



# **ORDINARY MEETING**

## **AGENDA**

**3 MARCH 2020**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 3 March 2020 commencing at 9.00am for transaction of the enclosed business.*

*Brett Bacon*

**ACTING CHIEF EXECUTIVE OFFICER**

27 February 2020

Next Meeting Date: 17.03.20

**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 David 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 18 February 2020

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

## 6 PUBLIC FORUMS/DEPUTATIONS

### 6.1 DEPUTATION - ANDREW O'BRIEN (SLR CONSULTING AUSTRALIA PTY LTD) AND SIMON WATTS (ABIWOOD) IN RELATION TO D-245-2007, 318 TANBY ROAD, TAROOMBALL

**File No:** D-245-2007 AND D-63-2015

**Attachments:** 1. Report prepared by SLR Consulting Australia Pty Ltd for 318 Tanby Road, Taroomball [↓](#)

**Responsible Officer:** David Battese - Manager Liveability

**Author:** Melissa Warwick - Principal Strategic Planner

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#### SUMMARY

*Further to ongoing discussions with various Council Officers in relation to D-245-2007 the applicant, Abiwood Keppel No 1, have sought a deputation regarding the Change Application (other change) for development application D-245-2007. The purpose is for the Applicant to provide further information in relation to a Change application (other change) to preliminary approval for a master planned development comprising residential, retirement village, medical centre, child care centre and shop and a preliminary approval for reconfiguring a lot (one lot into 195 lots). Specifically this relates to the amended Tanby Road Local Plan and the Capricorn Ridge Precinct.*

#### OFFICER'S RECOMMENDATION

THAT the deputation be received.

#### BACKGROUND

The purpose is for the Applicant to provide further information in relation to a Change application (other change) to preliminary approval for a master planned development comprising residential, retirement village, medical centre, child care centre and shop and a preliminary approval for reconfiguring a lot (one lot into 195 lots). Specifically, this relates to the amended Tanby Road Local Plan and the Capricorn Ridge Precinct.

#### 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.

**6.1 - DEPUTATION - ANDREW  
O'BRIEN (SLR CONSULTING  
AUSTRALIA PTY LTD) AND SIMON  
WATTS (ABIWOOD) IN RELATION  
TO D-245-2007, 318 TANBY ROAD,  
TAROOMBALL**

**Report prepared by SLR Consulting  
Australia Pty Ltd for 318 Tanby  
Road, Taroomball**

**Meeting Date: 3 March 2020**

**Attachment No: 1**

# 318 TANBY ROAD, TAROOMBALL

## REPORT TO LIVINGSTONE SHIRE COUNCIL

**Prepared for:**

Abiwood Keppel No.1 Pty Ltd



318 Tanby Road, Taroomball  
Change Applications (D/2007-245 & D/63-2015)  
Report to Council Meeting-18 February 2020

SLR Ref No: 620.13166-R01-v0.3.docx  
February 2020

## PREPARED BY

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## BASIS OF REPORT

**DRAFT**

This report has been prepared by SLR Consulting Australia Pty Ltd (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

## DOCUMENT CONTROL

Reference	Date	Prepared	Checked	Authorised
620.13166-R01-v0.1	5 February 2020	M Stefanutti	A O'Brien	A O'Brien



318 Tanby Road, Taroomball  
Change Applications (D/2007-245 & D/63-2015)  
Report to Council Meeting-18 February 2020

SLR Ref No: 620.13166-R01-v0.3.docx  
February 2020

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## APPENDICES

Appendix A 2007 Survey Plan (Capricorn Survey Group)

## 1 Introduction

We have prepared this report to Council, on behalf of our client (Abiwood Keppel No.1 Pty Ltd), in response to Requests for Further Information from Council regarding the Request to Extend Preliminary Approval (D/2007-245) and the Change Applications (D/2007-245 & D/63-2015).

This report follows a teleconference, held on 31<sup>st</sup> January 2020, with Council officers that discussed the following key matters:

- the Tanby Road Local Plan; and
- the Capricorn Ridge Precinct.

Council have previously requested a review of the Tanby Local Plan to ensure consistency with the *Planning Act 2016* and the new Livingstone Planning Scheme 2018.

Council have also questioned the justification for the Capricorn Ridge Precinct under the Livingstone Planning Scheme 2018. Council have cited a lack of certainty in the potential for the Capricorn Ridge Precinct to satisfy the purpose of the Emerging Communities Zone and the provisions of the relevant Codes applicable to this precinct within the development.

In addition, Council have also advised that there is no demonstrated need for this form of development within the Shire given existing supply.

The following sections address the matters raised by Council regarding the Tanby Road Local Plan and the Capricorn Ridge Precinct for Council's consideration at its meeting to be held on 18<sup>th</sup> February 2020.

## 2 Background

The Preliminary Approval (D/2007-245) was approved by Rockhampton Regional Council on 5th May 2009 and, established a number of approved uses (residential, retirement village, medical centre, child-care and shop). Our client (Abiwood) subsequently received Development Approval for a staged Reconfiguration of a Lot on 27th April 2016, creating 35 additional lots.

The Capricorn Ridge Precinct comprises 20 lots of the 219 lot yield under the Preliminary Approval and was always intended to be developed as a community title development. Lot sizes within the Capricorn Ridge Precinct range from 1,500m<sup>2</sup> to 2,330m<sup>2</sup> which reflects the relatively gentle topography of the site in the vicinity of the ridgeline and its natural saddle (refer **Appendix A**) and, the planning provisions in place at the time of assessment (2007-2008).

Abiwood requested an extension to the Preliminary Approval on 7<sup>th</sup> May 2019 and, subsequently lodged Change Applications for both the Preliminary Approval (D/2007-245) and Development Permit (D/63-2015) on 19<sup>th</sup> August 2019.

Development under the earlier permits had not been commenced on the basis of advice from local estate agents with regards to the level of demand, supply and pricing in the market. Abiwood has more recently been advised that the residential market has improved and that development of the Tanby Road Estate should commence.

### 3 Tanby Road Local Plan

We note that Council has identified that the current Tanby Road Local Plan is inconsistent with the Queensland Planning Provisions, the *Planning Act 2016* & the Livingstone Planning Scheme 2018. We have discussed their concerns with our client & there is 'in principle' agreement to amend the Local Plan & adopt the provisions of the Livingstone Planning Scheme 2018, subject to further detailed assessment during the RFI stage of the Change Application process.

### 4 Capricorn Ridge Precinct

#### 4.1 Visual Amenity

Given the elevated location of the Capricorn Ridge Precinct, Council have raised concern relating to the impact of development on views and vistas within the wider region. The previously approved Tanby Road Local Plan included specific provisions to mitigate this impact, ensuring future development within the Precinct would be of an appropriate type and scale sympathetic to the elevated position of the Precinct and its visibility within the broader area.

Measures to address potential impacts to amenity and character include the restriction of development type within the Precinct to single dwelling houses along with a number of highly restricted, discouraged uses including:

- i. A Home based business;
- ii. A Substation;
- iii. A Telecommunications facility;
- iv. A Utility installation.

The proposed built form within the Capricorn Ridge Precinct is further regulated specifically to minimise impacts on scenic amenity with restricted building heights, wall lengths and roof lines. Furthermore, external finishes of any future development are controlled to ensure minimal impact, with screening and landscaping requirements imposed to further mitigate any impact to the visual amenity of the site and surrounds.

The Livingstone Planning Scheme 2018 includes similar provisions to address potential impacts to scenic amenity, character, biodiversity, risk to life, property, community and the environment through the Biodiversity, Bushfire and Scenic Amenity Overlay Codes.

The cumulative impact of the current controls (Tanby Road Local Plan & Livingstone Planning Scheme 2018) would deliver development which is sympathetic to and in keeping with the scenic amenity of this elevated ridgeline.

Observations of the existing site and adjacent sites along Tanby Road reveal that the majority of existing residential development is located along the eastern face of the ridgeline, other than three (3) relatively recent dwelling houses on the ridgeline, including:

- 294 Tanby Road, Taroomball;
- 402 Tanby Road, Taroomball; and
- 115 Hidden Valley Road, Hidden Valley.

Consistent with these three (3) examples of dwelling houses on ridgelines in the vicinity of the site, the proposed Capricorn Ridge Precincts future dwellings can also, through sensitive siting and design, in conjunction with the retention of existing vegetation (that provides a natural visual screen), deliver a development that is unobtrusive from either Tanby Road and/or the Scenic Highway.

The ultimate density of development within the Capricorn Ridge Precinct is also addressed in the Tanby Road Local Plan which imposes the following restrictions on lot size and frontage widths to mitigate potential impacts to amenity:

- a) all allotments are greater than 4,000 m<sup>2</sup> in area; and
- b) the allotment width generally parallel to Tanby Road and the Scenic Highway is no less than 70 metres per lot.

The resultant density is at odds with the lot sizes within the Capricorn Ridge Precinct shown on the original survey plan (refer **Appendix A**) that range from 1,500m<sup>2</sup> to 2,330m<sup>2</sup>. Abiwood will continue to work with Council to resolve these lot size and density issues during the Change Application process to retain the Capricorn Ridge Precinct, as designed.

## 4.2 Environmental Constraints

Council's concerns relating the environmental constraints (specifically biodiversity and bushfire hazard) are noted. Future development of the Capricorn Ridge Precinct will include relevant specialist investigations to address potential impacts of any development on the biodiversity values and the bushfire provisions prevailing at the time.

## 4.3 Servicing

Council has raised concern surrounding the future servicing of lots within the Capricorn Ridge Precinct. It is acknowledged that a non-standard approach will be required to provide adequate servicing to the future lots within the Capricorn Ridge Precinct.

It is therefore envisaged that servicing provided to the site will be designed and constructed to suit the unique nature of the topography and vegetation features of the site. The Capricorn Ridge Precinct is to be developed at a low density, with approximately 20 development lots to be created over a large area of land. The low-density nature of the Precinct will allow for alternative solutions to water and sewer servicing of the lots, and it is expected that onsite sewer treatment and private water supply systems will form part of any future development proposals.

As previously indicated, it was always envisaged that the Capricorn Ridge Precinct would be developed as a Community Title development, ensuring that construction and servicing is the responsibility of the developer and the future body corporate.

## 4.4 Demand

Council have advised they feel demand for the form of development proposed within Capricorn Ridge does not exist due to existing supply.

The roll out of the Tanby Road Estate is expected to be undertaken over a number of years and the Capricorn Ridge Precinct is to comprise the final stage of development. The Capricorn Ridge Precinct development would only be delivered if the developer determined that demand existed for the lots to be delivered and the project was economically viable.

318 Tanby Road, Taroomball  
Change Applications (D/2007-245 & D/63-2015)  
Report to Council Meeting-18 February 2020

SLR Ref No: 620.13166-R01-v0.3.docx  
February 2020

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## 5 Request

The intent of this report and presentation to Council is to seek Council support to retain the Capricorn Ridge Precinct, as designed (refer **Appendix A**) and allow our clients to retain the flexibility to develop this precinct in the future and seek to satisfy the planning, environmental and bushfire legislation in place at the time of development.

Our client recognises and fully appreciates that there is the potential that the Capricorn Ridge Precinct, as currently designed, may not be approved or may require modification when development is proposed. Our client is prepared to take this risk and seeks Council's support to allow them the flexibility to investigate the development of this precinct in the future.

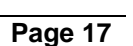
We look forward to providing additional information to Council during the Council meeting on 18<sup>th</sup> February 2020.

## **APPENDIX A**

2007 Survey Plan

(Capricorn Survey Group)





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## 7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

### 7.1 LIFTING MATTER LAYING ON THE TABLE – PARKING AT THE LAGOON

**File No:** CR2.13.24  
**Attachments:** Nil  
**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer  
**Author:** Brett Bacon - Acting Chief Executive Officer

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#### SUMMARY

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

#### OFFICER'S RECOMMENDATION

THAT Council resolve that the report *Notice of Motion - Councillor Mather – Parking at the Lagoon*, which is currently 'laying on the table' within the Business Outstanding Table awaiting return to a Council meeting, be lifted from the table to be dealt with later in this meeting.

#### BACKGROUND

At Council's Ordinary Meeting of 18 February 2020, Cr Mather proposed the following Notice of Motion:

*'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.'*

In response to the Notice of Motion, Council resolved:

*'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 report to Council in response to item 13.4 - Questions on Notice - Councillor Mather - Lagoon Parking Infringements to return to the Council Meeting on 3 March 2020.'*

#### COMMENTARY

In accordance with the resolution of Council, the Notice of Motion which was laid upon the Council table at its Ordinary Meeting of 18 February 2020 is now brought back for discussion and consideration.

#### PREVIOUS DECISIONS

At its ordinary meeting of 3 December 2019, Council resolved:

*'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 report to Council in response to item 13.4 - Questions on Notice - Councillor Mather - Lagoon Parking Infringements to return to the Council Meeting on 3 March 2020.'*

**BUDGET IMPLICATIONS**

Implementing the actions within the proposed notice of motion would have an impact on Council's revenue in the order of several thousands of dollars. There would also be additional costs associated with administrative actions and diverting officer time away from other duties to facilitate the actions. The quantum of those costs cannot be accurately quantified.

**LEGISLATIVE CONTEXT**

Throughout Queensland, the physical requirements for parking of vehicles is stipulated by the *Transport Operations (Road Use Management—Road Rules) Regulation 2009* and Council enforces these requirements through its local laws.

**LEGAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

There would be a need to divert staffing resources away from normal duties in order to facilitate the actions within the notice of motion.

**RISK ASSESSMENT**

The risks associated with this matter are considered to be reputational, if Council is inconsistent in its application of the standard road traffic rules.

**CORPORATE/OPERATIONAL PLAN**

Strategy AM2 of Council's Plan states: '*Provide transparent and accountable decision making reflecting positive leadership to the community.*'

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

**CONCLUSION**

At its Ordinary Meeting of 18 February 2020, Council resolved to defer consideration of a Notice of Motion. This reports returns that Notice of Motion for Council's consideration.

## **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 DEVELOPMENT APPLICATION D-225-2019 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND SEWERAGE EASEMENT) AT 1 RANGER DRIVE, YEPPON

**File No:** D-225-2019

**Attachments:**

1. [Reconfiguration Plan](#)
2. [1 into 2 residential subdivision services plan](#)

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

**Author:** Jonathon Trevett-Lyall - Planning Officer

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#### SUMMARY

*Applicant:* J A Olliver

*Consultant:* Capricorn Survey Group (CQ) Pty Ltd

*Real Property Address:* Lot 102 on LN2548

*Area of Site:* 1,220 square metres

*Planning Scheme:* Livingstone Planning Scheme 2018

*Planning Scheme Zone:* Low Density Residential Zone

*Planning Scheme Overlays:* Bushfire Hazard Overlay

*Existing Development:* Dual Occupancy

*Level of Assessment:* Impact Assessable

*Submissions:* Nil Submissions received

*Infrastructure Charge Area:* Charge Area 1

*Application progress:*

<i>Application received:</i>	20 September 2019
<i>Application properly made:</i>	20 September 2019
<i>Development control unit meeting:</i>	25 September 2019
<i>Information request issued:</i>	18 October 2019
<i>Information request response received:</i>	14 November 2019
<i>Public notification period:</i>	21 November 2019 to 17 December 2019
<i>Notice of compliance received:</i>	19 December 2019
<i>Submission consideration period:</i>	No Submissions received
<i>Decision period commenced:</i>	20 December 2020
<i>Extension of time agreed to:</i>	19 February 2020
<i>Statutory determination date:</i>	6 March 2020

#### OFFICER'S RECOMMENDATION

##### RECOMMENDATION A

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot

into two lots and Sewerage Easement), made by J A Oliver, on land described as Lot 102 on LN2548, and located at 1 Ranger Drive, Yeppoon, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
- 1.6.1 Operational Works:
- (i) Water works; and
  - (ii) Sewerage 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>
ROL Plan	7236-02-ROL Issue A Sheet 1 of 1	11/09/2019
1 onto 2 residential subdivision services plan	SCE-309-10 revision A	11/19

- 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 ACCESS WORKS

- 3.1 All vehicular access to and from proposed lots 1 and 2 must be via Ranger Drive only. Direct vehicular access to Yeppoon Crescent and Norton Street is prohibited. A property note to this effect will be entered against both lots.

- 3.2 A new access must be constructed for proposed lot 2.

4.0 WATER WORKS

- 4.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water 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, Water Supply (Safety and Reliability) Act, Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).

- 4.3 All lots within the development must be connected to Council's reticulated water network.

- 4.4 The existing water connection point located within proposed Lot 1 must be retained to service Lot 1. A new water connection point must be provided for proposed Lot 2 from the proposed reticulated water network located in the Ranger Drive road reserve.

- 4.5 All water meters associated with the development must be located within the road reserve.

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).

- 5.3 All lots within the development must be connected to Council's reticulated sewerage network.

- 5.4 Each lot must be provided with its own separate sewer property point of connection, located wholly within its respective property boundary.

- 5.5 The existing sewerage connection point(s) must be disconnected.

- 5.6 The existing sewerage connection point(s) must be relocated within the lot it serves.

- 5.7 Easements must be provided over all sewerage infrastructure located within private property. The easement location and width must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

6.0 ELECTRICITY AND TELECOMMUNICATIONS

- 6.1 Electricity and telecommunication connections must be provided to the proposed lots to the standards of the relevant authorities.

- 6.2 Evidence must be provided of a certificate of supply with the relevant service providers to provide each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities prior to the issue of the Compliance Certificate for the Survey Plan.

7.0 ASSET MANAGEMENT

- 7.1 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.
- 7.2 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.
- 7.3 '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. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

8.0 ENVIRONMENTAL

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

9.0 OPERATING PROCEDURES

- 9.1 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 Ranger drive, Yeppoon Crescent and Norton Street.
- 9.2 All waste storage areas must be kept in a clean, tidy condition in accordance with Environmental Protection (Waste Management) Regulations.

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. General Environmental Duty

General environmental duty under the *Environmental Protection Act* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all

stages of the development including earthworks, construction and operation.

NOTE 3. General Safety of Public During Construction

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

NOTE 4. Application to Undertake Alterations or Improvements to Council Controlled Areas and Roads

An Application to Undertake Alterations or Improvements to Council Controlled Areas and Roads (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guideline* Drawings) may be accepted in place of the Development Permit for Operational Works (access works).

NOTE 5. Site Works

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

NOTE 6. Infrastructure Charges Notice

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

## **RECOMMENDATION B**

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots and Sewerage Easement), made by J A Oliver, on land described as Lot 102 on LN2548, and located at 1 Ranger Drive, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of \$25,000.00.

## **COMMENTARY**

### **PROPOSAL**

The proposal is for reconfiguring the existing lot into two lots. Lot 1 will be 764 square metres and Lot 2 will be 456 square metres in area. There are two dwellings on the existing lot, a primary dwelling and a smaller granny flat. The reconfiguration will separate each dwelling on to their own lot. The dwelling on proposed lot 1 will be located towards the southern corner of the lot and the existing grant flat (dwelling) on proposed lot 2 is to be located at the rear of the lot, also towards the southern boundary.

Both lots will gain access from Ranger Drive. A retaining wall will be constructed on the proposed property boundary.

### **SITE AND LOCALITY**

The subject site is 1,220 square metres in area, and has a seven and a half metre fall across the site from the north eastern corner to the south western corner. The existing Dwelling house is within the central portion of the site and a granny flat within the southern corner of the site.

The site is located within an established urban area and is connected to all relevant infrastructure.

Officers undertook a site visit on 29 October 2019 whereby the property was viewed from Ranger Drive and Yeppoon Crescent.

The locality is characterised by predominately residential uses and includes a school and a park.

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

Existing applications/development permit over the site	
Lot 102 on LN2548 1 Ranger Drive	Development Permit BP 6321 for a Dwelling House – approved with conditions on 1 May 1985  Development Permit BP 9141 for a Shed – approved with conditions on 20 May 1991  Development Permit BP97-710 for a Retaining Wall – approved with conditions on 4 December 1997  Development Permit B-2092-2011 for a change from Class 10 to Class 1 – approved with conditions on 30 October 2012  Development Permit D-12-2012 for a Material Change of Use for a Dual Occupancy – approved with conditions on 15 February 2012  Development Permit D-267-2017 for Operational Works for a Retaining Wall – Application withdrawn
Applications/development permits on adjoining properties	
Lot 101 on LN2548 20 Yeppoon Crescent (to the north)	Development Permit BP97-685 for a Dwelling House – approved with conditions on 30 January 1998  Development Permit 561-2007-YDOM for a Rear deck extension – approved with conditions on 12 June 2007  Development Permit 1826-2008-Y10B for an Above ground pool – approved with conditions on 9 December 2008

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

This application has been assessed by relevant Council planning, engineering, environmental health and natural resource management 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 instruments for the development and having regard to the State Planning Policy; any development approval for and any lawful use of the premises or adjoining premises, and the common material.

Benchmarks applying for the development	Benchmark reference
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Strategic Framework – Settlement Pattern Theme (Urban Places) and Natural Hazards and Environment Theme Reconfiguring a Lot Code Development Works Code Bushfire Hazard Overlay Code	<i>Livingstone Planning Scheme 2018</i> , in force 1 May 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 – 13 November 2019

Support, subject to conditions

Natural Resource Management – 25 September 2019

No comments

Public and Environmental Health – 24 September 2019

No comments

**Information request**

An information request was issued by council on 18 October 2019 which included (but was not limited to) the following;

- Water and Sewer Infrastructure:
  - o Each of the lots must be provided with its own separate water and sewer property point of connection, located wholly within its respective property boundary; and
  - o Any infrastructure associated with any existing uses that are not located within the respective property boundaries must be provided with an easement over the infrastructure located within the adjoining private property.

The applicant provided a response (in full) on 11 November 2019.

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

Environment and Heritage - Water quality: Not applicable as the proposed reconfiguring a lot is not on a site 2,500 square metres or greater, or resulting in six (6) or more lots.

Natural hazards, risk and resilience: Applicable as the site is located in the Potential Impact Buffer Area of Bushfire Hazard Overlay.

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 located at a distance of sixty (60) metres from the nearest vegetation mapped as being in the bushfire hazard area. In addition, the subject site adjoins a formed road on three (3) sides of the property, is connected to Council's reticulated water supply, is in proximity to two (2) fire hydrants, and will construct another fire hydrant as part of their operational works (water works). Therefore, the proposed development will mitigate any risks to people and property to an acceptable or tolerable level.
All natural hazard areas:	
Development supports and does not hinder disaster management response or recovery capacity and capabilities.	<b>Complies</b> The subject site adjoins a formed road on three (3) sides of the property and can be readily accessed for the purposes of disaster management response or recovery via Ranger Drive and Yeppoon Crescent.
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 proposed reconfiguration of a lot will not, directly or indirectly, increase the risk or severity of a bushfire event, either on site or to other 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 proposed development does not involve the known storage of hazardous materials above what would be anticipated with a residential purpose.
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>Not applicable</b> The proposed development is for a one lot into two lot reconfiguration only. Therefore, natural processes will not be impacted upon as a result of the proposed development.

### **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.

### **Strategic Framework**

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

The settlement pattern theme (urban places) and natural hazards and environment theme are applicable to the assessment of the application. The following section is an excerpt from the relevant sections of the Strategic Framework.

### **Settlement Pattern Theme**

Specific Outcome		Assessment response
<b>3.3.1 Strategic outcome</b>		
(1)	Urban development occurs on land identified to accommodate the forecast population and employment growth over the next twenty-five (25) years. These identified areas provide sufficient land supply for projected requirements.	<b>Complies</b> The proposed reconfiguration is located on land that can accommodate the forecast population and employment growth over the next twenty-five (25) years.
(2)	Development makes efficient use of land and existing or planned infrastructure.	<b>Complies</b> The proposed reconfiguration will utilise existing infrastructure and make any changes necessary for the development.
(5)	Population growth is predominantly accommodated within urban and urban infill places, as identified on the strategic framework maps SFM-01 to SFM-04.	<b>Complies</b> The proposed reconfiguration is located on land identified as being within the urban places theme.
(10)	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.	<b>Complies</b> The proposed reconfiguration will be consistent with the character and function of the place in the settlement pattern.

Specific Outcome		Assessment response
<b>3.3.7 Urban places</b>		
(2)	Urban activities locate within the identified	<b>Complies</b>

<p>urban and new urban places so as to avoid encroachment on future urban places, nature places, rural places or other valuable resources or features.</p> <ul style="list-style-type: none"> <li>(a) facilities, and major infrastructure networks and movement networks are protected from incompatible land uses;</li> <li>(b) mitigation or avoidance of impacts from natural hazards; and</li> <li>(c) development of a variety of lot sizes to accommodate a range of different accommodation options, and to cater for other approved non-residential uses.</li> </ul>	<p>The proposed reconfiguration will provide for urban activities within the urban places theme area.</p>
<p>(3) The towns of Emu Park and Yeppoon and coastal urban settlements continue to grow in an orderly and planned manner, within the identified areas where they can be efficiently serviced with infrastructure and facilities.</p>	<p><b>Complies</b></p> <p>The proposed reconfiguration is located within the town of Yeppoon and is within an identified area that can be efficiently serviced with infrastructure and facilities.</p>
<p>(4) Development is contained within:</p> <ul style="list-style-type: none"> <li>(a) Urban places prior to 2026;</li> <li>(b) New urban places from 2026 – 2031;</li> </ul> <p>unless it is demonstrated that there is an overriding community need as a result of unforeseen rapid population growth, land ownership constraints, market forces, site characteristics or other factors, and the development can be efficiently serviced with infrastructure and facilities in the timeframe proposed.</p>	<p><b>Complies</b></p> <p>The proposed reconfiguration is located within an urban place and is occurring prior to 2026.</p>
<p>(8) The development of accommodation activities are consistent with planned 'net densities', which reflect the overall character expressed for zones and the ability of land and infrastructure to support development, that being the following:</p> <ul style="list-style-type: none"> <li>(a) if in the low density residential zone, a 'net density' up to fifteen (15) dwellings per hectare; or</li> <li>(b) if in the low-medium density residential zone, a 'net density' between fifteen (15) to thirty (30) dwellings per hectare for detached dwellings, with potential for up to fifty (50) dwellings per hectare at locations determined to be suitable for multiple dwellings; or</li> <li>(c) if in the medium density residential zone, a 'net density' of fifty (50) dwellings per hectare or more; or</li> <li>(d) if in the emerging communities zone, in accordance with an approved structure plan, which specifies the planned 'net density' for specific areas based upon the densities specified for the low density zone, low-medium density zone, or medium density zone in points (a), (b) and (c) above.</li> </ul>	<p><b>Does not comply</b></p> <p>The proposed reconfiguration of a lot is located within the low density residential zones which requires a 'net density' of fifteen (15) dwellings per hectare (666.67m<sup>2</sup> per dwelling). The minimum lot size in the low density residential zone under the reconfiguring a lot code is 600m<sup>2</sup>, which would equate to a 'net density' of 16.67 dwellings per hectare.</p> <p>The site is approximately 1,220m<sup>2</sup> in area which would make the average 'net density' for this reconfiguration approximately 16.39 dwellings per hectare. Due to the location of the existing buildings on the site, the reconfiguration on this site is not able to meet the minimum lot size requirement of 600m<sup>2</sup>.</p> <p>The proposal is for a 764m<sup>2</sup> lot and a 456m<sup>2</sup> lot. Due to the siting of the existing buildings and the need for a retaining wall between the lots it is difficult to increase the smaller sized lot by any significant degree. The 456m<sup>2</sup> lot would still be a sufficient size and dimension for a low density residential lot.</p> <p>Even with this smaller sized lot, the 'net density' of the reconfiguration will slightly exceed the fifteen (15) dwellings per hectare requirement but would be less dense than if the minimum lot sizes for the low density residential zone in the reconfiguring a lot code were developed. Furthermore, the site already has two (2) existing dwellings and therefore the potential density of persons residing on the subject site is unlikely to significantly increase.</p>



Specific Outcome	Assessment response
<b>3.4.3.1 Specific Outcomes</b>	
(1) Unacceptable risks to human life, property and vital infrastructure due to potential impacts from natural hazards including acid sulfate soils, storm tide hazard, erosion, sea-level rise or other coastal processes, flooding, bushfire, or landslide, are avoided as far as practicable.	<b>Complies</b> The proposed reconfiguration is located at the edge of the bushfire potential buffer impact area, adjoins three (3) formed roads, is connected to Council's reticulated water supply, is in proximity to two (2) fire hydrants, and will construct another fire hydrant as part of their operational works (water works). Therefore, the proposal can avoid the risks to human life, property and vital infrastructure due to potential impacts from a bushfire.
(2) Where development in natural hazard areas is unavoidable, the development is located, designed, constructed and operated to minimise and mitigate adverse impacts to within acceptable levels, provided that it is done in a manner which:  (a) does not compromise environmental values; and  (b) does not unduly burden disaster management response or recovery capacity and capabilities.	<b>Complies</b> The proposed reconfiguration is located at the edge of the bushfire potential buffer impact area, adjoins three (3) formed roads, is connected to Council's reticulated water supply, is in proximity to two (2) fire hydrants, and will construct another fire hydrant as part of their operational works (water works). Therefore, the proposal will not compromise environmental values or unduly burden disaster management response or recovery capacity and capabilities.
(5) Development does not directly, indirectly and cumulatively increase the severity of natural hazards and any adverse impacts associated with natural hazards upon the site or other sites, property and infrastructure.	<b>Complies</b> The proposed reconfiguration will not directly, indirectly and cumulatively increase the severity of a bushfire event or impact upon the site or other sites', property and infrastructure.

The performance assessment of the proposal demonstrates that the development will not compromise the Strategic Framework. Although the proposed reconfiguration is inconsistent with the minimum net dwelling density of fifteen (15) dwellings per hectare, the average lot size (16.39 dwellings per hectare) will have a lesser density than if the minimum lot sizes for the zone in the acceptable outcomes (16.67 dwellings per hectare) are achieved. In addition, the site has two existing dwellings on the site and the reconfiguration will allow for each dwelling to be wholly located on their own lot. Due to both proposed lots containing an existing dwelling, it is unlikely that the potential density of persons residing on the subject site is likely to significantly increase due to the proposed reconfiguration. Furthermore, due to the siting of the existing dwellings and retaining wall, it is unlikely that the 456 square metre lot would be able to be much greater in area.

### Reconfiguring a Lot Code

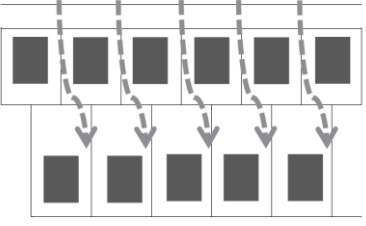
An assessment of the application against the relevant outcomes of the Reconfiguring a Lot Code demonstrated that the Acceptable Outcomes are either not applicable to the development or can be complied with, with the exception of Acceptable Outcomes AO11.1 and AO12.1. The following is an assessment against the relevant benchmarks of the Reconfiguring a Lot Code, which includes an assessment of the development against the relevant performance outcomes of the code.

**Table 9.3.3.4.1 — Outcomes for assessable development**

Performance outcomes	Acceptable outcomes	Assessment response
<b>All other reconfiguring a lot applications</b>		
<b>Lot design – general</b>		

Performance outcomes		Acceptable outcomes	Assessment response	
<b>PO5</b> Development included in the table below requires the preparation of a structure plan to accompany the development application.		No acceptable outcome is nominated.	<b>PO5 - Not applicable</b> The proposed reconfiguration is located in the Low Density Residential Zone and is for less than 7 lots.	
<b>Zone</b>		<b>Proposed additional lots in the stage/ development</b>	<b>Small structure plan</b>	<b>Large structure plan</b>
All residential category zones		7 – 15	✓	
(i)		16 or more		✓
All centres category zones and all industrial category zones		5 - 10	✓	
(i)		11 or more		✓
All other zones where reconfiguring a lot requires impact assessment		1 or more		✓
<b>PO6</b> Development which requires a structure plan is undertaken in accordance with the structure plan, and the structure plan is prepared in accordance with the requirements of Schedule SC7.14.		No acceptable outcome is nominated.	<b>PO6 - Not applicable</b> The proposed reconfiguration does not require a structure plan.	
<b>PO7</b> Lot design is well integrated with the surrounding locality, having regard to: (a) roads, streets, pedestrian and cycle networks; (b) utility installations and other infrastructure networks; (c) open space networks, significant vegetation and habitat areas, waterways and wetlands, and valued biodiversity corridors; (d) connections to centres and employment areas; (e) surrounding landscaping and streetscape treatments; and (f) the interface with established land uses.		No acceptable outcome is nominated.	<b>PO7 - Complies</b> The proposed reconfiguration is for one (1) lot into two lots (2) and will integrate into the surrounding locality.	
<b>PO8</b> Lot design: (a) protects areas with significant environmental values; (b) appropriately utilises the natural topography of the site as far as practicable and minimises the need for significant earthworks for future development; (c) avoids crossing or otherwise interfering with natural drainage lines, waterways, wetlands, habitat areas or		No acceptable outcome is nominated.	<b>PO8 - Complies</b> The proposed reconfiguration is for one (1) lot into two lots (2) and is designed with regard to the natural topography of the site and the dimensions of the site.  The proposal includes two new retaining walls. These will tidy up existing batters on the site.  The proposal does not interfere with natural drainage lines or areas	

Performance outcomes	Acceptable outcomes	Assessment response
biodiversity corridors; and (d) retains key site characteristics, landmarks, and places of heritage significance.		of biodiversity.
<b>PO9</b> Lot reconfiguration does not facilitate development which would be visually obtrusive on skylines, headlands or prominent landscape features.	No acceptable outcome is nominated.	<b>PO9 - Not applicable</b> The site is not located on a site that could facilitate development which would be visually obtrusive on skylines, headlands or prominent landscape features
<b>PO10</b> Lot reconfiguration does not: (a) increase the likelihood of significant land use conflict; (b) compromise the potential to use adjoining land for its zoned purpose; (c) compromise the use of stock routes; (d) compromise the safe and efficient operation of major transport networks and other major infrastructure networks.	No acceptable outcome is nominated.	<b>PO10 – Complies</b> The proposed reconfiguration will not compromise the potential of the adjoining land to be used for its intended purpose and will not increase the likelihood of significant land use conflict.  The location of the existing structures on Lot 2 do provide some opportunities for extensions between them. With existing building setbacks maintained and the adjacent road reserve to the south west, it is not considered that the reconfiguration will increase the likelihood of conflict.
<b>Lot design - size and dimension</b>		
<b>PO11</b> Reconfiguration only occurs if it creates lot sizes and dimensions that: (a) are consistent with the intended character of the zone, precinct or sub-precinct in which the land is located; (b) do not limit or compromise the ability to use rural land for its preferred uses; (c) do not limit or compromise the ability to use industrial zoned land or special purpose zoned land for their preferred uses; (d) protect resources (including potential mining and extractive resources), environmental and landscape values of rural land; (e) protect ground and surface water quality in the rural residential zone; (f) protect areas with significant biodiversity values; and (g) protect areas of high scenic amenity value.	<b>AO11.1</b> The lots are designed in accordance with the minimum lot sizes and dimensions specified within Table 9.3.3.4.2.	<b>AO11.1 - Does not comply</b> The proposed reconfiguration will not meet the minimum lot size specified in Table 9.3.3.4.2 as proposed lot 2 will be 456 square metres in area which is less than the specified minimum lot size of 600 square metres. <b>PO11 – Justified to comply</b> The proposal is for a 764m <sup>2</sup> lot and a 456m <sup>2</sup> lot. Lot 2 of the proposed reconfiguration will not meet the minimum lot size of 600m <sup>2</sup> , which equates to a 'net density' of 16.67 dwellings per hectare. Due to the siting of the existing buildings and the need for a retaining wall between the lots it is difficult to increase the area of the smaller sized lot by any significant degree. The site is approximately 1,220m <sup>2</sup> in area which would make the average 'net density' for this reconfiguration approximately 16.39 dwellings per hectare. Therefore, even with this smaller sized lot, the 'net density' of the reconfiguration will be less dense than if the minimum lot sizes for the low density residential zone in the reconfiguring a lot code were developed. Furthermore, the 456m <sup>2</sup> lot would still be of a sufficient size

Performance outcomes	Acceptable outcomes	Assessment response
		and dimension for a low density residential lot. The proposal was publicly notified and there were no submissions.
<b>PO12</b> Lots have a regular shape and consistent dimensions to facilitate the efficient development of the land for its intended purpose, and have sufficient area to provide for: <ul style="list-style-type: none"> <li>(a) buildings and structures;</li> <li>(b) usable open space and landscaping</li> <li>(c) ventilation and sunlight for buildings;</li> <li>(d) privacy for residents;</li> <li>(e) suitable vehicle access and on-site parking where required; and</li> <li>(f) any on-site services and infrastructure such as effluent disposal areas if required.</li> </ul>	<b>AO12.1</b> The lots are designed in accordance with the minimum lot sizes and dimensions specified within Table 9.3.3.4.2.	<b>AO12.1 - Does not comply</b> The proposed reconfiguration will not meet the minimum lot size specified in Table 9.3.3.4.2 as proposed lot 2 will be 456 square metres in area, which is less than the specified minimum lot size of 600 square metres. <b>PO12 – Justified to comply</b> Proposed lot 2 will be 456 square metres in area but will be of a shape and dimension that will be sufficient to facilitate efficient development of the land for its intended purpose. Furthermore, proposed lot 2 will have an existing dwelling on the site for residential purposes.
	<b>AO12.2</b> All residential lots are able to contain a constraint free rectangular building location envelope, having dimensions no less than nine (9) metres by fifteen (15) metres.	<b>AO12.1 - Complies</b> Both lots have sufficient area to accommodate a building location envelope with dimension no less than nine (9) metres by fifteen (15) metres.
<b>Climatic response</b>		
<b>PO26</b> Lot layout facilitates building design which minimises sun penetration in summer and maximises cooling breezes into buildings.	<b>AO26.1</b> The long axis of street blocks is oriented generally east-west.	<b>AO26.1 - Complies</b> The long axis of both lots generally orient east-west.
	<b>AO26.2</b> Where it is unavoidable that the long axis of a street block cannot be oriented east-west, lots are wider or are aligned at an angle to the street, to enable the longer sides of the building to be oriented to the north and south.	<b>AO26.2 - Not applicable</b> Refer to response to AO26.1.
	<b>AO26.3</b> Lots are offset to enable breezes to pass between buildings. <div style="text-align: center;"> <p>Off-set lots enable cooling breezes between buildings</p>  </div>	<b>AO26.3 - Not applicable</b> The proposed reconfiguration is for one (1) lot into two (2) lots and does not require lots to be offset.
<b>Development near infrastructure and special activities</b>		

Performance outcomes	Acceptable outcomes	Assessment response
<b>PO27</b> Reconfiguring minimises exposure to risks and amenity impacts from major infrastructure and enables the safe and efficient operation of infrastructure.	<b>AO27.1</b> Reconfiguration within one-hundred (100) metres of any trunk gas pipeline does not increase the density of development.	<b>AO27.1 to AO27.4 - Not applicable</b> The proposal site is not located within proximity to any infrastructure that may impact on exposure to risks or amenity.
	<b>AO27.2</b> Where adjoining a high voltage electricity easement (above 11kV), lot design and layout incorporates:  (a) a vegetated buffer within a distance of twenty (20) metres from the boundary of the electricity transmission line easement; and  (b) the orientation of the primary lot frontage away from transmission line easement.	
	<b>AO27.3</b> Lots are designed and oriented to ensure that a habitable building or primary open space areas on each lot can comply with the separation distances set out in Schedule 4.	
	<b>AO27.4</b> Reconfiguring of land for residential purposes does not take place within five-hundred (500) metres of the following:  (a) a sewage or waste water treatment plant;  (b) a landfill site or major waste transfer station; and  (c) major outfall facilities.	
<b>Infrastructure</b>		
<b>PO28</b> Infrastructure, including roads and streets, water supply, stormwater drainage, sewage disposal, waste disposal, electricity and communication facilities are provided in a manner that:  (a) is efficient;  (b) is adequate for the projected needs of the development;  (c) is adaptable to allow for future infrastructure upgrades;  (d) minimises risk of adverse environmental or amenity related impacts;  (e) minimises whole of life cycle costs for that infrastructure.	No acceptable outcome is nominated.	<b>AO28 - Complies</b> The proposal site can be serviced by all relevant infrastructure to meet the need for the life-cycle of a residential purpose.
<b>Hazards</b>		
<b>PO31</b> Reconfiguration of a lot avoids creating unacceptable risk to human safety, property and the	No acceptable outcome is nominated.	<b>PO31 – Complies</b> The proposed reconfiguration is located at the edge of the bushfire potential buffer impact area, adjoining

Performance outcomes	Acceptable outcomes	Assessment response
environment due to natural hazards and contaminated land.		three (3) formed roads, is connected to Council's reticulated water supply, is in proximity to two (2) fire hydrants, and will construct another fire hydrant as part of their operational works (water works). Therefore, the proposal avoids creating any unacceptable risk to human safety, property and the environment.

As evident from the above assessment, the proposal complies with the various requirements of the Reconfiguring a Lot Code apart from a deviation from Acceptable Outcome AO11.1 and AO12.1. Suitable justification has been provided to support the deviation given the proposal is able to meet the Performance Outcomes for the code.

### Development Works Code

An assessment of the application against the relevant outcomes of the Development Works Code demonstrated that the Acceptable Outcomes are either not applicable to the development or can be complied with, subject to reasonable and relevant conditions as included in the recommendation. Specifically, that the site can meet the required service provisions for electricity and telecommunications, and that the site can be serviced by on-site water and sewerage infrastructure.

### Bushfire hazard overlay code

The Bushfire Hazard Overlay Code does not apply to the proposed development due to the site being located within the Low Density Residential Zone and no more than six (6) additional lots are being created, in accordance with the note in Table 8.2.4.4.1. Furthermore, the bushfire hazard overlay was assessed against the state interest for natural hazards, risk and resilience in the *State Planning Policy (July 2017)* and is deemed to comply with the relevant assessment benchmarks.

### PUBLIC NOTIFICATION

The proposal was the subject of public notification between 21 November 2019 and 17 December 2019, 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 1.
Calculation:	The charge is calculated in accordance with Table 3 - Adopted charge for Reconfiguring a Lot within the Priority Infrastructure Area, as follows:  ROL  1. two (2) lots at \$25,000.00 per lot.  2. less a <b>credit</b> of \$25,000.00.
Credit:	The above calculation takes into account a credit of \$25,000.00 for the existing allotment pursuant to Part 4.0 of Council's <i>Adopted infrastructure Charges Resolution (No. 3) LSC 2018</i> . The credit is calculated as follows:  1. one existing lot at \$25,000.00 per lot.

Offset:	No offsets are applicable to the development.		
Networks Covered:	Apportionment of charges over the following networks:		
	Transport		22%
	Parks & Community Facilities	17%	
	Water	50%	
	Sewerage		2%
	Stormwater		9%

A total contribution of \$25,000.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

### **STATEMENT OF REASONS**

The development application for a **Development Permit for Reconfiguring a Lot (One Lot into Two Lots and Sewerage Easement)** approved as per this Decision Notice (approval) **D-225-2019**.

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

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

- (i) The development does not comply with Specific Outcome 8 of the Settlement Pattern Theme (Urban Places) of the Strategic Framework as the net density of 16.39 dwellings per hectare exceeds the net density of 15 dwellings per hectare in the Low Density Residential Zone.
- (ii) Despite the non-compliance, the 'net density' of 16.39 dwellings per hectare can be considered to be consistent with the strategic framework as it will be a lesser density than if the minimum lot size of 600m<sup>2</sup> in the Low Density Residential Zone was met. In addition, the site already has two (2) existing dwellings and therefore it is unlikely that the potential density of persons residing on the subject site will significantly increase.
- (iii) The development does not comply with Acceptable Outcomes AO11.1 and AO12.1 of the Reconfiguring a Lot Code as Lot 2 does not meet the minimum lot size requirement of 600m<sup>2</sup> per lot.
- (iv) Despite the non-compliance, the siting of the existing buildings and the retaining wall on the site will limit the size and dimensions of proposed lot 2. In addition, both lots will be of a sufficient size and dimension for low density residential purposes and will facilitate efficient development of the land for its intended purpose.
- (v) The development complies with all Overall Outcomes and Specific Outcomes within the Development Works Code and Bushfire Hazard Overlay Code.
- (vi) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.
- (vii) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development 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 – Settlement Pattern Theme (Urban Places) and Natural Hazards and Environment Theme Reconfiguring a Lot Code Development Works Code Bushfire Hazard Overlay Code	<i>Livingstone Planning Scheme 2018</i>
Part E: State interest policies and assessment benchmarks (Planning for natural hazards, risk and resilience)	<i>State Planning Policy, July 2017</i>

## 3. COMPLIANCE WITH BENCHMARKS

The development meets the overall outcomes for the Reconfiguring a Lot Code, despite not complying with Acceptable Outcomes of AO11.1 and AO12.1 of the code:

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Reconfiguring a Lot Code – Acceptable Outcomes AO11.1 and AO12.1	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.

## 4. RELEVANT MATTERS

The assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with Council's Strategic Framework. Furthermore, there are considered to be relevant matters that favour Council exercising its discretion to approve the application in this instance, even though the application is not consistent with the Strategic Framework – Settlement Pattern Theme (Urban Places).

The relevant matters are as follows:

- The 'net density' of the proposed reconfiguration will be less than the 'net density' if the minimum lot size for the Low Density Residential Zone Code was met.
- The reconfiguration is commensurate to the surrounding residential development in regards to the 'net density' despite the inconsistency with the Strategic framework for urban places.
- The development does not jeopardise the overall outcomes of the Reconfiguring a Lot Code, Development Works Code and Bushfire Hazard Overlay Code.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be relevant matters that favour Council exercising its discretion to approve the reconfiguration proposed herein as the development is capable of occurring in a manner that is not likely to conflict with Council's Strategic Framework.

## 5. MATTERS RAISED IN SUBMISSIONS

The application was subject to public notification and no submissions were received.

## 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 Central Queensland Regional Plan;
- (iii) The Strategic Framework – Settlement Pattern Theme (Urban Places) and Natural Hazards and Environment Theme, Reconfiguring a Lot Code, Development Works Code, and Bushfire Hazard Overlay Code in the *Livingstone Planning Scheme 2018*;
- (iv) The land, the subject of the application, is improved by a Dual Occupancy (Development Permit D-12-2012);
- (v) The Development Permit for a Dwelling House on adjoining Lot 101 on LN2548, at 20 Yeppoon Crescent, Yeppoon in terms of commensurate and consistent development; and
- (vi) The common material, being the material submitted with the application.

### PREVIOUS DECISIONS

There are no previous decision regarding this development.

### 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 G04: 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**

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.

**12.1 - DEVELOPMENT APPLICATION  
D-225-2019 FOR A DEVELOPMENT  
PERMIT FOR RECONFIGURING A LOT  
(ONE LOT INTO TWO LOTS AND  
SEWERAGE EASEMENT) AT 1  
RANGER DRIVE, YEPPOON**

**Reconfiguration Plan**

**Meeting Date: 3 March 2020**

**Attachment No: 1**





Denotes Proposed  
Sandstone Retaining Wall

#### IMPORTANT NOTE

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

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

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

This note is an integral part of this plan.

client

**Siris Consulting  
Engineers**

project

**1 Ranger Drive,  
Yeppoon**

plan of

**Reconfiguration Plan**

(1 Lot into 2 Lots)  
with Ortho Underlay

rpj

**Lot 102 on LN2548**

lga

**Livingstone Shire Council**

issue	date	details	authoriser
A	11-09-2019	Initial Issue	RJF

created

**capricornsurveygroupcc**  
SURVEYING & PLANNING SOLUTIONS  
07 4627 8188 | [info@capricornsurveygroupcc.com.au](mailto:info@capricornsurveygroupcc.com.au) | 152 Victoria Parade, Rockhampton QLD 4700

scale  
**1:250 @ A3**

sheet no.

**1 of 1**

plan no.

**7236-02-ROL**

datum

cad file

issue

**A**

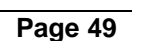


**12.1 - DEVELOPMENT APPLICATION  
D-225-2019 FOR A DEVELOPMENT  
PERMIT FOR RECONFIGURING A LOT  
(ONE LOT INTO TWO LOTS AND  
SEWERAGE EASEMENT) AT 1  
RANGER DRIVE, YEPPOON**

**1 into 2 residential subdivision  
services plan**

**Meeting Date: 3 March 2020**

**Attachment No: 2**



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**12.2 DELEGATION OF POWERS TO THE CHIEF EXECUTIVE OFFICER –  
TRANSPORT INFRASTRUCTURE ACT 1994 AND TRANSPORT  
INFRASTRUCTURE (PUBLIC MARINE FACILITIES) REGULATION 2011****File No:** PL22.1.1**Attachments:****Responsible Officer:** Rodney Chapman - Coordinator Governance  
Andrea Ellis - Chief Financial Officer**Author:** Poala Santini - Governance Officer

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**SUMMARY**

*This report seeks Council's approval to delegate powers from the Transport Infrastructure Act 1994 and Transport Infrastructure (Public Marine Facilities) Regulation 2011 to the Chief Executive Officer.*

**RECOMMENDATION**

THAT as per section 257 of the *Local Government Act 2009*, Council resolves to delegate the powers from the *Transport Infrastructure Act 1994 (the Act)* and *Transport Infrastructure (Public Marine Facilities) Regulation 2011 (the Regulation)* as detailed in this report to the Chief Executive Officer.

**BACKGROUND**

S 459 of the Act allows the Governor in Council, by regulation, to appoint a local government to manage a public marine facility providing that the local government consents to the appointment.

**COMMENTARY**

Council is responsible for managing a number of public marine facilities pursuant to sch 1 of the Regulation.

Pursuant to s 460 of the Act and pt 2 div 1 s 7 of the Regulation there are a number of responsibilities for the manager in relation to managing such facilities.

To enable effective management and to ensure that Council is able to exercise its management obligations in relation to public marine facilities it is recommended that the following powers be considered to be delegated to the Chief Executive Officer.

*Transport Infrastructure Act 1994*

Section	Description of Power
462	Power to exercise all functions, powers and obligations under the <i>Local Government Act 2009</i> and do anything considered necessary or convenient for the effective and efficient management of the facility.
466	Power to impose fees for the use of the facility and recover the fee as a debt owing to Council.
468	Power to remove within 3 months of its resignation or revocation of appointment as manager, any improvements added by Council that do not form an integral part of the facility.

Transport Infrastructure (Public Marine Facilities) Regulation 2011

Section	Description of Power
5, 7 and sch 1	Power to manage the public marine facilities listed in sch 1.
6(b)(i)	Power to give written approval for the use of the facility for a commercial purpose.

Furthermore, it is recommended that the Chief Executive Officer, pursuant to s 259 of the *Local Government Act 2009*, further delegate the above powers to ensure that Council officers have the authority to effectively manage the public marine facilities under Council management.

It is proposed that the following sections under the Act remain with Council:

s 459(2) power to consent to appointment as manager; and

s 467 power to resign as manager remain with Council.

**PREVIOUS DECISIONS**

No previous decisions have been made in relation to these delegations.

**BUDGET IMPLICATIONS**

Not applicable.

**LEGISLATIVE CONTEXT**

Section 257(1) of the *Local Government Act 2009* states:

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

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

It is to be noted that Council at all times retains the power to revoke any delegations made in accordance with section 257(1) of the *Local Government Act 2009*. Accordingly, Council retains ultimate control.

**LEGAL IMPLICATIONS**

Council, as delegator, has the responsibility to ensure that relevant powers are properly exercised.

**STAFFING IMPLICATIONS**

There are no staffing implications.

**RISK ASSESSMENT**

Should Council not delegate the recommended powers, it may result in failure to meet the legislative obligations in relation to managing public marine facilities and be in breach of the Act and Regulation.

**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**

Under the Act the manager is responsible for maintaining the public marine facility in a good condition to a standard appropriate to its use. It would be impractical that a resolution be required for minor works and the day to day maintenance of public marine facilities under Council's control.

Without such powers delegated officers would be unable to carry out maintaining public marine facilities as required by legislation.

**12.3 REGIONAL ARTS DEVELOPMENT FUND ROUND 2 2019/2020****File No:** GS15.2.5**Attachments:** Nil

**Responsible Officer:** Trish Weir - Manager Customer Engagement & Communications  
David Mazzaferri - Acting Executive Director - Liveability & Wellbeing

**Author:** Julie Bickley - Coordinator Library, Arts & Culture**SUMMARY**

*Five Applications were received for Round Two of the 2019/2020 Regional Arts Development Fund, which closed on Friday 7 February 2020 with a total amount of \$16,909 requested. The budget available is \$43,887.*

*The Regional Arts Development Fund Assessment Panel assessed the applications and nominated that five applicants met the programme criteria and recommended they be funded for the total amount of \$16,909.*

**OFFICER'S RECOMMENDATION**

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

Name	Purpose of Grant	\$Total Project Expenses	\$ Grant Requested	\$ Grant Recommended
Capricorn Village Festival	Towards costs of researching, preparing and staging an innovative, immersive installation for the 2020 Village Festival	\$7,365	\$4,365	\$4,365
Jack's Paddock	Towards costs of conducting workshops to teach participants creative mosaics	\$1,450	\$900	\$900
Devine Drama & Dance	Towards performing the play "Ruby Moon" on 12 September 2020 at Yeppoon Town Hall	\$12,868	\$8,068	\$5,374
Capricorn Film Festival	Towards conducting an Acting for	\$9,100	\$3,900	\$3,900

	Screen Workshop			
Lock & Hock Productions	Towards costs of Lock & Hock Productions original cabaret show being performed at Queensland Cabaret Festival in June 2020.	\$3,650	\$2,370	\$2,370

## BACKGROUND

The Regional Arts Development Fund is a partnership between state and local governments which invests in quality arts and cultural experiences across Queensland based on locally determined priorities. The Regional Arts Development Fund 2019/2020 promotes the significance and value of arts, culture and heritage as the key to:

- 1) Supporting diversity and inclusivity;
- 2) Growing stronger regions; and
- 3) Provide training, education and employment opportunities for Queensland artists and local communities.

The budget available for the 2019/20 rounds of Regional Arts Development Fund is \$65,598 (comprising \$35,000 from the State Government Arts Queensland, \$30,000 from Livingstone Shire Council and \$598 carryover from last year). Additionally, the amount of \$4,434 has been returned this financial year from either unused portion of earlier applications or applications not carrying out their project and returning all their funding. Round 1 expended an amount of \$20,645 as well as an Out of Rounds Application for \$5,500 which leaves \$43,887 for the balance of the financial year.

## COMMENTARY

Five (5) applications were received for Round Two of the 2019/2020 Regional Arts Development Fund which closed on Friday 7 February 2020.

The Regional Arts Assessment Panel assessed the applications and nominated that five (5) applicants met the programme criteria and are recommended to be funded for the amount of \$16,909.

## PREVIOUS DECISIONS

This specific matter has not been the subject of any Council decision. At its meeting of the 19 November 2020, Council resolved to approve Five (5) applications. This request is consistent with previous decisions.

## BUDGET IMPLICATIONS

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

## LEGISLATIVE CONTEXT

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

## LEGAL IMPLICATIONS

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

**STAFFING IMPLICATIONS**

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

**RISK ASSESSMENT**

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

**CORPORATE/OPERATIONAL PLAN**

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

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

**CONCLUSION**

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

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**12.4 REQUEST FOR RENEWAL OF LEASE - MARLBOROUGH RURAL FIRE BRIGADE**

**File No:** CP5.9.2-285

**Attachments:** 1. Aerial - 29 Railway Street, Marlborough [↓](#)

**Responsible Officer:** Craig Newsome - Acting Manager Community Wellbeing  
David Mazzaferri - Acting Executive Director - Liveability & Wellbeing

**Author:** Mark McLean - Principal Property Officer

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**SUMMARY**

*This report pertains to a request from the Public Safety Business Agency on behalf of the Marlborough Rural Fire Brigade to renew its freehold lease over part of Lot 12 on Survey Plan 270260 at 29 Railway Street, Marlborough.*

**OFFICER'S RECOMMENDATION**

THAT Council resolve:

1. that the exception mentioned in Section 236(1)(b)(i) of the *Local Government Regulation 2012* may apply in its dealing with the State of Queensland (represented by Public Safety Business Agency) on behalf of the Marlborough Rural Fire Brigade over part of Lot 12 on Survey Plan 270260;
2. pursuant to section 236(2) of the *Local Government Regulation 2012* to apply section 236(1)(b)(i) of the *Local Government Regulation 2012* in its dealing with the with the State of Queensland (represented by Public Safety Business Agency) on behalf of the Marlborough Rural Fire Brigade over part of Lot 12 on Survey Plan 270260; and
3. to provide a ten (10) year lease to the State of Queensland (represented by Public Safety Business Agency) on behalf of the Marlborough Rural Fire Brigade, at a nominal rent amount of \$1 per annum, over part of Lot 12 on Survey Plan 270260.

**BACKGROUND**

The State of Queensland (represented by Department of Community Safety) currently holds a ten (10) year lease, comprising 190 square metres, over part of Lot 12 on Survey Plan 270260 at 29 Railway Street, Marlborough. Lot 12 is also occupied by the State Emergency Service. Refer Attachment One for an aerial photograph of the site.

The lease, which is for the conduct of the activities associated with the Marlborough Rural Fire Brigade, will expire on 30 June 2020. Rent on the lease is \$1 nominal, and under Category Ten (10) – Rural Fire Brigade of Council's Rates, Rebates and Remissions Policy there are no rates or charges payable on the property.

**COMMENTARY**

In January 2020, the Public Safety Business Agency contacted Council requesting a further lease for the Marlborough Rural Fire Brigade. The request is for a term of ten (10) years with a rental of \$1 nominal.

The Marlborough Rural Fire Brigade provides an essential service to the local community and is staffed by volunteers.

**PREVIOUS DECISIONS**

The existing lease over the property was issued by the Rockhampton Regional Council.

**BUDGET IMPLICATIONS**

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

**LEGISLATIVE CONTEXT**

Under Section 236 of *Local Government Regulation 2012* (Exceptions for valuable non-current asset contracts) a local government may dispose of a valuable non-current asset to a government agency other than by tender or auction only if, before the disposal, the local government has decided by resolution that the exception may apply on the disposal.

**LEGAL IMPLICATIONS**

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

**STAFFING IMPLICATIONS**

There are no significant staffing implications associated with this matter. Negotiation and preparation of the lease agreement will be accommodated in the existing capacities of the Property team.

**RISK ASSESSMENT**

The risk in not providing a further lease is that the Marlborough Rural Fire Brigade would be required to find an alternative location for its operations and the storage of emergency equipment and vehicles which service the Marlborough area.

**CORPORATE/OPERATIONAL PLAN**

Strategy AM4 of Council's Corporate Plan states: '*Operate, maintain and use Council assets to deliver efficient and cost effective services to the community.*'

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

**CONCLUSION**

A resolution is sought from Council to apply the exception provided by Section 236(1)(b)(i) of the *Local Government Regulation 2012* in its dealing with the Public Safety Business Agency over part of Lot 12 on Survey Plan 270260, and resolving to provide a ten (10) year lease to the State of Queensland (represented by Public Safety Business Agency) on behalf of the Marlborough Rural Fire Brigade.

## **12.4 - REQUEST FOR RENEWAL OF LEASE - MARLBOROUGH RURAL FIRE BRIGADE**

**Aerial - 29 Railway Street, Marlborough**

**Meeting Date: 3 March 2020**

**Attachment No: 1**





## Lot 12 Survey Plan 270260 - 29 Railway Street, Marlborough

Map Created by: Web AppBuilder for ArcGIS



## 12.5 RESPONSE TO QUESTIONS ON NOTICE FROM CR MATHER - EXPENDITURE ON ROADS

**File No:** R28.1  
**Attachments:** 1. Cr Mather QON [↓](#)  
**Responsible Officer:** Dan Toon - Executive Director Infrastructure  
**Author:** Jeff Carter - Acting Director Infrastructure Services

### SUMMARY

*This report is provided in response to Questions on Notice from Councillor Mather in relation to budget expenditure which were received at the Council meeting held on 18 February 2020.*

### OFFICER'S RECOMMENDATION

THAT the report be received.

### BACKGROUND

On the 11 February 2020 Cr Mather provided a written "Question on Notice" request, copy attached to this report, to the Acting CEO, Brett Bacon, seeking the following information;

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

### COMMENTARY

Operational expenditure on urban and rural roads is made up of a number of unique expenditure groups. The expenditure groups are;

1. Maintenance & repair expenditure (includes items such as pothole repairs, drainage repairs, unsealed road grading, street lighting costs, line marking and road furniture repairs.
2. Repairs approved following a declared disaster event (formerly NDRRA, now DRFA funded repair works)
3. Extraordinary damage caused by one off intense use of the road network (ie. ADF exercises funded by ADF)
4. Depreciation

Actual operational expenditure for the 3 years from 2016/17 to 2018/19 for these expenditure groups is detailed in the table below.

Year	Urban Expenditure	Rural Expenditure	NDRRA/DRFA Expenditure	Recoverable expenditure (ie. ADF)	Depreciation (Urban & Rural)
2016/17	\$2,282,906	\$3,883,803	\$1,896,826	\$0	\$8,889,281
2017/18	\$1,739,184	\$3,988,631	\$1,044,734	\$311,203	\$8,316,073
2018/19	\$2,153,312	\$3,641,531	\$509,501	\$0	\$8,899,453

Actual Urban maintenance expenditure for 2016/17 was 3% over budget allocation and Rural maintenance expenditure was 12% over budget allocation. The overruns were caused by a transfer of Construction and Maintenance Overheads from Panorama Drive and Statue Bay projects where it had inadvertently been allocated to. The transfer occurred with the end of financial year processes, hence, expenditure could not be adjusted to meet budget allocations.

Actual Urban maintenance expenditure for 2017/18 was 21% below budget allocation whilst actual Rural expenditure was 12% above 2017/18 budget allocation. The overruns in Rural maintenance expenditure was largely caused by an extended wet season that did not trigger a declared NDRRA event, whilst the underspend in Urban maintenance was due to a conscious effort to reduce Urban maintenance expenditure to fund overruns in Rural expenditure which were predicted in the third quarter of the year.

Actual Urban and Rural maintenance expenditure in 2018/19 were within 3% of allocated budgets. The net result for the two combined budgets was 0.7% over combined budget allocations.

Budget allocations for 2019/20 are as follows:

Urban Budget	Rural Budget	Additional Urban budget allocation due to November bushfires	Additional Rural budget allocation due to November bushfires	Additional Rural budget due to ADF exercise
\$2,206,000	\$3,550,600	\$65,000	\$100,000	\$180,000

As a result of road repairs (signage, guide posts & vegetation clearing) required following the November 2019 Cobraball bushfire, expenditure on DRFA activities have been incurred as per the above table. In addition, repairs of \$180,000 were identified as a result of the 2019 Talisman Sabre Combined Military Exercise.

#### PREVIOUS DECISIONS

Nil

#### BUDGET IMPLICATIONS

Nil

#### LEGISLATIVE CONTEXT

Nil

#### LEGAL IMPLICATIONS

Nil

#### STAFFING IMPLICATIONS

Nil

#### RISK ASSESSMENT

Nil

#### CORPORATE/OPERATIONAL PLAN

**Corporate Plan Reference:** Strategy GO1: Inform and empower the community through ongoing engagement and communication.

#### LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

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

**CONCLUSION**

Over the 3 years between 2016/17 and 2018/19 combined maintenance expenditure on Urban and Rural road maintenance has averaged between \$5.7M and \$5.8M per annum. The current 2019/20 budget allocations for these areas are similar.

It should be noted that to date, 2019/20 is the first year in over 10 years where no NDRRA/DRFA funding has been available for repairs on Rural Roads. Current expenditure levels on Rural roads are tracking slightly over budget and it may be realised that previous NDRRA/DRFA funded repairs have supplemented Rural maintenance expenditure in the past.

## **12.5 - RESPONSE TO QUESTIONS ON NOTICE FROM CR MATHER - EXPENDITURE ON ROADS**

### **Cr Mather QON**

**Meeting Date: 3 March 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

**12.6 RESPONSE TO QUESTIONS ON NOTICE FROM CR BELOT – FIRE PERMITS**

**File No:** EM11.10.1  
**Attachments:** 1. QON - Councillor Belot [↓](#)  
**Responsible Officer:** David Mazzaferri - Acting Executive Director - Liveability & Wellbeing  
Craig Newsome - Acting Manager Community Wellbeing  
**Author:** Leise Childs - Coordinator Natural Resource Management

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**SUMMARY**

*This report provides a response to Questions on Notice, which Councillor Belot tendered to the Council meeting of 18 February 2020.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves to receive the report providing a response to Councillor Belot's Questions on Notice regarding fire permits.

**BACKGROUND**

At Council's Ordinary Meeting of 18 February 2020, Councillor Belot presented two Questions on Notice pertaining to fire permits.

**COMMENTARY**

Councillor Belot has presented Council with two Questions on Notice pertaining to fire permits. The following provides a response to those questions.

- 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 Livingstone Shire for years 2018, 2019 Calendar years*

During the period in question, fourteen (14) applications for approval to access Council road reserve to conduct hazard reduction burns were received by Council, comprising ten (10) in 2018 and four in 2019.

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

All approvals are relevant to the Rural Fire Brigades access to Council road reserve to conduct hazard reduction burns. All Ten (10) applications submitted in 2018 received approval. All four applications in 2019 received approval.

**PREVIOUS DECISIONS**

This subject matter has not been the subject of any Council resolution nor direction.

**BUDGET IMPLICATIONS**

There are no budget implications associated with responding to these questions on notice.

**LEGISLATIVE CONTEXT**

Requests to undertake burns are regulated through the *Local Government Act 2009* and Council's *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads)*.

**LEGAL IMPLICATIONS**

There are no legal implications for Council associated with responding to these questions on notice.

**STAFFING IMPLICATIONS**

There are no staffing implications for Council associated with the provision of the above responses to the Questions on Notice.

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**RISK ASSESSMENT**

There are no risks associated with the provision of the above responses to the Questions on Notice.

**CORPORATE/OPERATIONAL PLAN**

Strategy GO4 of Council's Corporate Plan states: *'Provide transparent and accountable decision making reflecting positive leadership to the community.'*

**LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

**CONCLUSION**

At Council's Ordinary Meeting of 18 February 2020, Councillor Belot presented Council with two Questions on Notice pertaining to fire permits. This report provides a response to those questions.

## **12.6 - RESPONSE TO QUESTIONS ON NOTICE FROM CR BELOT – FIRE PERMITS**

**QON - Councillor Belot**

**Meeting Date: 3 March 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

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**12.7 RESPONSE TO QUESTIONS ON NOTICE – YEPPOON LAGOON PARKING INFRINGEMENTS**

**File No:** CR2.13.24  
**Attachments:** 1. QON - Councillor Mather [↓](#)  
**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer  
**Author:** Brett Bacon - Acting Chief Executive Officer

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**SUMMARY**

*This report provides a response to Questions on Notice, which Councillor Mather tendered to the Council meeting of 18 February 2020.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves to receive the report providing a response to Councillor Mather's Questions on Notice regarding parking infringements at the Yeppoon Lagoon

**BACKGROUND**

At Council's Ordinary Meeting of 18 February 2020, Councillor Mather presented six Questions on Notice pertaining to parking infringements at the Yeppoon Lagoon.

**COMMENTARY**

Councillor Mather has presented Council with six Questions on Notice pertaining to parking infringements at the Yeppoon Lagoon. The following provides a response to those questions.

- 1) *On which date did Council commence issuing Infringement Notices for this purpose*  
The issuing of penalty infringements relevant to regulation of Traffic Area 2 Lagoon Place (inclusive of angle paid parking) commenced 4 November 2019. Prior to this, a warning period of one month (1 October 2019) was initiated at the request of Council.
  - 2) *How many Infringement Notices were issued from that date, to the date answers were provided for this Notice*  
The number of parking offence infringements issued for Lagoon Place for the period 4 November 2019 to 20 February 2020, is 221. The number of parking offence infringements relevant to 'Front In' for the period 4 November 2019 to 5 February 2020 is 124. Of the 124 infringements issued, nineteen (19) submissions for infringement review have been received to date  
Furthermore, within the paid parking bays only (being bays 2011 – 2039 and 2014 – 2054):
    - (a) a total of 19,641 parking 'activities' were recorded for the period 4 November 2019 to 20 February 2020. An activity equals one vehicle use (in and out); and
    - (b) 124 infringements incurred during 19,641 uses, equating to less than one per cent (0.63 per cent) of users receiving a penalty for reversing into a parking bay for the given period.
  - 3) *What is the value of the Infringement*  
The current value of a penalty infringement is \$53. The penalty is in accordance with *Local Law No.5 (Parking)* and State legislation relevant to a penalty unit.
  - 4) *What is the total income from these Infringements to date*  
Income received from infringements associated with 'failing to park Front/Nose in' at 20 February 2020, was \$4,717.
-

- 5) *Have any of the Infringement Notices been lodged in the Court for challenge? (to Council's knowledge)*

To date, Council's records show no penalty infringement relevant to 'failing to park Front/Nose in' has been listed for Court.

- 6) *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?*

The relevant period (4 November 2019 to 20 February 2020) totals 107 days or approximately fifteen (15) weeks of regulation, equalling approximately eight (8) infringements per week, which is not considered significant.

Relevant to the number of infringements issued and evidence of progressive decline in non-compliance with 'Front In' parking the current initiatives education and communication initiatives are deemed sufficient.

Reference is made to the nineteen (19) requests for infringement review and upon Council's response, citing Queensland Road Rules relevant to 'Front In' parking, no matter has been further challenged. Nineteen (19) requests for review is not considered indicative of angst.

It must be noted that the officers are receiving encouragement and congratulations from the public as they are undertaking parking regulatory activities, suggesting that the references to 'angst' may be sensationalising.

#### **PREVIOUS DECISIONS**

This subject matter has not been the subject of any Council resolution nor direction.

#### **BUDGET IMPLICATIONS**

There are no budget implications associated with responding to these questions on notice.

#### **LEGISLATIVE CONTEXT**

Parking is regulated through the *Transport Operations (Road Use Management—Road Rules) Act 1995* and the *Transport Operations (Road Use Management—Road Rules) Regulation 2009* and Council's *Local Law No.5 (Parking)*.

#### **LEGAL IMPLICATIONS**

There are no legal implications for Council associated with responding to these questions on notice.

#### **STAFFING IMPLICATIONS**

There are no staffing implications for Council associated with the provision of the above responses to the Questions on Notice.

#### **RISK ASSESSMENT**

There are no risks associated with the provision of the above responses to the Questions on Notice.

#### **CORPORATE/OPERATIONAL PLAN**

Strategy GO4 of Council's Corporate Plan states: *'Provide transparent and accountable decision making reflecting positive leadership to the community.'*

#### **LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

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

**CONCLUSION**

At Council's Ordinary Meeting of 18 February 2020, Councillor Mather presented Council with six Questions on Notice pertaining to parking infringements at the Yeppoon Lagoon. This report provides a response to those questions.

## **12.7 - RESPONSE TO QUESTIONS ON NOTICE – YEPPPOON LAGOON PARKING INFRINGEMENTS**

**QON - Councillor Mather**

**Meeting Date: 3 March 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

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## 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 [↓](#)

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. The matter was tabled pending a report in response to Questions on Notice in relation to this subject.*

#### 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: 3 March 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 - UPGRADE TOOKERS ROAD****File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Tookers Road Upgrade [↓](#)**Responsible Officer:** Brett Bacon - Acting Chief Executive Officer

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**SUMMARY**

*Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the Council Meeting 3 March 2020, as follows:*

**COUNCILLOR RECOMMENDATION**

That due to the dust impacts on residents at the southern end of Tooker's Road, Council place the upgrading of this section in the 2020-21 Budget for consideration.

**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 -  
UPGRADE TOOKERS ROAD**

**Notice of Motion - Tookers Road  
Upgrade**

**Meeting Date: 3 March 2020**

**Attachment No: 1**

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

A/Chief Executive Officer  
Livingstone Shire Council  
Yeppoon Q 4703

Notice of Motion  
Upgrade Sections of Tooker's Road

Dear Mr Bacon,

I wish to give Notice of my intention to move the following motion at the next Ordinary Meeting of Council set down for 18 February.

**"That due to the dust impacts on residents at the southern end of Tooker's Road, Council place the upgrading of this section in the 2020-21 Budget for consideration."**

This matter has been discussed several times, but no determination has been made to alleviate the impact on these residents living in close proximity to the southern end of Tooker's Road.

As we know the road is well used, even as a through road, despite a middle section being unconstructed, and more recently as a fire trail during the recent fires.

Whether upgrading to this section is captured in government funding or not, it needs to be identified as a need when considering the adverse impacts on these residents.

Many thanks,  
Glenda Mather CLr

## **14 URGENT BUSINESS/QUESTIONS**

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

## **15 CLOSURE OF MEETING**