greater distance from the road edge, and compel cyclists to dismount before crossing and discourages riding at speed across the road in a straight line with no deviations. This option introduces new road side hazards on the road, and the construction of pedestrian refuges would require significant pavement works to widen the existing road and allow sufficient width.

**Option 4** – Encourage crossing further to the north on Emu Park Road, Hartley Street. This option however is a longer route and does not follow desire lines for pedestrians and cyclists and therefore undesirable crossing movements will occur if the existing crossing is removed as pedestrians and cyclists will cross Hartley Street at random locations to take the most direct route to the school.

Option 5 – Wig-wag hazard lighting which activates only during peak morning and afternoon school zone times. This option is only an improvement to awareness of the crossing facilities for drivers and does not address the other issues mentioned in this report.

Following the Briefing Session report, Council officers have taken further actions towards implementation of the recommended option.

Furthermore, Council, on 4 February 2020 resolved to endorse submission of a funding application seeking 50% contribution from the State Government under their Cycle Grants 2020/21 program, following Council officers' recommendation to implement the preferred option in order to improve safety at the subject site.

## **COMMENTARY**

Following the initial investigations and subsequent Briefing Session Report (on 9 September 2019) with recommendations, Council officers have progressed on this matter as explained below:

### ***DTMR's Hill Street Cycle Way Project***

On 6 September 2019, Council officers have requested Department of Transport and Main Roads (DTMR) to consider necessary walking and cycling safety improvements on Hartley Street, in the immediate vicinity from the roundabout at Hill Street, under their ongoing Hill Street Cycle Way Project.

In response, DTMR responded on 6 November 2019 stating that the Council recommendations have now been documented and will be addressed when they get to the Business Case stage. DTMR further stated that they are planning to deliver their project in 2021/22 FY.

### ***Cycle Grants 2020/21 Funding Application***

Council officers submitted a funding application on 20 December 2019, seeking 50% funds from the State Government to design and construct the preferred option mentioned above. Outcome of this application is yet to be announced.

### ***Traffic Speed Analysis***

Council officers conducted a traffic count from 14 January to 11 February 2020 on Hartley Street, 120m south of Richard Street.

Following an analysis of the collected data, Council officers have observed following 85<sup>th</sup> Percentile Speed (i.e. representative speed value to compare against posted speed limits for compliance).

- During school term, including weekends: 65.07km/h
- During school term, excluding weekends: 64.98km/h

Average Annual Daily Traffic (AADT) for this section of Hartley Street is estimated to be 5200veh/day.

Above data suggests that the current posted speed of 60km/h is appropriate based on current traffic behavior of the drivers and the volumes, however, some additional measures may be required to achieve better compliance in vehicle speeds. This may include additional advance warning signage, speed limit enforcement by QPS, and road user awareness programs.

Notwithstanding that, Council officers have been further improving their conceptual plans to provide safer crossing facilities at the subject site after considering speed statistics. This might involve additional features such as a refuge island and lighting for the safety of pedestrians, cyclists and road traffic.

### ***Community Consultation***

Council officers have organised a community consultation session at 3.30pm on 19 February 2019 at Emu Park Cultural Hall, Emu Park. This session is held to inform community and interested stakeholders on the explored options and further details on the preferred option.

This will also provide an opportunity for the community and stakeholders to provide feedback and suggestions for further consideration by the Council officers.

### **PREVIOUS DECISIONS**

Council was briefed on potential options to address the safety concerns, including preferred option, during the Council Briefing Session on 9 September 2019.

Council was briefed on potential funding application to design and construct the preferred option under State Government's Cycle Grants Funds (50% State Contribution) during the Council Briefing Session on 12 December 2019.

Council resolved to endorse submission of funding application to design and construct the preferred option under State Government's Cycle Grants Funds (50% State Contribution) during the Ordinary Council Meeting on 04 February 2020.

### **BUDGET IMPLICATIONS**

This report provides only an update on the progress in relation to the safety issues on Hartley Street pedestrian crossings, and therefore, does not have any budget implications.

Budget implications involved in the previous decisions regarding the subject matter are as follows:

- If the current funding application will become successful, Council will need to contribute 50% of the costs to implement the preferred option.
- If the current funding application will become unsuccessful, Council will need to contribute 100% towards the costs to implement the preferred option.
- If Council opts to implement a treatment other than the preferred options, Council may need to contribute 100% towards the cost of the treatment, unless part or full funds are sourced from another funding scheme.

### **LEGISLATIVE CONTEXT**

All the proposed works are located within road reserve areas where Council is authorised to undertake works under the Local Government Act.

### **LEGAL IMPLICATIONS**

There are no known legal issues.

### **STAFFING IMPLICATIONS**

Design and construction would be undertaken by Council staff in accordance with relevant QA procedures.

### **RISK ASSESSMENT**

This report provides only an update on the progress in relation to the safety issues on Hartley Street pedestrian crossings and does not have any risks involved.

Risks involved in the previous decisions regarding the subject matter have been included in the relevant previous Council reports.

### **CORPORATE/OPERATIONAL PLAN**

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

### **LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

- (a) Transparent and effective processes, and decision-making in the public interest; and
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and



- (c) Democratic representation, social inclusion and meaningful community engagement; and
- (d) Good governance of, and by, local government; and
- (e) Ethical and legal behaviour of councillors and local government employees.

**CONCLUSION**

Following a number of customer requests regarding the safety of the existing crossing facilities at the intersection of Hartley Street and Richard Street in Emu Park, for children travelling to and from school, Council officers have undertaken a review of the existing infrastructure to determine any immediate safety risks which need to be addressed and recommendations for improvements to existing infrastructure.

Based on the findings, Council officers have progressed through in addressing the issues by:

- Liaising with DTMR to incorporate appropriate improvements under their Hill Street Cycle Ways Project;
- Seeking funds from the State Government to implement preferred solution; and
- Further investigating on vehicle speeds at the subject site and working towards determining appropriate measures to improve the speed environment.

**12.8 WATER CONSUMPTION - COBRABALL BUSH FIRE**

**File No:** GV13.4.3  
**Attachments:** Nil  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Priscilla Graham - Coordinator Revenue

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**SUMMARY**

*The Cobraball Bush Fire in November 2019, impacted a substantial number of ratepayers and a number of provisions have already been provided via resolutions passed in November and December 2019. Recent meter reads have identified the need to extend the area of consideration in regard, to the reduced consumption charges to properties within neighbouring suburbs that are outside of the fire scar but within the Emergency Alert polygons (for example evacuated, or prepare to leave).*

**RECOMMENDATION**

THAT Council provide a reduction of water consumption charges to the properties within the suburb Inverness, on a case by case basis (upon request) with consideration of the following criteria:

- the reticulated water supply was being used for preventative firefighting measures related to the Cobraball Fire Event;
- increased consumption was a result of measures undertaken;
- the Property is within the QFES Emergency Alert polygons and residents were evacuated or advised to prepare to leave; and
- the Property is clearly within or near the fire zone (scar) and emergency alert polygons.

**BACKGROUND**

Many residential properties have been impacted by the Cobraball fires of November 2019. Council have promptly supported the Community impacted by the fires with resolutions passed on the 19<sup>th</sup> November 2019 and the Mayoral Minute on the 3<sup>rd</sup> December 2019.

Provisions included:

- Resolving to waiver landfill charges associated with disaster related waste,
- Providing payment plans an extending hardship assistance under the provisions of the Debt Recovery Policy and Hardship Policy,
- Consideration for those rebuilding,
- Assistance to those that have used personal water supplies to fight fire by making water available for those replenishing water tanks,
- Providing reduced consumption charges to the small number of properties within the fire zone (scar), and connected to the reticulated water supply (suburb of Bungundarra).

**COMMENTARY**

The fire affected over 12,000 hectares of property around Cobraball, Bungundarra, Maryvale, Adelaide Park, Lake Mary and Woodbury. These suburbs are directly impacted (located within the mapped fire zone). The majority of these properties are not connected to reticulated water supply and therefore used bores, and tank water to prepare and/or fight fire. The resolution on the 3 December 2019 provided the direction to reduce water consumption charges for the abovementioned suburbs and this will be actioned on the 5 of February 2020 water consumption notices.

The water generation for consumption for the period ending December 2019 has concluded. Water Consumption across the entire shire has increased due to the particularly dry and hot season. However, taking into consideration the recent fire events and a customer request received recently, it has been identified that properties outside of the Fire Zone (Scar) have also potentially utilised the reticulated water supply for preventative measures relating to the Cobraball Fire 2019, and may experience higher than average water usage.

It is therefore recommended, that Council consider a reduction of consumption charges to the suburb Inverness, on a case by case basis (upon request) with consideration of the following criteria:

- The reticulated water supply was being used for preventative firefighting measures related to the Cobraball Fire Event,
- Increased consumption was a result of measures undertaken,
- The Property is within the QFES Emergency Alert polygons and residents were evacuated or advised to prepare to leave.
- The Property is clearly within or near the fire zone (scar) and emergency alert polygons.

Approximately twenty (20) properties have been identified as having higher consumption than usual within Inverness. As a guide should Council resolve to provide the 50% reduction of consumption charges, (upon request) to these Inverness properties (equal to that of the 14-18 properties identified within the fire zone (scar) directly impacted), then the overall reduction in revenue would be a maximum of \$3,800. This is on the assumption that all 20 properties would request consideration.

### **PREVIOUS DECISIONS**

Council Resolution 3 December 2019, provided for 50% reduction in water consumption charges for those within the directly impacted suburbs Cobraball, Bungundarra, Maryvale, Adelaide Park, Lake Mary and Woodbury.

### **BUDGET IMPLICATIONS**

Budget considerations have been outlined within the report.

### **LEGISLATIVE CONTEXT**

A disaster was declared by the Minister for Fire and Emergency Services for the area within the local government area of Livingstone Shire Council by gazettal in the Queensland Government Gazette volume 382 No. 75 on the 9<sup>th</sup> November 2019 pursuant to section 64 of the *Disaster Management Act 2003*.

### **LEGAL IMPLICATIONS**

There are no legal implications in relation to this matter.

### **STAFFING IMPLICATIONS**

Process will be managed with existing resources.

### **RISK ASSESSMENT**

Internal processes will manage customer requests for relief. Criteria outlined within report will be taken into consideration and customer requests reviewed on a case-by-case basis in an effort to mitigate the risk of false claims.

### **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**

It is the intention of this report to obtain Council direction and following a resolution, have the ability to process efficiently, any future requests from customers who have used the reticulated water supply for preventative measures relating to the Cobraball Fire 2019, and as a result have experienced higher than average water usage.

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

### 13.1 NOTICE OF MOTION - COUNCILLOR MATHER - PARKING AT THE LAGOON

File No: GV13.4.4

Attachments: 1. NOM - Parking at the Lagoon [1](#)

Responsible Officer: Brett Bacon - Acting Chief Executive Officer

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#### SUMMARY

*Councillor Mather submitted a request to include the attached Notice of Motion at the Council Meeting 18 February 2020. This was approved by Chief Executive Officer.*

#### COUNCILLOR'S RECOMMENDATION

THAT in order to create better awareness to improve the parking requirements at the lagoon, Council add the words "Nose in Only" to the existing signs where angle parking currently exists.

Further, given the lack of appropriate signage causing motorists to use their own discretion, resulting in a fine in many cases, Council agree to reimburse the penalties incurred in these instances.

In addition, until such time the additional wording is added to the existing signs, no further fines be imposed, but appropriate warning notices only be placed on windscreens where vehicles continue to reverse in.

#### BACKGROUND

Refer to attached Notice of Motion.

#### LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

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

**13.1 - NOTICE OF MOTION -  
COUNCILLOR MATHER -  
PARKING AT THE LAGOON**

**NOM - Parking at the Lagoon**

**Meeting Date: 18 February 2020**

**Attachment No: 1**



PO Box 5186  
Red Hill PO  
Rockhampton Q 4701  
3 February 2020

A/Chief Executive Officer  
Livingstone Shire Council  
Yeppoon Q 4703

Notice of Motion  
Parking at the Lagoon

Dear Mr Bacon,

I hereby give Notice of my intention to move the following motion at the next ordinary meeting of Council set down for Tuesday 18 February 2020:

"That in order to create better awareness to improve the parking requirements at the lagoon, Council add the words "Nose in Only" to the existing signs where angle parking currently exists.

Further, given the lack of appropriate signage causing motorists to use their own discretion, resulting in a fine in many cases, Council agree to reimburse the penalties incurred in these instances.

In addition, until such time the additional wording is added to the existing signs, no further fines be imposed, but appropriate warning notices only be placed on windscreens where vehicles continue to reverse in."

**Background**

Up until yesterday, I was still receiving complaints about being fined for reversing into the lagoon carpark. This family with three young toddlers were not impressed and were contemplating challenging the Infringement.

Council wants pool patrons and visitors to the coast to have good memories they can share with their friends and families, but in this case, where the benefit of free entry to a water feature is negated by a hefty fine - the memories are of a different kind - ones which make you not want to go back.

This is all due to poor signage which can be simply fixed.

Unless this deficiency is corrected, patrons will continue to be booked, and the shire will be identified for all the wrong reasons.

Questions on Notice accompany this Notice.

Many thanks Glenda Mather. Clr

**13.2 NOTICE OF MOTION - COUNCILLOR MATHER - OVERGROWN VEGETATION****File No:** GV13.4.4**Attachments:** 1. NOM - Overgrown Vegetation [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

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**SUMMARY**

*Councillor Mather submitted a request to include the attached Notice of Motion at the Council Meeting 18 February 2020. This was approved by Chief Executive Officer.*

**COUNCILLOR'S RECOMMENDATION**

THAT as a matter of some urgency,

- 1) Appropriate action be taken to remove the accumulated vegetation generally behind No 28 Todd Avenue for the purpose of fire mitigation, and
- 2) Council formulate a plan as soon as possible, to remove the thick scrubland on Council land behind the houses in Todd Avenue for the following reasons:
  - a) to allow the land to act as a draining area to cater for the run-off from the hills on Farnborough Rd, thus removing the threat of flooding to the adjacent properties,
  - b) to allow the area to dry out following rains so it can be managed and maintained.
  - c) to rid the area of vermin and venomous snakes, which currently pose a threat to health and safety.

**BACKGROUND**

Refer to attached Notice of Motion.

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

**13.2 - NOTICE OF MOTION -  
COUNCILLOR MATHER -  
OVERGROWN VEGETATION**

**NOM - Overgrown Vegetation**

**Meeting Date: 18 February 2020**

**Attachment No: 1**

PO Box 5186  
Red Hill PO  
Rockhampton Q 4701  
4 February 2020

A/ Chief Executive Officer  
Livingstone Shire Council  
Yeppoon Q 4703

**Notice of Motion**  
**Overgrown vegetation Council land**  
**behind Todd Avenue**

Dear Mr Bacon,

On a number of occasions over many months, I, and I believe Cr Belot, and at least one local resident, have lodged complaints about overgrown vegetation on Council land behind Todd Avenue residences.

There are two areas of concern which pose both health and fire threat to the residents bordering this vegetation.

1. The accumulation of climbing vegetation mainly behind No 28 Todd Avenue, including an invasive tree, and
2. The remaining thick scrub, which acts as a dense swamp, between the back of the houses, and Farnborough Road. Both issues are on Council land.

There is also private property adjoining Council land with similar scrub.

I am aware the land is identified as a drainage area, but it is unable to drain. Instead, the vegetation on this land is so thick it is impassable, undrainable, and clearly unmanageable.

Due to the thick vegetation, for most of the year the area is water-logged, and contains vermin, and poisonous reptiles. Both taipans and browns have caused the death of pets. This continues to pose a serious health risk to all persons and pets in these properties.

Due to the above, I wish to move the following motion at the next Ordinary Meeting of Council set down for 18 February 2020:

**"That as a matter of some urgency,**

- 1. appropriate action be taken to remove the accumulated vegetation generally behind No 28 Todd Avenue for the purpose of fire mitigation, and**
- 2. Council formulate a plan as soon as possible, to remove the thick scrubland on Council land behind the houses in Todd Avenue for the following reasons:**

- a) to allow the land to act as a draining area to cater for the run-off from the hills on Farnborough Rd, thus removing the threat of flooding to the adjacent properties,
- b) to allow the area to dry out following rains so it can be managed and maintained.
- c) to rid the area of vermin and venomous snakes, which currently pose a threat to health and safety."

**Footnote:**

Once the rains come, this area may not dry out until we encounter another dry season. It will continue to retain water, and machinery will be unable to work on the block. Previous experiences have found the machinery bogged in the mud. The only time to do any clearing is now, while the ground remains dry.

Many thanks  
Glenda Mather Clr

**13.3 NOTICE OF MOTION - COUNCILLOR BELOT - LEGAL ADVICE****File No:** GV13.4.4**Attachments:** 1. NOM - Legal Advice [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

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**SUMMARY**

*Councillor Belot submitted a request to include the attached Notice of Motion at the Council Meeting 18 February 2020.*

**COUNCILLOR'S RECOMMENDATION**

THAT, in order to promote transparency and accountability, Council delegate to the CEO as Custodian of Council Documents, the responsibility to ensure that any information/ legal advice sought (verbal and or otherwise) on behalf of Councillors, be documented and held in safe custody, as per statutory responsibilities under section 13(3)(e) *Local Government Act 2009*, and thus allow for Councillor's to access such information, in accordance with section 170A *Local Government Act 2009*.

**BACKGROUND**

Refer to attached Notice of Motion.

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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



## **13.3 - NOTICE OF MOTION - COUNCILLOR BELOT - LEGAL ADVICE**

### **NOM - Legal Advice**

**Meeting Date: 18 February 2020**

**Attachment No: 1**

**Notice of motion**

To the office of the Chief Executive Officer of Livingstone Shire Council, I hereby submit the following motion for consideration at the next Ordinary meeting of Council.

**Motion**

That in order to promote transparency and accountability, Council delegate to the CEO as Custodian of Council Documents, the responsibility to ensure that any information/ legal advice sought (verbal and or otherwise) on behalf of Councillors, be documented and held in safe custody, as per statutory responsibilities under section 13(3)(e) Local Govt Act 2009, and thus allow for Councillor's to access such information, in accordance with section 170A Local Government 2009.

**Background**

It is paramount to good governance that in the event circumstances require Councillors to seek advice (formal and or otherwise) from an external entity ( LGAQ, State Govt departments, Legal advice etc) to assist in decision making, that the advice be recorded/ documented in a transparent and accountable manner and in accordance with sections 170A of the Local Government Act 2009.

Subsequently, there has been the need for Councillors to seek advice and make decision/s in the absence of any formal response, other than a verbal report (see below confirmed minutes item 12.5). Irrespective of what action Council decides upon, the advice should be documented and kept in safe custody by the CEO in accordance with the Part 4 Councillor Interaction with the Organisation Policy.

Cr Adam Belot

13/01/20

Confirmed Minutes 8<sup>th</sup> October 2019

Item 12.5 Development Application for a Development Permit for Reconfiguring a Lot (two lots into six lots) at 535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra

The Chair advised that due to Councillors Mather, Eastwood, Wyatt, Belot and Ludwig having each declared a personal interest in the form of a perceived conflict of interest related to Item 12.5 at the commencement of the meeting, the Chair could not accept any motion that is decision making in relation to item 12.5 and that he was proposing to adjourn the meeting to seek advice on how to proceed.

PROCEDURAL MOTION

Mayor Ludwig moved a procedural motion to adjourn the meeting and recommence at 4.30pm on the 8th of October 2019 so that **advice could be sought** with regards to the majority of Councillors having declared a personal interest with regards to Item 12.5.

Meeting procedures were suspended at 10.32am

Moved by: Mayor Ludwig

Meeting procedures resumed at 4.37pm

Mayor Ludwig provided Councillors with an **update on the advice received** regarding the appropriate way forward for dealing with item 12.5 given the circumstances and proposed an alternative motion taking into consideration that advice.

**13.4 QUESTIONS ON NOTICE - COUNCILLOR MATHER - LAGOON PARKING INFRINGEMENTS****File No:** GV13.4.4**Attachments:** 1. QON - Lagoon Parking Infringements [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

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**SUMMARY**

*Councillor Mather submitted a request to include the attached Questions on Notice at the Council Meeting 18 February 2020.*

**OFFICER'S RECOMMENDATION**

THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to a Council meeting.

**BACKGROUND**

Refer to attached Questions on Notice.

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

**13.4 - QUESTIONS ON NOTICE -  
COUNCILLOR MATHER -  
LAGOON PARKING  
INFRINGEMENTS**

**QON - Lagoon Parking  
Infringements**

**Meeting Date: 18 February 2020**

**Attachment No: 1**

PO Box 5186  
Red Hill PO  
Rockhampton Q 4701  
3 February 2020

A/Chief Executive Officer  
Livingstone Shire Council  
Yeppoon Q 4703

**Questions on Notice  
Lagoon Parking Infringements**

Dear Mr Bacon,

I wish to submit the following Questions on Notice in relation to Infringement Notices issued where vehicles reversed into car spaces which were meant for nose in parking only. Could they also be included in the 18 February Agenda, along with the other relating to this matter.

- Q1. On which date did Council commence issuing Infringement Notices for this purpose?
- Q2. How many Infringement Notices were issued from that date, to the date answers were provided for this Notice?
- Q3. What is the value of the Infringement?
- Q4. What is the total income from these Infringements to date?
- Q5. Have any of the Infringement Notices been lodged in the Court for challenge? (to Council's knowledge).
- Q6. Given the number of Infringements in such a short in time (that I'm aware of), why hasn't there been initiative from Council to remedy the situation, given the angst these particular Notices are causing the public?

I welcome any additional information Council may supply.

Many thanks,  
Glenda Mather Clr



**13.5 QUESTIONS ON NOTICE - COUNCILLOR MATHER - BUDGET EXPENDITURES****File No:** GV13.4.4**Attachments:** 1. QON - Budget Expenditures [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

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**SUMMARY**

*Councillor Mather submitted a request to include the attached Questions on Notice at the Council Meeting 18 February 2020.*

**OFFICER'S RECOMMENDATION**

THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to a Council meeting.

**BACKGROUND**

Refer to attached Questions on Notice.

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

## **13.5 - QUESTIONS ON NOTICE - COUNCILLOR MATHER - BUDGET EXPENDITURES**

### **QON - Budget Expenditures**

**Meeting Date: 18 February 2020**

**Attachment No: 1**

PO Box 5186  
Red Hill PO  
Rockhampton Q 4701  
11 February 2020

A/Chief Executive Officer  
Livingstone Shire Council  
Yeppoon Q 4703

Question on Notice  
Budget Expenditures

Dear Mr Bacon,

Would you be good enough to have staff provide the table with:

- 1. expenditure on both rural and urban road maintenance for the three preceeding budgets: ie 2016-17, 2017-18, 2018-19, and**
- 2. The urban and rural allocations for road maintenance for the current 2019-20 budget.**

Many thanks  
Glenda Mather Clr

**13.6 QUESTIONS ON NOTICE - COUNCILLOR BELOT - FIRE PERMITS****File No:** GV13.4.4**Attachments:** 1. QON - Fire Permit [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

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**SUMMARY**

*Councillor Belot submitted a request to include the attached Questions on Notice at the Council Meeting 18 February 2020.*

**OFFICER'S RECOMMENDATION**

THAT the 'Questions on Notice' be received and a report providing a response to the Councillor's questions be presented to a future Council meeting.

**BACKGROUND**

Refer to attached Questions on Notice.

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

## **13.6 - QUESTIONS ON NOTICE - COUNCILLOR BELOT - FIRE PERMITS**

### **QON - Fire Permit**

**Meeting Date: 18 February 2020**

**Attachment No: 1**

Please provide include following Questions on notice to be included at the next ordinary meeting of council or in accordance with council policy thank you.

1)How many formal applications were made to the Livingstone Shire Council by the Rural Fire Brigades and or private landholders to conduct hazard reduction burns in the Llivingstone Shire for years

2018

2019

Calander years.

2)How many permits were approved by Livingstone Shire Council throughout the above two years in order to carry out hazard reduction burns.

Thank you for your attention toward this request.

Regards Council Adam Belot

Sent from my iPhone



## **14 URGENT BUSINESS/QUESTIONS**

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

## 15 CLOSED SESSION

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

### RECOMMENDATION

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

**16.1 Proposed Trustee Lease to Capricorn Tourism and Economic Development Limited**

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council (Proposed Trustee Lease).

**16.2 PROPOSED TRUSTEE LEASE TO THE YEPPOON INLET ASSOCIATION INCORPORATED**

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

**16.3 MANAGEMENT ARRANGEMENTS - KEPPEL SANDS CARAVAN PARK**

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

**16.4 Proposed Permanent Road Closure - Thompson Point**

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

## 16 CONFIDENTIAL REPORTS

### 16.1 PROPOSED TRUSTEE LEASE TO CAPRICORN TOURISM AND ECONOMIC DEVELOPMENT LIMITED

**File No:** CP5.9.2-126

**Attachments:** 1. Proposed Trustee Lease Extension Area

**Responsible Officer:** Mark McLean - Principal Property Officer  
David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Acting Chief Executive Officer

**Author:** Maddie Crigan - Property Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council (Proposed Trustee Lease).

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#### SUMMARY

*This report pertains to the provision of a trustee lease to Capricorn Tourism and Economic Development Limited over part of Lot 12 on Survey Plan 143269 - Appleton Drive, Yeppoon.*

**16.2 PROPOSED TRUSTEE LEASE TO THE YEPPOON INLET ASSOCIATION  
INCORPORATED****File No:** CP5.9.2-410**Attachments:**

1. Council Report 13 August 2019
2. Survey Plan 143269
3. Proposed Survey Plan 295928

**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Acting Chief Executive Officer**Author:** Mark McLean - Principal Property Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

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**SUMMARY**

*This report provides information in relation to a proposed trustee lease to the Yepoon Inlet Association over part of Reserve for Jetties, Landing Places, Public Boat Ramps and Recreation – Lot 12 on Survey Plan 143269.*

**16.3 MANAGEMENT ARRANGEMENTS - KEPPEL SANDS CARAVAN PARK****File No:** PR21.5.2-3**Attachments:** 1. Council Report 3 December 2019**Responsible Officer:** David Mazzaferri - Manager Community Wellbeing  
Brett Bacon - Acting Chief Executive Officer**Author:** Mark McLean - Principal Property Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by Council.

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**SUMMARY**

*The report provides information in relation to the future management arrangements for the Keppel Sands Caravan Park.*

**16.4 PROPOSED PERMANENT ROAD CLOSURE - THOMPSON POINT****File No:** 5.2.5 & 14.4.2**Attachments:**

1. Locality Plan
2. Response to NRM - purchase of reservation in title
3. Drawing No 19/794/CEN

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

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

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**SUMMARY**

*This report pertains to a proposal to permanently close sections of road reserve in Thompson Point.*



## **17 CLOSURE OF MEETING**