



ORDINARY MEETING

AGENDA

16 SEPTEMBER 2025

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 16 September 2025 commencing at 11:00 AM for transaction of the enclosed business.

Alastair Dawson
INTERIM CHIEF EXECUTIVE OFFICER
11 September 2025

Next Meeting Date: 27 October 2025

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."

Opening Prayer

Councillor Pat Eastwood is scheduled to deliver an opening prayer.

2 ATTENDANCE

Members Present:

Mayor, Councillor Adam Belot
Deputy Mayor, Councillor Pat Eastwood
Councillor Glenda Mather
Councillor Rhodes Watson
Councillor Wade Rothery
Councillor Andrea Friend

Apologies:

Councillor Lance Warcon

Officers in Attendance:

Alastair Dawson – Interim Chief Executive Officer
Katrina Paterson - General Manager Strategic Growth (Acting)
Michael Kriedemann – General Manager Transport and Utilities
Andrea Ellis – General Manager Communities (Acting)
Kristy Mansfield – General Manager Corporate Services (Acting)
Jon Rutledge - Chief Human Resources Officer (Acting)

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE FOR COUNCILLOR LANCE WARCON

File No: GV14.4.1

Attachments: Nil

Responsible Officer: Alastair Dawson - Interim Chief Executive Officer

SUMMARY

Councillor Lance Warcon has requested leave of absence for the Council Meeting on 16 September 2025 due to personal reasons.

RECOMMENDATION

THAT leave of absence be granted to Councillor Lance Warcon.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 19 August 2025

5 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

6 DEPUTATIONS

6.1 11:00AM - DEPUTATION - YEPPOON RSL SUB BRANCH

File No: fA2214
Attachments: Nil
Responsible Officer: Alastair Dawson - Interim Chief Executive Officer
Author: Lynda Bayliss - Executive Support Officer

SUMMARY

Jeffrey McILroy, President of Yeppoon RSL Sub Branch, will present to Council regarding:

- 1. the current Status of the RSL.*
- 2. what community organisations the RSL is in partnership with.*
- 3. the direction the RSL is going in and future events.*
- 4. the RSL is reaching out to the LSC to increase synergy and to become more involved in major community events in a partnership with the LSC.*

An Officers Report will be presented in this meeting.

OFFICER'S RECOMMENDATION

THAT the deputation be received.

**6.2 11:30AM - DEPUTATION - LANCINI PROPERTY GROUP - D-246-2024 - 181
TARANGANBA ROAD, TAROOMBALL****File No:** fA2214**Attachments:** Nil**Responsible Officer:** Alastair Dawson - Interim Chief Executive Officer**Author:** Kylie Keech - Executive Support Officer

SUMMARY

Lancini Property Group will be presenting in relation to D-246-2024 – 181 Taranganba Road Taroomball.

An Officers Report will be presented in this meeting.

OFFICER'S RECOMMENDATION

THAT the deputation be received.

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: fA2206

Attachments: 1. **Business Outstanding Table - September 2025**

Responsible Officer: **Alastair Dawson - Interim Chief Executive Officer**

SUMMARY

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

OFFICER'S RECOMMENDATION

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

7.1 - BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

Business Outstanding Table - September 2025

Meeting Date: 16 September 2025

Attachment No: 1

*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.				
Item	Date	Report Title	Resolution	Comments
1	15/03/2022	Dealings with the Department of Resources over Lots 443, 444 & 445 on Y16911, Yaamba	<p>THAT Council resolves to advise the Department of Resources that Council:</p> <p>(1) does not have an interest in becoming trustee of land described as Lots 443, 444 and 445 on Y16911 for expansion of the rest area at Yaamba known as Joan Tierney Park; and</p> <p>(2) does not have an interest in remaining as trustee of the reserve for local government – rest area purposes, described as Lot 450 LN2913, known as Joan Tierney Park; and</p> <p>(3) will pursue an alternative trustee for the reserve for local government – rest area purposes, described as Lot 450 on LN2913, known as Joan Tierney Park.</p>	<p>4 Sep 2025</p> <p>Officers are preparing a report to present to future Council Meeting seeking direction regarding Joan Tierney Park.</p>
2	20/12/2022	The Station Eastern Precinct Site - Development Option	<p>THAT Council resolve to:</p> <p>1) Apply the exceptions mentioned in section 236(1)(a) and 236(1)(b) of the <i>Local Government Regulation 2012</i> in its dealing with Saint Vincent De Paul Society over proposed Lot 2 - The Station eastern precinct at 23 James Street, Yeppoon; and</p> <p>2) Authorise the Chief Executive Officer to negotiate with Saint Vincent De Paul Society for the disposal of proposed Lot 2 for an amount at or above the current market value; and</p> <p>3) Condition that the sale of proposed Lot 2 be subject to Saint Vincent De Paul Society obtaining the necessary development approvals and any associated public consultation.</p>	<p>4 Sep 2025</p> <p>Extended agreement until end of December 2025 to lodge a development application.</p>
3	24/10/2023	Growing the Northern Corridor Project	THAT Council endorse the purpose and completion of the "Growing the Northern Corridor" project as described in this report.	<p>4 Sep 2025</p> <p>AECOM presented Stage 2 Infrastructure Options draft findings to internal stakeholders.</p>

*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.				
4	20/05/2024	Southern Beaches Vehicle Access History, Local Laws and Reference Group.	<p>THAT Council:</p> <p>a) Writes to the relevant State Government Departments requesting the State Government's position on each of the Southern Beaches identified (i.e Does the State Government support changing the local law on any of the identified beaches?); and</p> <p>b) Confirms its position on the matter (i.e Council supports changing the local law to allow driving on beaches or Council does not support this change). This can be done via a Councillor/Mayor workshop examining the State Government's response (action a), current Council policy, strategy and legislation; and</p> <p>c) Increase education and communication to the community on Livingstone's Local Laws; and</p> <p>d) Pause facilitating the Southern Beaches Vehicle Access Reference Group until Council and the State Government's positions are established and the Local Laws review is complete. Continue to work with members of the group on other issues raised (e.g. Timbers beach inlet creek) and encourage their participation in the Local Laws community consultation; and</p> <p>e) Work with existing private and State Government landowners to increase legal pedestrian access to the Southern Beaches of Livingstone Shire.</p>	<p>12 Aug 2025</p> <p>Further reports will be presented on driving on beaches at the Briefing and Ordinary Council meetings in the future.</p>
5	02/07/2024	Supreme Court Claim - EarthTec Pty Ltd (Statue Bay Project)	<p>THAT the committee recommends to Council that:</p> <ol style="list-style-type: none"> 1. Council notes that legal proceeding brought by EarthTec Pty Ltd in the Supreme Court over the Statue Bay Project from 2017/18 has been dismissed, with two costs orders awarded to Council. 2. The Chief Executive Officer be authorised to seek to recover costs from EarthTec Pty Ltd using the enforceable orders granted by the Supreme Court. 	<p>4 Sep 2025</p> <p>Claim for costs has been submitted to the Courts. Initial assessments is continuing and there is no expected date for the completion of this phase.</p>

*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.				
6	18/10/2024	Request for Trustee Lease over Part of Reserve for Park and Recreation - Lot 132 SP132348 at Cobraball Road, Bondoola	<p>THAT Council resolve:</p> <ol style="list-style-type: none"> 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 Queensland Fire Department) over part of Reserve for Park and Recreation – Lot 132 SP132348 at Cobraball Road, Bondoola; 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 State of Queensland (represented by Queensland Fire Department) over part of Reserve for Park and Recreation – Lot 132 SP132348 at Cobraball Road, Bondoola; and 3. to provide a twenty (20) year trustee lease to The State of Queensland (represented by Queensland Fire Department) over an area of land in the north eastern corner of Reserve for Park and Recreation – Lot 132 SP132348 at Cobraball Road, Bondoola at a nominal rental of \$1 per annum plus Goods and Services Tax 4. to delegate to the Chief Executive Officer, pursuant to section 257(1)(b) of the Local Government Act 2009, to negotiate the terms and conditions of the trustee lease provided to the State of Queensland (represented by the Queensland Fire Department), and the CEO notifies Councillors of the ongoing negotiations of the lease. 5. to waive the development application fees for Development Permit for a Material Change of Use for Emergency Services and Operational Works for Clearing of native vegetation. 	<p>4 Sep 2025 Council continues to await the outcome of the State's due diligence enquiries with respect to the subject land.</p>

*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.				
7	05/11/2024	Shoreline Erosion Management Plan - Muskies Beach	<p>THAT the committee recommends to Council the following operational plan outcome be considered for the 2025/2026 year along with an associated budget:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Develop a Shoreline Erosion Management Plan specific to Musker's Beach, incorporating a beach profile monitoring program and a vegetation plan for the foreshore with extensive community consultation as part of the process. 	<p>9 Sep 2025</p> <p>Successful grant application for the development of a Shoreline Erosion Management Plan for Muskies Beach to address coastal hazards and the requirement for any upgrade of the sand bag revetment wall. To be delivered this financial year.</p>
8	19/11/2024	Management Plan - Cooe Bay Main Beach Access	<p>THAT Council recommends the following operational plan outcome be considered for the 2025/2026 year along with an associated budget: Develop a management plan for sustainable access to Cooe Bay Main Beach that accommodates increased population and use of the beach as the area is activated with walking tracks and to accommodate stormwater issues, in line with the outcomes proposed in the Shoreline Management plan adopted in 2022.</p>	<p>9 Sep 2025</p> <p>Funding for Cooe Bay Main Beach management plan unsuccessful. May be considered for 2026/27 financial year budget.</p>
9	03/12/2025	Local Government Infrastructure Plan (5 Year Review) and Planning Scheme Amendment	<p>THAT the Committee recommends that council resolves to:</p> <ol style="list-style-type: none"> 1. Make a Local Government Infrastructure Plan amendment in accordance with Part 3 of Chapter 5 of the Ministers Guidelines and Rules following the completion of the 5 year review of the Livingstone Local Government Infrastructure Plan in accordance with section 25 (3) of the Planning Act 2016; and 2. The East West Connector identified as T70 in the existing LGIP be reinserted into the new proposed LGIP with the connection points being at Neils – Yeppoon - Rockhampton Road intersection and joining Tanby Road, and 3. Write to the Minister requesting a state review of the proposed Local Government Infrastructure Plan (LGIP) amendment. 	<p>4 Sep 2025</p> <p>In relation to Council resolution of 17 December 2024, T70 was reinstated and was part of the material forwarded to the Minister seeking state interest review of the 5 year review of councils Local Government Infrastructure Plan (LGIP)., The review has resulted in changes to the LGIP., Public notification of the amendments proposed to the Local Government Infrastructure Plan (LGIP) occurred between 6 June to 4 July 2025. During the public notification LSC received two (2) properly made submissions. , A further report to council seeking approval to proceed with the amendments proposed to the Local Government Infrastructure Plan is expected in the next 3 months.</p>

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10	21/01/2025	Notice of Motion - Mayor Adam Belot - Honouring former Councillor Tom Wyatt	THAT in order to honour the late Tom Wyatt Council commits to delivering a significant public greenspace memorial to be named in honour of Tom Wyatt.	9 Sep 2025 Officers will consult with stakeholders regarding proposed options and bring a report back to Council in November 2025.
11	04/02/2025 (Committee)	Infrastructure Agreement for Trunk Infrastructure Acquisition Lot 5006 SP346289.	THAT the committee recommends to Council to resolve that the Chief Executive Officer be authorised to execute an infrastructure agreement with the owner of Lot 5006 SP346289 to acquire the trunk road corridor items as identified as T37, T137 and T213 in the Adopted Infrastructure Charges Resolution (AICR) version 6 on the attached draft survey alignment; and; The Chief Executive Officer also be authorised to execute in the same infrastructure agreement the acquisition of constructed trunk infrastructure items from Stage 7A of the Sea Haven Estate	12 May 2025 IA awaiting signing by all parties. 4 Sep 2025 No change.
12	04/02/2025	Living waterways project - Lex Semple Park	THAT the committee receives the report and its contents are noted and commend the Healthy Land and Water group for its initiative and commitment.	10 Jun 2025 Healthy Land and Water have sought tenders for the onground works in Lex Semple Park.
13	4/03/2025	Community organisation request for tenure - Capricorn Coast Turtle Rehabilitation	THAT the committee recommends that Council resolves: (1) that the exception mentioned in section 236(1)(b)(ii) of the Local Government Regulation 2012 may apply in its dealing with the Capricorn Coast Marine Community Incorporated. over Lot 41 on LN1518 (2) pursuant to section 236(2) of the Local Government Regulation 2012 to apply section 236(1)(b)(ii) of the Local Government Regulation 2012 in its dealing with Capricorn Coast Marine Community Incorporated. over Lot 41 on LN1518 (3) to provide a trustee (due diligence) lease to the Capricorn Coast Marine Community Incorporated for a period of two years.	4 Sep 2025 The trustee lease has been executed by the community organisation and is awaiting counter signing by the CEO.

*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.				
14	18/03/2025	Proposed Acquisition of Land - Mulambin Road Relocation	<p>THAT Council resolves to:</p> <ol style="list-style-type: none"> 1. Receive and note the contents of this report; 2. Delegates authority under section 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate and finalise all matters relating to the acquisition of land for road purposes; and 3. In exercising this delegation, the Chief Executive Officer ensures compliance with Council's 'Acquiring Land and Easements for Infrastructure Services Procedure'. 	<p>8 Sep 2025</p> <p>Landowner's valuation received and is currently being assessed by Council's valuer.</p>
15	6/05/2025	Proposed Trustee Lease to Koala Territory Foundation Ltd for Wildlife Hospital / Care Facility at Glenlee	<p>THAT the Committee recommends that Council resolves:-</p> <ol style="list-style-type: none"> 1. that the exception mentioned in section 236(1)(b)(ii) of the <i>Local Government Regulation 2012</i> may apply in its dealing with the Koala Territory Foundation Ltd over Lease B SP290204 in Lot 142 CP900425; 2. that pursuant to section 236(2) of the <i>Local Government Regulation 2012</i> to apply section 236(1)(b)(ii) of the <i>Local Government Regulation 2012</i> in its dealing with the Koala Territory Foundation Ltd over Lease B SP290204 in Lot 142 CP900425; and 3. to provide a 10-year trustee lease to the Koala Territory Foundation Ltd over Lease B SP290204 in Lot 142 CP900425. 	<p>4 Sep 2025</p> <p>A draft trustee lease, and an amended land management plan is being drafted by the Property team in relation to this matter.</p>
16	20/05/2025	Progression of Capricorn Coast Homemaker Centre Stage 2	<p>THAT Council undertakes a two-stage tender process for the Sale of Land that is Capricorn Coast Homemaker Centre Proposed Stage 2. This approach is recommended for the following reasons:</p> <p>(a) To ascertain market preferences relating to lot layout, sizes, and intended land use (tenancies), ensuring the proposed configuration is commercially viable and suited to demand, and;</p> <p>(b) To prevent unnecessary resource burden on potential tenderers by shortlisting only the most suitable respondents before requiring detailed submissions, such as advanced concept designs, cost estimates, and development programs.</p> <p>Accordingly, the following resolution is sought:</p> <ol style="list-style-type: none"> 1. THAT Council (a) Approves commencement of a two-stage tender process for the proposed sale of two parcels of land described as proposed Lot 4 and Lot 502 on SP275134 comprising: 	<p>4 Sep 2025</p> <p>Selective tender was released 1 September closing 22 September.</p>

*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.				
			<ul style="list-style-type: none"> Stage 1: An Expression of Interest to assess market suitability and shortlist qualified respondents. Stage 2: An Invitation to Tender issued only to shortlisted proponents. <p>(b) Where a suitable respondent is identified, the CEO to bring back a report for consideration by Council.</p>	
17	17/06/2025	Bondoola Fire Brigade	<p>THAT Council seek confirmation/clarity from Member for Keppel and Minister Leahy that:</p> <ol style="list-style-type: none"> the block identified for use by Bondoola Fire Brigade is deemed a suitable block by the State; and seek their assistance to fast-track this development application; and the State confirm available funding by 31 July 2025. 	<p>25 Aug 2025</p> <p>Correspondence received by Ann Leahy MP Minister for Local Government and Water, and Minister for Fire, Disaster Recovery and Volunteers that further to the meeting attended by the Mayor with the Assistant Chief Officer and the brigade on 8 July 2025 that there was majority consensus regarding the brigade's preferred site along Cobraball Road. QFD is working closely with the brigade to establish a suitable temporary station, with the aim of having this operational ahead of the upcoming heightened bushfire period to ensure continuity of service and preparedness.</p>
18	17/06/2025	Permit to Occupy Application – Adjacent to 6 Flood Road Milman (Lot 4 RP848806)	That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending consideration of a DA to return to a Council Meeting at a later date.	<p>8 Sep 2025</p> <p>The Development Application is currently under assessment and it is anticipated that it will be presented to the November 2025 Council Meeting.</p>

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19	15/07/2025	Long Beach Access	THAT pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending a briefing session to discuss costings and to return to a future Council Meeting.	4 Sep 2025 Reports being finalised should be presented at November sessions, Ritamada and Zilzie beaches reports to be presented at same time.
20	15/07/2025	Notice of Motion - Councillor Glenda Mather - Amendment to Planning Scheme for Pet Crematoriums	THAT pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further information at a briefing session and to return to a future Council Meeting.	4 Sep 2025 Responses scheduled for September 16, 2025, Ordinary Council meeting.
21	15/07/2025	Notice of Motion - Councillor Rhodes Watson - Potential unit development on Council owned land at Cathne Street, Yeppoon	THAT pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter lay on the table pending further discussion at a briefing session and to return to a future Council Meeting.	4 Sep 2025 Town planning consultant engaged to prepare report as per motions at 30 July session. Need to await outcome of this prior to actioning.
22	19/08/2025	Response to Notice of Motion - Mayor Adam Belot - Housing Crisis - Residential Council Dwelling	THAT Council: <ul style="list-style-type: none"> a) authorises the demolition of 30 Raymond Terrace, Yeppoon due to the extent of repair and high cost to renovate; and b) amend the 2025-26 budget to include \$100,000 to complete the demolition and site remediation works associated with the removal of the dwelling at 30 Raymond Terrace, Yeppoon. 	9 Sep 2025 Out for quote requests, closing 24 September.

*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.				
23	19/08/2025	Notice of Motion - Mayor Adam Belot - Keys to the Coast for Harry	THAT Council organise for an event to occur that facilitates the presenting of 'the keys to the Shire' to Harry Grant for his outstanding efforts in the Rugby League world and that Council create a policy and criteria to enable providing 'The Keys to the Shire', for future considerations.	4 Sep 2025 Officers working on a plan for this celebration and presentation. Likely to be early 2026.
24	19/08/2025	Notice of Motion - Councillor Rhodes Watson - Zilzie Bike Path	THAT Council <ol style="list-style-type: none"> 1. Installs cycling safety signage on Svendsen Road. 2. Move the Svendsen Road pathway priority up the list to be move from D to B and design be budgeted for 26/27 and constructed in 27/28. 	4 Sep 2025 Officers from Civil Works will organise the warning signage and update the Forward Works Program to reflect the change in priority.
25	19/08/2025	Notice of Motion - Councillor Andrea Friend - Relocation of Vegetation Vandalism Signage	THAT the sign remain in the current location for two weeks from today's date and Council review the relevant policy.	9 Sep 2025 The shade cloth banners were taken down from the poles and removed from site on 29th of August. The poles were disconnected from uprights and cameras were removed on 2nd of September. A rubber tracked machine is required to retrieve steel poles from site and a truck to transport them. Contractor is engaged to remove on the 11th of September.
26	19/08/2025	Notice of Motion - Councillor Rhodes Watson - 9 Casey Drive	THAT the CEO be authorised to make enquiries regarding cost of acquisition of a portion of land adjoining council's existing block of land, Lot 906 on SP320084, 28 Oxford Road Yeppoon to be turned into a unique nature reserve for all to enjoy, on the proviso no commitment to acquire the land is made without further approval by Council.	11 Sep 2025 Matter has been put out to Tender for land valuation.

8 PRESENTATION OF PETITIONS

Nil

9 NOTICES OF MOTION

9.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - SERIOUS DETERIORATION MARLBOROUGH ROAD

File No: fA2220

Attachments: 1. NoM - Cr Glenda Mather - Serious
Deterioration Marlborough Road

Responsible Officer: Alastair Dawson - Interim Chief Executive Officer

SUMMARY

Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to the dangerous road conditions of the state-owned Marlborough Road between the Township of Marlborough and the common boundary with the Central Highlands Regional Council, specifically the winding section of the range south of Tartrus Road.

COUNCILLOR RECOMMENDATION

THAT the Minister for Transport Main Roads, the Hon Brent Mickelberg be alerted to Livingstone Shire Council's concerns over the urgent and most dangerous conditions of sections of the Marlborough Road, specifically the winding range section where the road edges have eroded away, reducing the traffic lanes, forcing vehicles to merge into the neighbouring lane, overtaking double lines.

As has been confirmed, the Minister has visited the area and witnessed first-hand the dangerous conditions road commuters must endure, competing with the ever-increasing impacts on the road from heavy vehicles and their loads, which service the multiple wind farms in the area.

Further, the Minister be invited to urgently meet with Council to discuss the necessary upgrades to this road, before any further Development or other approvals are given which will increase the current use of this road.

Although upgrades are expected to be substantial and costly, they are crucial to improving road safety for all road commuters, including Primary Producers in this region.

Photographs will be provided.

COUNCILLOR BACKGROUND

Refer to the attached Notice of Motion

OFFICER COMMENTARY

Marlborough Road is a state controlled road and Council has no maintenance responsibilities. If Council supports this Notice of Motion, Officers recommend that the Mayor write to the Minister for Transport and Main Roads advocating on behalf of the community and road users.

**9.1 - NOTICE OF MOTION -
COUNCILLOR GLENDA MATHER -
SERIOUS DETERIORATION
MARLBOROUGH ROAD**

**NoM - Cr Glenda Mather - Serious
Deterioration Marlborough Road**

Meeting Date: 16 September 2025

Attachment No: 1

PO Box 5186
Red Hill PO
Rockhampton Q 4701
Mb: 0437 647 573

Mr Alastair Dawson
Interim Chief Executive Officer
Livingstone Shire Council
PO Box 2292
YEPPOON QLD 4703

5 September 2025

Notice of Motion – Urgent Matter
Serious deterioration Marlborough Road

Dear Mr Dawson,

I wish to submit this Notice of Motion in relation to the dangerous road conditions of the state-owned Marlborough Road between the Township of Marlborough and the common boundary with the Central Highlands Regional Council, specifically the winding section of the range south of Tartrus Road.

May this be included in the agenda on Tuesday 16 September 2025.

I give notice of my intention to move the following:

“That the Minister for Transport Main Roads Hon Brent Mickelberg be alerted to Livingstone Shire Council’s concerns over the urgent and most dangerous conditions of sections of the Marlborough Road, specifically the winding range section where the road edges have eroded away, reducing the traffic lanes, forcing vehicles to merge into the neighbouring lane, overtaking double lines.

As has been confirmed the Minister has visited the area and witnessed first-hand the dangerous conditions road commuters must endure, competing with the ever increasing impacts on the road from heavy vehicles and their loads, which service the multiple wind farms in the area.

Further, the Minister be invited to urgently meet with Council to discuss the necessary upgrades to this road, before any further Development or other approvals are given which will increase the current use of this road.

Although upgrades are expected to be substantial and costly, they are crucial to improving road safety for all road commuters, including Primary Producers in this region.

Photographs will be provided. “

Copies to:

Premier David Crisafulli

Deputy Premier Hon Jarrod Bleijie (Minister for State Development, Infrastructure & Planning)

Director-General of Dept of Transport and Main Roads Ms Sally Stannard

Member for Mirani – Glen Kelly

Member for Keppel Nigel Hutton

OIC Transport and Main Roads Rockhampton (or Mackay)

Officer in Charge Marlborough Police – S/C Shane Franklin”

End

Background:

Following an accident on this section of road recently, resulting in the death of the truck driver (actual details unknown at this stage), I was alerted by locals about the poor condition of the road. The following day I drove the road, took a number of photographs which clearly show the poor conditions, as described above.

While parked on the range, the traffic kept coming from both sides, and some at speeds with poor visibility.

The many service vehicles attached to the various wind farms were constant commuters.

The absence of outside white lines was evident, as the roadside had been eroded away, along with the white line. There are two choices – drive in the rugged gutter at the base of the hill, or take to the centre of the road to avoid the hill. There is nowhere to go.

It was not envisaged that this road would receive such demand due to development, and subsequently pose such a danger for all who use it.

It is clear that major works need to be urgently planned, which means cutting back some of the hills to provide a safe road width. This becomes a matter for the state budget.

Photographs will be provided to the Minister for his understanding of the conditions.

(too many to scan – need Aust post)

Many thanks,

Glenda Mather Clr.

10 QUESTIONS ON NOTICE

Nil

11 COMMITTEE REPORTS

Nil

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

13 REPORTS

13.1 YEPPOON RSL SUB-BRANCH REQUEST FOR SUPPORT FOR ANZAC DAY COMMEMORATIVE EVENTS

File No: fA2540

Attachments: Nil

Responsible Officer: Molly Saunders - Manager Community and Cultural Services
Andrea Ellis - Acting General Manager Communities
Alastair Dawson - Interim Chief Executive Officer

Author: Laurie Rainbird - Principal Community Development and Engagement Officer
Carlyn Hepburn - Community Development and Engagement Officer

SUMMARY

The purpose of this report seeks Council's consideration of a request for support received by the Yeppoon RSL Sub-branch for ANZAC Day commemorative events.

OFFICER'S RECOMMENDATION

THAT Livingstone Shire Council resolves to provide an annual cash sponsorship of \$10,000.00, in-kind venue hire (Beaman Park), and in-kind labour (supply and installation of carpark closure signage) to the Yeppoon RSL Sub-branch for Yeppoon ANZAC Day commemorative events. This sponsorship will be reviewed annually at officer level, with any material change being communicated back to council for decision.

BACKGROUND

In April 2025, Council resolved to provide \$5,000 cash and in-kind support (venue hire and supply and installation of carpark closure signage) to the Yeppoon RSL Sub-branch for the Yeppoon ANZAC Day commemorative events. This agreement has been in place since 2022.

COMMENTARY

Upon reviewing costs associated with organising ANZAC Day commemorative events in Yeppoon this year, the RSL Sub-branch have determined costs exceeded \$18,000 due to price increases in traffic management, waste management, and supply and running of audio equipment. As the RSL is a not-for-profit group, these costs are becoming more difficult for the local Sub-branch to meet. and the group are therefore requesting \$10,000 and in-kind support (venue hire and supply and installation of carpark closure signage) to ensure the sustainability and future of ANZAC Day events in Yeppoon.

PREVIOUS DECISIONS

In early 2022 Livingstone Shire Council entered an MOU with Yeppoon RSL Sub-branch in which Council committed to providing \$5,000.00 cash, in-kind venue hire (Beaman Park) and in-kind labour (supply and installation of carpark closure signage) for the Yeppoon ANZAC Day dawn service; the memorial parade and Beaman Park service in 2022, 2023, 2024 and 2025.

In April 2025 Council resolved to provide \$5,000 and in-kind venue hire and labour for future ANZAC Day commemorative events until Council resolved otherwise.

ACCESS AND INCLUSION

There are no identified access and inclusion issues related to this matter.

ENGAGEMENT AND CONSULTATION

Relevant staff as well as Councillors have been engaged regarding this matter. Officers have been in regular communication with the Yeppoon RSL Sub-branch.

The Yeppoon RSL Sub-branch have also attended a deputation to provide more information regarding their activities and the need for this support.

HUMAN RIGHTS IMPLICATIONS

There are no adverse human rights implications associated with this report.

BUDGET IMPLICATIONS

The \$10,000.00 cash component and the in-kind venue hire will be allocated from the Events Sponsorship budget if approved. This will reduce the overall sponsorship budget for the Event Sponsorship Funding program.

The in-kind labour will be provided by Council's Infrastructure team.

LEGISLATIVE CONTEXT

There are no identified legislative issues associated with this matter.

LEGAL IMPLICATIONS

There are no identified legal implications associated with this matter.

STAFFING IMPLICATIONS

Actions arising from this report can be accommodated within existing staff capacity.

RISK ASSESSMENT

Reputation – If Council did not support this allocation, the community may perceive that Council does not support Yeppoon ANZAC Day commemorative events or the Yeppoon RSL Sub-branch.

If Council does support this allocation, the community may perceive that Council is supporting one group over others who are required to access sponsorship via the highly competitive Events Sponsorship application process; however, given the value of ANZAC Day commemorative events, the reputational risk level associated with approving this request is likely low.

Financial – If this request is approved, there is a risk that other groups will approach Council for a similar decision outside of the Events Sponsorship process.

Safety – if Council does support the allocation, the events will have impacts on the broader community (e.g. road closure). All event proponents must fulfil Council's Temporary Event criteria and provide associated materials for the event to be approved (e.g. Risk Assessment, Waste Management Plan, Special Event Permit).

CORPORATE PLAN REFERENCE***Vibrant Culture and Healthy Community***

Community Plan Outcome - 3.3 Provide diverse and inclusive cultural, sporting and recreation opportunities to encourage community participation and that contribute to wellbeing

ANZAC Day commemorative events are important to, and highly valued by, the Livingstone Shire community. These events provide opportunities for community participation, reflection, and remembrance.

CONCLUSION

Yeppoon RSL Sub-branch is seeking support from Council to assist in delivering Yeppoon ANZAC Day commemorative events. Given the value of these events, officers are supportive of this request and will continue to work closely the Yeppoon RSL Sub-branch to support their endeavours.

13.2 DEVELOPMENT APPLICATION D-246-2024 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOPPING CENTRE, RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENT), AND OPERATIONAL WORKS FOR NATIVE VEGETATION CLEARING

File No: D-246-2024

Attachments:

1. Locality
2. Overlays
3. Architectural Plans
4. Code Assessment
5. Peer Review Report
6. Economic Need Peer Review

Responsible Officer: Greg Abbotts - Manager Development and Environment
Andrea Ellis - Acting General Manager Communities
Alastair Dawson - Interim Chief Executive Officer

Author: Jenna Davies - Principal Planning Officer

SUMMARY

Application number: D-246-2024

Applicant: Landcorp Pty Ltd

Consultant: Therefor Group

Real Property Address: Lot 3 on RP617327

Area of Site: 10.9 hectares

Planning Scheme: Livingstone Planning Scheme 2018 version 3

Planning Scheme Zone: Emerging community zone

Planning Scheme Overlays: OM01 – Acid sulfate soils
OM02 – Agricultural land classification
OM07 – Biodiversity – habitat and vegetation of significance
OM12 – Bushfire hazard area
OM15 – Drainage problem area
OM17 – Flood hazard area
OM20 – Road hierarchy
OM21 – Scenic amenity
OM22 – Transport infrastructure
OM27 – Height limits

Existing Development: Dwelling house and outbuildings

Level of Assessment: Impact assessable

Submissions: Five (5) submissions received (one (1) of which was withdrawn, and 1 was received outside of the formal public notification period and was not properly made)

Referral matters: Material change of use impacting on state transport infrastructure (10.9.4.1.1)

Reconfiguring a lot in proximity to a state-controlled road (10.9.4.2.1)

Reconfiguring a lot adjacent to a state-controlled road (10.9.4.2.3.1)

Material change of use in proximity to a state-controlled road (10.9.4.2.4.1)

Third party referral: Not applicable

Infrastructure Charge Area: 3

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material change of use (shopping centre), Development Permit for Reconfiguring a lot (1 lot into 2 lots and access easement), and Development Permit for Operational works (native vegetation clearing), pursuant to Section 51 of the *Planning Act 2016*, made by Landcorp Pty Ltd, Council resolves to Approve the application pursuant to Section 60 of the *Planning Act 2016*, as the assessment manager is satisfied that:

1. Demonstrated Economic Need

- a) Independent peer review confirms sufficient demand for a new Local Centre from 2028, ensuring viability and avoiding undue impacts on existing centres.
- b) Trading impacts on established centres are within the bounds of normal competition.

2. Planning Need and Lack of Suitable Alternatives

- a) No suitably zoned or available land exists within the current network of centres to accommodate the development.
- b) Sequential site analysis demonstrates that alternative sites (e.g., Yeppoon Major Centre land, Emu Park future centre) are unsuitable due to land size, heritage constraints, or insufficient proximity to the catchment.

3. Strategic Location

- a) Site is at the corner of Tanby Road and Taranganba Road – a highly accessible location within an area of planned and emerging residential growth.
- b) Well-positioned to serve nearby residential communities
- c) The site is capable of future connection to public and active transport networks.

4. Consistency with Local Planning Intent

- a) While outside the formally mapped centre network, the development supports the Planning Scheme's outcomes of convenience, accessibility, and efficient provision of goods and services to residential communities.
- b) Provides a Local Centre scale development (supermarket, specialty retail, food & drink) serving week-to-week convenience needs of households.

5. Traffic and Transport Outcomes

- a) Supported by a detailed Traffic Impact Assessment with intersection upgrades already planned by Council/DTMR.
- b) Access arrangements and car parking provision ensure safe and efficient operation without unacceptable traffic impacts.

6. Integration with Surrounding Development

- a) Proposal complements ongoing residential growth and provides a logical focal point for the community.
- b) Contributes to a balanced settlement pattern by reducing reliance on higher-order centres for convenience needs.

7. Environmental and Amenity Management

- a) Vegetation impacts will be offset through rehabilitation and landscaping (buffers to Tanby Road and Taranganba Road).
- b) Stormwater, bushfire, and flood management assessments confirm the development will not worsen off-site conditions or increase hazard risks.
- c) Design incorporates landscaping, pedestrian connectivity, and building articulation to achieve a high-quality built form outcome.

8. Infrastructure and Servicing

- a) The site can be serviced by existing or planned urban infrastructure networks (water, sewer, electricity, telecommunications, and stormwater).

9. Community and Economic Benefits

- a) Provides new employment opportunities during both construction and operation.
- b) Delivers convenient retail and services for a growing residential catchment, improving community access and reducing travel demand.

10. Reasonable Conditions Can Apply:

- a) Any residual technical or environmental matters (e.g., vegetation clearing, landscaping, transport upgrades) can be managed via reasonable and relevant conditions of approval.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Shopping Centre, Reconfiguring a lot (one lot into two lots and access easement) and Operational Works for Native Vegetation Clearing at 181 Taranganba Road, Taroomball QLD 4703, pursuant to Section 50 of the *Planning Act 2016*, made by Lancorp Pty Ltd, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises is responsible for ensuring compliance with the conditions of this development approval.
- 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 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 development approval must be undertaken, completed and accompanied by a certificate of compliance for any Operational Works required by this development approval:
 - 1.4.1 to Council's satisfaction;
 - 1.4.2 at no cost to Council; and
 - 1.4.3 prior to the commencement of use.
- 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 the use,

unless otherwise stated.

- 1.6 All works must be designed, constructed and maintained in accordance with Capricorn Municipal Development Guidelines (CMDG), Queensland Urban Drainage Manual (QUDM), relevant guidelines, standards (including Australian Standards) and Council policies and certified by a suitably qualified Registered Professional Engineer of Queensland.
- 1.7 The following further Development Permit must be obtained prior to the commencement of any works associated with their purposes:
 - 1.7.1 Plumbing and Drainage Works.
 - 1.7.2 Building Works.
 - 1.7.3 Operational Work.
- 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:

Plan/Document Name	Reference	Dated
Overall Site Plan	DA100, Revision R	5 August 2025
Development Plan	DA200, Revision A-C	20 August 2025
Overall Roof Plan	DA210, Revision M	5 August 2025
Demolition Plan	D220, Revision E	30 June 2025
Building Elevations	DA400, Revision J	5 August 2025
Overall Site Sections	DA500, Revision K	5 August 2025
Overall Building Sections	DA510, Revision H	5 August 2025
Concept Plan (Traffic)	Figure B, Revision 1	29 June 2025
Vehicle & Pedestrian Circulation Diagrams Prepared by Hames Sharley	DA920 Revision H	24 October 2024
Impervious & Easement Plan Prepared by Hames Sharley	DA930 Revision L	24 October 2024
Traffic Impact Assessment Report Prepared by Traffic	DA930 Revision K	5 August 2025

Transport Plus		
<p>Taranganba Road Site Access Arrangements Concept Plan</p> <p>Prepared by Traffic Transport Plus</p> <p>Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.</p>	Figure A Revision 2	17 October 2024
<p>Dimension Check (Stage 1)</p> <p>Prepared by Traffic Transport Plus</p> <p>Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.</p>	Figure D1 Revision 6	17 October 2024
<p>Dimension Check (Stage 1)</p> <p>Prepared by Traffic Transport Plus</p> <p>Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.</p>	Figure D2 Revision 6	17 October 2024
<p>Swept Path of an HRV (F & B)</p> <p>Prepared by Traffic Transport Plus</p> <p>Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.</p>	Figure D3 Revision 6	17 October 2024
<p>Swept Path of an HRV (Shops)</p> <p>Prepared by Traffic Transport Plus</p> <p>Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.</p>	Figure D4 Revision 6	17 October 2024
<p>Swept Path of an AV (Supermarket)</p> <p>Prepared by Traffic</p>	Figure D5 Revision 6	17 October 2024

Transport Plus Note: Where there is any conflict between this plan and the Traffic Impact Assessment Report, this plan must prevail.		
Hydraulic Impact & Stormwater Quantity Assessment Prepared by Biome Water and Environmental Consulting	BC-24016 Version 2	15 October 2024
Conceptual Stormwater Management Plan Prepared by Biome Water and Environmental Consulting	BC-24016 Version 1	19 July 2024
Civil Engineering Report Prepared by MPN Consulting Pty Ltd	10057	28 June 2024

- 2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works. 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 the first application for a Development Permit over the subject land.
- 3.0 RECONFIGURING A LOT
- 3.1 The reconfiguring a lot is for one lot into two lots, and access easement.
- 3.2 All conditions, works, or requirements of this approval must be undertaken and completed prior to the approval of a plan of subdivision (survey plan endorsement).
- 3.3 All lots must be separately connected to services.
- 4.0 DELAY TO COMMENCEMENT OF USE
- 4.1 The use of premises must not commence prior to 1 January 2028.
- 5.0 ROAD WORKS
- 5.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site associated with the development.
- 5.2 All works must be designed and constructed in accordance with the approved plans, Traffic Engineering Report (refer to condition 2.1), Capricorn Municipal Development Guidelines and relevant Australian Standards.
- 5.3 Traffic signs and pavement markings must be provided in accordance with the Manual of Uniform Traffic Control Devices – Queensland. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the Manual of Uniform Traffic Control Devices – Queensland.
- 5.4 Taranganba Road, along the full frontage of the subject property, except the proposed

accesses and associated turn treatments and signalised treatments, or the intersection with Tanby Road, must be designed and constructed to urban sub-arterial standard. The vertical geometry of the road must consider the future upgrading of Ross Creek crossing on Taranganba Road. Under any application of Operational Works (road works), detailed design of the upgrading must be provided.

Under any application of Operational Works (road works), the 2-dimensional flood model under the approved Hydraulic Impact & Stormwater Quantity Assessment (refer to Condition 2.1) must be reviewed and updated if required, to include the detailed design of the Taranganba Road upgrading.

- 5.5 The proposed western access via Taranganba Road must be left-in, left-out only, no right hand turn from Taranganba Road is approved.
- 5.6 The proposed eastern access via Taranganba Road must be a four-way signalised intersection, in general in accordance with the recommendations under the approved Traffic Impact Assessment Report and associated plans (refer to Condition 2.1).
- 5.7 The intersection of Tanby Road & Taranganba Road must be upgraded in general in accordance with the recommendations under the approved Traffic Impact Assessment Report (refer to Condition 2.1).
- 5.8 Bus set-down areas, including all weather shelter must be designed and constructed in accordance with the *Public Transport Infrastructure Manual*. The bus set-down areas must be located along both sides of Taranganba Road. Details of the bus set-down area must be provided with any application for a Development Permit for Operational Works (road works).
- 5.9 Retaining structures must not be constructed within road reserves unless approved as part of a Development Permit for Operational Works (road works).
- 5.10 A shared concrete footpath must be constructed in accordance with *Capricorn Municipal Development Guidelines*, along all road frontages.
- 5.11 All pathways and access ramps must be designed and constructed in accordance with Australian Standard AS1428 "Design for Access and Mobility".
- 5.12 All pathways located within a road reserve or public use land must be provided with public space lighting in accordance with *Australian Standard AS1158 "Lighting for Roads and Public Spaces"*. All pathways must incorporate kerb ramps at all road crossing points.

6.0 ACCESS WORKS

- 6.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 6.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines and Australian Standard AS2890.1 "Off Street Car Parking".
- 6.3 Access, parking and associated vehicle manoeuvring areas must be sealed.
- 6.4 All ingress and egress movements to and from the development must be in a forward direction.
- 6.5 A minimum of two hundred and eighty (280) car spaces, including
 - 6.5.1 246 Standard car parking bays;
 - 6.5.2 7 PWD Car parking bays;
 - 6.5.3 2 PWD Taxi Bays;
 - 6.5.4 6 Van parking spaces
 - 6.5.5 10 Staff parking bays;

6.5.6 6 Supermarket pickup bays; and

6.5.7 3 Fast food drive-through waiting bays.

6.6 Universal access spaces must be provided in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.

6.7 Stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and drained to a lawful point of discharge in accordance with Queensland Urban Drainage Manual.

6.8 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standards AS1742.1 "Manual of Uniform Traffic Control Devices"*.

6.9 Any redundant vehicular crossing(s) must be removed and replaced with Council's standard kerb and channel in accordance with the *Capricorn Municipal Development Guidelines*.

7.0 SEWERAGE WORKS

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

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

7.3 The development must be connected to Council's reticulated sewerage network.

7.4 A new sewerage main must be designed and constructed in accordance with the recommendation under the Civil Engineering Report prepared by MPN Consulting Pty Ltd (refer to condition 2.1).

7.5 A new sewerage connection point must be provided to service the development.

7.6 Easements must be provided over all sewerage infrastructure located within private property, if any. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

8.0 WATER WORKS

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

8.2 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*, the *Plumbing and Drainage Act* and the provisions of a Development Permit for Operational Works (water works).

8.3 The development must be connected to Council's reticulated water network.

8.4 Water connection point must not be connected to the existing 375mm diameter water main along Taranganba Road. A new water main with appropriate size must be designed and constructed to connect to the existing 375mm diameter water main along Taranganba Road and to service the development. A new water connection point must be provided at this new water main to service the development.

8.5 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

9.0 PLUMBING AND DRAINAGE WORK

9.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.

9.2 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 Plumbing and Drainage Works.

- 9.3 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's sewerage reticulation. Arrester traps must be provided where commercial or non-domestic waste water is proposed to be discharged into the system.
- 9.4 Hoses must be provided at the refuse container area, and washdown must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

10.0 BUILDING WORKS

- 10.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works, including any retaining structures, on the site.

11.0 STORMWATER WORKS

- 11.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 11.2 All stormwater management works must be designed and constructed in accordance with the approved stormwater management plan (refer to condition 2.1), Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines, Urban Stormwater Quality Planning Guidelines, State Planning Policy, and sound engineering practice.
- 11.3 The potential pollutants in stormwater runoff, discharged from the site must be managed in accordance with Urban Stormwater Quality Planning Guidelines and State Planning Policy.
- 11.4 All stormwater must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land or damage infrastructure when compared to pre-development condition by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance.
- 11.5 Any application for Operational works (stormwater works) must include;
 - 11.5.1 Detailed designs for the inlet and outlet systems for the proposed detention systems and swale drain(s);
 - 11.5.2 Detail design calculations for all proposed energy dissipaters (i.e. rock protection areas) by taking into account permissible velocity and frequency/duration details in accordance with the provisions of Queensland Urban Drainage Manual.
 - 11.5.3 Details to demonstrate vehicular, pedestrian amenity and safety criteria are met in accordance with Queensland Urban Drainage Manual; and
- 11.6 Ongoing maintenance and management

12.0 EARTHWORKS

- 12.1 A Development Permit for Operational Works (bulk earthworks) must be obtained prior to the commencement of any site works.
- 12.2 Any application for a Development Permit for Operational Works (bulk earthworks) must be accompanied by an earthworks plan which clearly identifies the following:
 - 12.2.1 the location of cut and/or fill;
 - 12.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 12.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 12.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site;

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- 12.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary, and
- 12.2.6 All earthworks must be undertaken in accordance with Australian Standard AS3798 Guidelines on Earthworks for Commercial and Residential Developments.
- 12.3 Earthworks must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 13.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 13.1 Roof drainage systems of any proposed buildings and overland flow paths within the site must be designed and constructed in accordance with the Queensland Urban Drainage Manual.
- 14.0 ENVIRONMENTAL
- 14.1 Submit, as part of a Development Application for Operational Works, a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) acid sulphate soils;
 - (iv) fauna management;
 - (v) vegetation management and clearing;
 - (vi) top soil management;
 - (vii) interim drainage plan during construction;
 - (viii) construction programme including operating times;
 - (ix) weed control;
 - (x) emergency vehicle access;
 - (xi) noise and dust suppression mitigation; and
 - (xii) waste management.
- 14.2 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works
- 14.3 Submit, as part of a Development Application for Operational Works, a site-specific Erosion and Sediment Control Plan, which is certified by Certified Professional in Erosion and Sediment Control (CPESC) or suitably qualified Registered Professional Engineer of Queensland (RPEQ) with experience in writing erosion and sediment control plans.
- 14.4 The Erosion and Sediment Control Plan must:
- 14.4.1 Be prepared in accordance with the local best practice engineering reference standards and guidelines identified in SC7.13.3.1. of the Livingstone Planning Scheme 2018.
 - 14.4.2 Demonstrate how the design objectives identified in Table 9.3.2.4.7. of the Development Works Code of the Livingstone Planning Scheme 2018 in effect at the time of making a Development Application for Operational Work will be achieved.
Advice Note: High efficiency sediment basins are the most effective way to achieve this outcome. Regular sampling must be undertaken in accordance with a sampling program specified in the site specific EMP and evidence of
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water quality leaving the site must be provided to an authorised officer upon request.

- 14.4.3 Identify sampling locations and sampling frequency. The water quality of discharge flows must be measured at each concentrated discharge point from the site and achieve < 50mg/L total suspended solids (or 60ntu) and maintain pH in the range 6.5 to 8.5 at the point of discharge from the site.
- 14.4.4 Identify suitable stages of works in order to minimise the area of soil exposed at any one time. Soil disturbances must be staged into manageable sized areas to ensure adequate erosion and sediment control management and progressive stabilisation of disturbed surfaces.
- 14.4.5 Set suitable hold points throughout the construction phase.
- 14.4.6 Identify short (temporary) and long-term (permanent) stabilisation measures for all exposed soils.
- 14.4.7 For peak flow for the 1-year and 100-year ARI event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site.
- 14.4.8 All site entry/exit points must have a suitable and approved rumble strip to minimum 15m in length and to fit the width of the entry which prevents vehicle tracked sediment leaving the site.
- 14.4.9 No works can commence on the site unless and until an Environmental Management Plan and an Erosion and Sediment Control Plan has been approved by Council as part of Development Permit for Operational Works.
- 14.5 An Erosion Control and Stormwater 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 Control and Stormwater Control Management Plan must be available onsite for inspection by Council Officers during those works.
- 14.6 Development enhances or maintains the existing surface water hydrological regime of all areas containing matters of environmental significance.
- 14.7 A "Planting Plan" and supporting documentation must be prepared and is to include, but not limited to:
 - (i) trees, shrubs and groundcovers to all areas;
 - (ii) position and canopy spread of all trees and shrubs;
 - (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging);
 - (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting. Endemic species must be incorporated in the landscaping and a recommended plant list will be available from the Council's NRM Officers on suitable endemic species; and
 - (v) a maintenance schedule over three (3) years including a weed management and replanting program.
- 14.8 Adequate drainage and erosion control devices are required on access routes to prevent erosion and sedimentation impacts to matters of environmental significance and areas identified as scenic amenity, erosion prone or steep land.

15.0 ELECTRICITY AND TELECOMMUNICATIONS

- 15.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities.

16.0 ASSET MANAGEMENT

- 16.1 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.
- 16.2 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.
- 16.3 '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. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

17.0 WASTE COLLECTION

- 17.1 Refuse collection arrangements must be provided by the developer so as to achieve the requirements of the Part 9.3.1 General development code of the Livingstone Shire Planning Scheme, and in particular:
 - 17.1.1 A waste storage area must be provided of sufficient size to accommodate the waste storage needs of each dwelling or non-residential component of the development;
 - 17.1.2 Waste storage areas must be imperviously sealed, with a hose cock fitted in close proximity to the enclosure.
 - 17.1.3 All waste storage areas are screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres.
 - 17.1.4 The minimum overhead clearance required for refuse collection is 6.5 metres. Access for the collection of bulk bins is not to be impeded by any overhead obstructions such as trees, wires or other structures. This minimum height clearance must be maintained at all times.
 - 17.1.5 Where Council is the relevant service provider for waste collection, provide easements over all vehicle manoeuvring areas to facilitate lawful access to waste receptacles.
 - 17.1.6 All waste generated as a result of the demolition of existing building or structures, and construction of the premises is to be effectively controlled and contained entirely within the boundaries of the site before disposal. All waste is to be disposed of in accordance with the *Environmental Protection (Waste Management) Regulation 2000*.

18.0 OPERATIONAL WORK – VEGETATION CLEARING

- 18.1 All trees cleared must be felled away from adjoining vegetation.
- 18.2 Retained trees must be protected from impacts of adjacent clearing or earthworks through use of exclusion fencing or protective barriers as per Australian Standard 4970 – 2009 Protection of Trees on Development Sites.
- 18.3 Cleared native vegetation should be mulched and spread on areas of bare ground. Where this is unable to be achieved, vegetation must be disposed of at a suitable place of disposal. Burning is generally not permitted unless the relevant fire authority issues a permit.
- 18.4 Vegetative materials cleared from the site must not be placed near or within vegetation adjacent to the site, other than strategic placement of fauna habitat if required.

- 18.5 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for future landscaping purposes, or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt unless a fire permit has been issued.
- 18.6 A suitably qualified fauna spotter / catcher must be engaged to be onsite during vegetation felling activities to ensure fauna and habitat management actions are taken as required. All clearing works must be halted if fauna is likely to be injured.
- 18.7 Prior to the commencement of any works on site, a joint inspection with the Project Superintendent/Consulting Engineer, the Principal Contractor, fauna spotter / catcher and Council's development assessment and natural resource management unit representatives must occur. The purpose of the meeting is to identify vegetation to be cleared and discuss rehabilitation works.
- 18.8 A Local Wildlife Management Plan must be submitted to Council prior to the commencement of works. The Plan must include, but not be limited to, the following information:
- 18.8.1 The potential direct and indirect impacts of both the construction and operation phase of the proposed development to the wildlife wellbeing / colony / roost / breeding places;
- (i) How this is to be monitored, evaluated and reported; and
 - (ii) The mitigation options which will be utilized to minimize the potential impacts on the wildlife and their habitat.
- 18.9 Natural areas degraded as a result of development are rehabilitated by the proponent as near as is practicable to the naturally occurring local native plant species and ecological communities.
- 18.10 Comprehensive weed management must be undertaken during the defects period of 12 months to ensure the landscape vegetation can establish.
- 19.0 OPERATIONAL WORKS – CLEARING VEGETATION - ENVIRONMENTAL MANAGEMENT
- 19.1 Excess soil cut from site is to be dumped or repurposed in an approved location. All loads must be watered for dust prevention and covered prior leaving the site. Haul routes are to be included in the traffic management plan submitted to Council for approval, prior to any soil leaving the site.
- 19.2 All care must be taken to prevent sediment being deposited on haul route roads. All materials must be swept up and removed from the access route to the site and not directed into Council's stormwater drainage system.
- 19.3 Dust is to be kept at a minimum at all times. Dust suppression methods must be used on a regular basis and in the event that high winds prevail, works are to cease.
- 19.4 The Principal Contractor is responsible for ensuring that all aspects of environmental management are complied with at all times.
- 19.5 The principal contractor must check the Erosion and Sediment Control Measures at the start and end of each day to ensure the entire site is secure and appropriately prepared in the event of rainfall.
- 19.6 Where acid sulphate soils are found present during construction, works must cease immediately and a management plan report must be prepared and submitted to Council and works undertaken in accordance with the report.
- 19.7 All sediment/silt fencing is to be checked daily and cleaned out after all rain events to ensure they remain effective.
- 19.8 At completion of works or staged sections of works, disturbed/exposed soil areas

must be permanently stabilised as soon as practicable using methods which will achieve effective short-term stabilisation. Non-toxic soil binder is recommended for use on exposed soils prior completion of works and prior removal of sediment controls.

- 19.9 Works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.

ADVISORY NOTES

- NOTE 1. Contaminated Land: Pursuant to the *Environmental Protection Act 1994* in relation to Contaminated Land, if the owner or occupier of land becomes aware a notifiable activity is being carried out on the land, the owner or occupier must, within 22 business days after becoming aware the activity is being carried out, give notice to the relevant State administering authority in the approved form.
- NOTE 2. Water and Sewerage Services: In accordance with the *Water Supply (Safety & Reliability) Act 2008*, it is an offence to interfere with a service provider's infrastructure. Livingstone Shire Council is the service provider and Infrastructure is the department responsible for water and sewerage services. Alterations to existing services consequential to necessary connections to existing sewerage and / or water infrastructure must be at the responsibility and cost of the Developer. Please contact Infrastructure for further information. Negotiation with other service authorities such as Telstra and Ergon may also be required to adequately affect these connections.
- NOTE 3. 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander and Multicultural Affairs website <https://www.dsdsatsip.qld.gov.au/>
- NOTE 4. 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 5. Environmental: The land subject to the above development application must be free of declared pest plants; as declared at the date of development application in *Local Law No. 3 (Community & Environmental Management) 2011* and Schedule 1 of *Subordinate Local Law 3 (Community & Environmental Management) 2011*; and restricted invasive species in the *Biosecurity Act 2014* or as amended; to the satisfaction of Council's Pest Management Officer, prior to the commencement of any site works. Council will supply a free inspection and advice service on the request of the land owner.
- NOTE 6. Vegetation: It is advised that part of the subject site is mapped by the Department of Resources as containing Least Concern Regrowth Vegetation. The *Vegetation Management Act 1999* has requirements with regard to the clearing of vegetation. Information on Vegetation Management is available at: <https://www.qld.gov.au/environment/land/vegetation/management/>
- NOTE 7. 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 8. Infrastructure Charges: The land uses proposed are subject to infrastructure charges in accordance with Council policies. The charges will be presented on an Infrastructure Charges Notice, supplied with this decision notice.

NOTE 9. Licensable Activities: Should an activity licensable by Livingstone Shire Council be proposed for the premises, Council's Environmental Health Unit must be consulted to determine whether any approvals are required. Such activities may include food business licensing or devolved Environmental Relevant Activity. Approval for such activities is required before 'fit out' and operation.

BACKGROUND

On 30 July 2024, Landcorp Pty Ltd ('the Applicant'), submitted a development application over land located at 181 Taranganba Road, Taroomball and described as Lot 3 on RP617327. The development application seeks approval for a new shopping centre, with opportunities for additional tenancies for a food and drink outlet, health care service, indoor sport and recreation, office, service industry and veterinary service.

The development application was properly made on 6 August 2024 and the following material was provided in support of the proposal:

- Planning Cover Letter
- Planning Assessment Report
- Property Searches
- Code Assessment
- Architectural Drawings
- Landscape Concept Plan
- Reconfiguration Plan
- Structure Plan
- Economic Need and Impact Assessment
- Sequential Site Selection Analysis
- Traffic Impact Assessment
- Civil Engineering Report
- Hydraulic Impact & Stormwater Quantity Assessment
- Noise Impact Assessment
- Conceptual Stormwater Management Plan
- Bushfire Hazard Assessment and Management Plan
- Ecological Assessment

The development application was subject to referral to the State Assessment and Referral Agency for matters relating to proximity to a State-controlled road and State transport corridor. The State Assessment and Referral Agency has provided an amended referral agency response with conditions by correspondence dated 25 August 2025.

The development application was subject to impact assessment and was publicly notified 4 November 2024 to 25 November 2024. A total of five (5) submissions were received for the proposed development of which one (1) was withdrawn, and 1 was received outside of the formal consultation period and was not properly made. All submissions were in opposition to the development.

The purpose of this report is to provide an assessment of compliance with the relevant planning framework, outline how the potential impacts of the development on the surrounding community, environment and infrastructure have been addressed and provide a recommendation to assist the Council in making an informed decision.

Based on the findings of this report, and pursuant to Section 60 of the *Planning Act 2016*, the development application is able to be approved subject with conditions.

PROPOSAL

Overview

This development application seeks approval for:

- (1) Development Permit for Material change of use (shopping centre);
- (2) Development Permit for Reconfiguring a lot (1 lot into 2 lots and access easement); and
- (3) Development Permit for Operational work (native vegetation clearing).

The proposed development comprises only 1 stage, with future development areas identified on the proposal plans, subject to future development applications and approvals.

Material change of use

The proposed material change of use is for a shopping centre, which will consist primarily of shops, with opportunity for food and drink outlet, health care service, indoor sport and recreation, office, service industry, and veterinary services.

The shopping centre will be anchored by a supermarket of 3,900m² gross floor area ('GFA'), supported by several smaller specialty tenancies located along the northern perimeter of the building. A drive-through takeaway outlet of 450m² GFA is also proposed, positioned closer to the Taranganba Road frontage.

A new carpark will be provided, comprising 271 space spaces, plus 9 PWD spaces. The development incorporates a 10m landscaped setback to Tanby Road and a 5m setback to Taranganba Road from the carpark. Existing vegetated areas to the south of the development will be retained.

Site access to the shopping centre is proposed via both Tanby Road and Taranganba Road. On Tanby Road, access will be limited to a left-in only movement and will be used exclusively by service vehicles. Along Taranganba Road, two (2) access points are proposed: the north-eastern access will allow for full left and right turn movements in and out of the site, while the western access will permit left and right turns into the site and left-only turns out. Pedestrian access will also be provided through a centralised entry point on Taranganba Road, connecting directly to the shopping centre via a dedicated pathway through the carpark.

The proposal will be appropriately serviced by water, sewer and stormwater infrastructure, with electricity and telecommunications available to the site. These services can be conditioned as part of the development approval and addressed at detailed design.

In addition to the proposed works, three (3) future development areas are identified within the site, which will be subject to separate future development approvals.

All infrastructure upgrades will be provided by the applicant in accordance with the conditions of approval with necessary services in place prior to the construction of the development. This includes water, sewer, road, electricity and telecommunication provisions.

Reconfiguring a Lot

The proposed reconfiguration of a lot includes the subdivision of land from 1 lot into 2 lots, and an access easement. The purpose of the subdivision is to better facilitate the management of proposed the shopping centre and food and drink outlet (located adjacent to Taranganba Road). The subdivision provides for separate ownership of the food and drink outlet, which will be self-sufficient, with an access easement granting access to Taranganba Road.

Operational work

The proposed operational works involve the clearing of vegetation onsite. The vegetation is mapped within the Biodiversity overlay of the Planning Scheme. Approximately 5.7 hectares of vegetation is proposed to be removed (with 2.5 hectares located within the 'MLES –

Habitat and Vegetation' area), and approximately 3.1 hectares of this vegetation is proposed to be rehabilitated post-completion of the earthworks.

Further clearing may be required within the areas identified as 'future development area' however this would be subject to future applications and approvals.

LOCALITY AND SUBJECT LAND

Site Locality

Taroomball is located to the south of Yeppoon and is situated 3.3km south of Yeppoon and 47.6km north-east of Rockhampton City. It is a predominantly rural setting on the edge of the coastal suburbs of Taranganba, Cooee Bay and Yeppoon, and the suburb of Tanby is located to the south and Hidden Valley is to the west.

Tanby Road is the primary road running centrally through Taroomball in a north-south direction with single laneways in each direction. Tanby Road is a State-controlled road.

Taroomball may be characterised as having two parts: large rural residential parcels (south of the subject land) and emerging residential subdivisions (north and east of the subject land). The subject land is in the northern part of the suburb, more particularly, on the corner of Tanby Road and Taranganba Road. Taranganba Road is one of the primary roads through to Cooee Bay and the main coastline of Yeppoon. There are no commercial centres or community facilities in the suburb of Taroomball.

The subject land is located 3.6km (5-minute drive) from the Yeppoon Major Centre and 17.3km (14-minute) drive to the Drakes shopping centre at Emu Park. The immediate vicinity surrounding the subject land consists of rural residential properties, with larger parcels of Rural zoned land located further to the south and west.

Subject Land

The subject land is located at 181 Taranganba Road, Taroomball and described as Lot 3 on RP617327. The subject land has an area of 10.907ha, is irregular in shape, and has road frontage of approximately 310m to Taranganba Road (along the northern boundary) and 450m to Tanby Road (along the western boundary). With the exception of a small portion at the corner of Taranganba Road and Tanby Road, there is no kerb and channelling along the road frontage.

The subject land is not burdened or benefitted by any existing easements.

The subject land is improved by a single residential dwelling with a number of ancillary sheds and outbuildings contained to a cleared portion on the corner. The remainder of the subject land is vegetated.

There are two waterbodies located onsite which form part of a mapped waterway. This mapped waterway travels in a west-east direction. Vehicle access is gained from Taranganba Road in the form of an unsealed residential crossover and culvert.

Adjoining land uses include emerging urban land uses (included in the Emerging Community Zone) to the north, south, east and west, with rural or semi-rural land to south and west.

ASSESSMENT INCLUDING BENCHMARKS AND RELEVANT MATTERS

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

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

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

Benchmarks applying for assessment of the development	Benchmark reference
Strategic Framework, Emerging community zone code, Local Centre Zone code, Reconfiguring a lot code, General development code, Development works code, Acid sulfate soils overlay code, Agricultural land classification overlay code, Biodiversity habitat overlay code, Bushfire hazard overlay code, Drainage problem area overlay code, Flood hazard overlay code, and Scenic amenity overlay code	<i>Livingstone Planning Scheme 2018, Version 3 in effect 15 February 2021</i>
Chapter 4 – Regional outcomes and policies	<i>Central Queensland Regional Plan, October 2013</i>
Part E: State interest policies and assessment benchmarks	<i>State Planning Policy, July 2017</i>

Relevant matters considered

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 issues raised in submissions.
The Local Government Infrastructure Plan	In respect of trunk infrastructure provisions and charging for development.

Other relevant matters considered:

The following other relevant matters were considered in the assessment of the proposed development:

- the extent of the need for the proposed development;
- the approval of the proposed development is not considered to prejudice future urban expansion, beyond the scope of the strategic framework;
- the layout, amenity, and traffic arrangements of the proposed development supports its approval;
- the reasonable expectations of the community have been considered in the proposed development;
- the limitations for site location and selection for a development of this nature;
- the infrastructure available to service the proposed development; and
- the low number of submissions opposed to the proposed development.

Internal advice and assessment

Development Engineering

Support with Conditions

Natural Resource Management

Support with Conditions

Environmental Health

Support with Conditions

External referral

The application was referred to the Department of State Development, Infrastructure, Local Government and Planning as a concurrence agency given the development is for reconfiguring a lot near a State transport corridor in accordance with Part 9, Division 4, Subdivision 2, Table 1 Item 1 of Schedule 10, reconfiguring a lot near a State-controlled road intersection in accordance with Part 9, Division 4, Subdivision 2, Table 3 of Schedule 10, material change of use of premises near a State transport corridor in accordance with Part 9, Division 4, Subdivision 2, Table 4 of Schedule 10 and an aspect of development stated in Schedule 20, column 1 of the *Planning Regulation 2017*.

Following a response to the information request, response to the advice notice, and further liaison with SARA and the Department of Main Roads, the applicant submitted revised plans on 20 August 2025.

SARA, in its correspondence dated 25 August 2025, responded to representations from the applicant in relation to access arrangements by including the latest proposal plans and setting conditions that restrict access from Tanby Road. This is consistent with a Permitted Road Access Location Decision Notice issued by the Department of Main Roads on 31 July 2025, which only permits a left-in access for service vehicles only. The treatment is to be an Auxiliary Left turn (AUL).

Information request

An information request was issued by Council on 27 August 2024 which included (but was not limited to) the following:

- Planning;
- Hydraulic impact and stormwater quantity assessment;
- Traffic;
- Earthworks;
- Vegetation clearing; and
- Environmental

The applicant provided a response (in full) on 18 October 2024.

Minor change

A minor change to the development application in accordance with section 52 of the *Planning Act 2016* was submitted by the applicant on 5 August 2025. The proposed changes primarily relate to matters raised by SARA and the Department of Main Roads and are summarised as follows:

- Update Tanby Road access to be for left-in only (previously left-in, left-out) and utilised by service vehicles only. Additional line-marking and signage has also been added.
- Reorientation of the food and drink outlet and surrounding carpark and corresponding changes to the access easement to proposed lot 1 as a result
- Changes to the carparking layout, including provision of 271 standard spaces (including click and collect bays and HV van parking) and 9 PWD spaces (including 2 taxi bays)
- Centrally located pedestrian entry point on Taranganba Road
- Internal pathways have been amended to maintain connections
- Additional bike racks have been provided
- Gross floor area of the supermarket has increased slightly, from 3,800m² to 3,900m².
- The supermarket building design has been updated to account for the internal stairwell to the rooftop plant and equipment

- The pylon sign associated with the food and drink outlet has been relocated within the landscaped area adjacent to the building.

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.

Biodiversity: The development will require the removal of a large portion of vegetation on site in the area of the development footprint. Vegetation to the south of the footprint will be retained. Approximately 5.7 hectares of vegetation is proposed to be removed (with 2.5 hectares located within the 'MLES – Habitat and Vegetation' area of the Biodiversity habitat overlay), and approximately 3.1 hectares of this vegetation is proposed to be rehabilitated post-completion of the earthworks.

An ecological assessment has been provided in support of the development. The development footprint consists of regulated Category B, C and R vegetation and non-regulated Category X vegetation. The ecological assessment determined that the vegetation within the development footprint is 'least concern' regional ecosystem communities (RE11.3.9 and RE11.11.4). No threatened species were found on site. The ecological assessment report includes recommendations in relation to mitigation measures, including vegetation management, fauna management, erosion and sediment control, stormwater management (refers to SMP), and rehabilitation work. By implementing the key recommendations during the construction and operational phases, the proposed development will reduce its impact on the ecological values of the site and surrounding area.

Coastal Environment: The development is not in an identified coastal environment (not in the coastal management district).

Cultural heritage: The site is not known to contain any cultural heritage values. The site is not mapped under the planning scheme as containing any Local or State heritage values.

Water quality: Applicable as the development is for an urban purpose (commercial purpose). The development proposes gully pit baskets, detention storage, bioretention, vegetated swale, and vegetated buffer and channel and will be subject to a further application for Operational Works, including addressing the state planning policy for water quality.

Natural hazards, risk and resilience: Applicable as the site is affected by the flood hazard area and bushfire prone area. If identified as being contained within the Local Government flood mapping area, the SPP requirements for flood are triggered by the flood mapping contained in that Local Government's planning scheme. A hydraulic impact and stormwater quantity assessment has been provided in support of the development. This assessment confirmed that in the post-development case, the proposed shopping centre, including the food and drink outlet, will have finished floor levels above the defined flood hazard level. In addition, the proposed works will not impact on peak water levels external to the subject site, which is largely due to the stormwater mitigation measures proposed.

In relation to the bushfire prone area, the applicant has submitted a bushfire hazard assessment and management plan in support of the proposed development. This assessment determined that the dominant bushfire hazard associated with the development

is represented by an a vegetated area of potential hazardous vegetation to the south of the development footprint. Where structures are identified as potentially being exposed to radiant heat levels in excess of those that would be considered as 'LOW' hazard, relevant mitigation recommendations are provided. Implementation of the BHAMP recommendations to mitigate any bushfire risk are recommended.

Central Queensland Regional Plan

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

Livingstone Planning Scheme 2018

The *Livingstone Planning Scheme 2018 version 3* (commenced 1 May 2018) is the relevant categorising instrument applicable to the assessment of this application.

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme. The following themes are relevant to the assessment of this application:

- (i) Settlement pattern;
 - 1. Urban places;
 - 2. Centres;
- (ii) Natural environment and hazards;
 - 1. Areas of ecological significance;
 - 2. Natural hazards and climate change;
 - 3. Water resources, catchment management and healthy waters;
 - 4. Landscape and scenic amenity;
- (iii) Community identity and diversity;
 - 1. Safe communities;
 - 2. Heritage and character;
 - 3. Community activities;
- (iv) Transportation and movement;
 - 1. Public and active transport;
 - 2. Road network;
- (v) Infrastructure and services;
 - 1. Interregional networks;
 - 2. Local area networks.

Strategic outcomes

The strategic framework and zones identify centres in the following locations:

- a) Principal centre – Rockhampton
- b) Major centres – locality of Yeppoon (existing)
- c) District centres – Emu Park (future)
- d) Local centres – Emu Park (existing)
- e) Neighbourhood centres – Taranganba (existing), Taroomball (Keppel Bay Estate) (future) Hidden Valley (future), Pacific Heights (future), Taroomball (future), Zilzie (Seaspray Estate) (future) Zilzie (Keppel Cove Estate) (future)

- f) Specialised centre – Hidden Valley (existing) and Yeppoon (existing)

These locations are indicated on Strategic Framework Maps SFM-02 and SFM-03. The subject land is not identified in one of the planned centre locations and is therefore considered “out of centre” development. As a result the planning assessment has relied on the broader provisions and principles of the Livingstone Shire planning scheme to assess the proposed Local Centre.

The following planning assessment and principles were considered relevant in the assessment of the proposal against the Strategic framework:

1. Economic need has been demonstrated across the eastern part of Livingstone Shire for a new Local Centre
2. Assessment of the capacity of existing centres and centre zoned land has been undertaken by the applicant that determined that no centre land was able to accommodate a new Local centre including a full line supermarket
3. The location of the proposal provided a convenient, accessible and appropriate location to service new urban growth in Livingstone Shire
4. Assessment of impacts on existing centre(s) identified trading impacts on established centres are within the bounds of normal competition
5. The site was considered an appropriate location for Local Centre
6. Assessment of technical issues (such as traffic, stormwater and ecology) were addressed and conditions applied to mitigate impacts
7. The site has the ability to be serviced with water, sewer and road infrastructure.

In addition, the following aspects were considered relevant in the assessment of the proposal:

- 1) The land is not productive agricultural land, despite its location within the Agricultural land classification overlay, and it is located within the Emerging Community zone.
- 2) The Emerging Community Code supports urban activities where an overriding community need is demonstrated prior to the land being development
- 3) There are very few submissions that have been made in opposition of the proposed development.

It is therefore recommended that approval of this development application is granted.

Local Government Infrastructure Plan assessment

The development is located outside the Priority Infrastructure Area (PIA). While the application materials have demonstrated that there is capacity in the water, sewerage and transport networks, this will take up capacity for planned growth inside the PIA. In that regard, there are additional works necessary by the development, particularly in terms of water and sewerage supply, which will require infrastructure capacity improvements and extensions. Solutions to this situation must be non-trunk solutions, at no cost to Council. A condition to this effect is placed on the recommendation for approval and is consistent with section 145 of the *Planning Act 2016*.

Planning Scheme Code assessment

An assessment against the relevant codes (refer to the Planning Scheme Code assessment attachment) demonstrates that the proposal complies with the various requirements of the codes with solutions outside the acceptable outcomes able to be justified against the performance outcomes and overall outcomes. A summary of the key assessments for each code is provided below:

6.6.2 Local Centre Code

The Local Centre Zone Code is considered an appropriate assessment benchmark considering the intent of the proposal as a Local Centre. The assessment against the

outcomes for assessable development demonstrates that the proposal complies with the Local Centre Zone Code. The proposal meets outcomes with the Local Centre Zone code including expected layout and built form outcomes, residential amenity requirements, access requirements, servicing and plant, and appearance and relationship to the street.

6.5.2 Emerging community zone code

The development is considered to comply with the Emerging Community Zone Code as:

- a) there is an overriding community need for the proposed development
- b) the proposal will service existing and expected growth in emerging urban areas
- c) the development will provide a convenient location to access local goods and services and contribute to the growth of Emerging community zoned areas.

The applicant has demonstrated this overriding need, which currently cannot be accommodated in an area zoned for centres due to current ownership and approval-related impediments; it is separated sufficiently from existing rural land further to the west and south; provides a local centre to service the surrounding area; and is for a suitable urban purpose.

The development has other alternative outcomes from the acceptable outcomes due to the nature of the development, which are able to comply with the performance outcomes and purpose of the code. This is something that can ordinarily be anticipated and is a primary contributing factor for the application being for an urban activity within the Emerging community zone.

Any solutions not meeting or only partially meeting the performance outcomes or overall outcomes are considered in light of the assessment under the Strategic Framework and that there are sufficient planning grounds and relevant matters to support a departure from these outcomes.

8.2.1 Acid sulfate soils overlay code

The subject land is identified under the Acid sulfate soils – potential assessment area and 20m AHD contour of the Acid sulfate soils overlay. The applicant has advised that an acid sulfate soils investigation report can be conditioned to be provided as part of the detailed design and construction phase of the development. This requirement can be appropriately conditioned.

8.2.3 Biodiversity habitat overlay code

The development is supported by an ecology assessment demonstrating the retention of the mapped waterway with its associated vegetation. Approximately 5.7 hectares of vegetation is proposed to be removed (with 2.5 hectares located within the 'MLES – Habitat and Vegetation' area of the Biodiversity habitat overlay), and approximately 3.1 hectares of this vegetation is proposed to be rehabilitated post-completion of the earthworks. An assessment against this overlay code was included in the ecological assessment.

8.2.4 Bushfire hazard overlay code

The proposal complies with the various requirements of the Bushfire hazard overlay code in that it provides for appropriate separation between the proposed development footprint and the mapped hazardous vegetation located to the south of the subject site. The proposed access points for the development are considered suitable to provide appropriate emergency services access and evacuation needs.

8.2.7 Flood hazard overlay code

A hydraulic impact and stormwater quantity assessment was prepared in support of the development and analysed the flood characteristics (pre and post development) to ensure the development does not result in increases in peak flows, flood levels or velocities external to the site that would cause adverse offsite impacts. The results of this assessment found:

- Stormwater will be discharged to a lawful point

- Stormwater management for the catchment will not be compromised
- There should be no worsening in peak discharge, as a result of the proposed development that would result in actionable damage to downstream properties
- The building should not be subject to flooding during the defined flood event.

8.2.10 Scenic amenity overlay code

A landscape concept plan has been prepared in support of the development. The proposal includes landscaping along the road frontages to Tanby and Taranganba Roads, particularly along Tanby Road to screen the development and retain the existing landscape character. The shopping centre provides an attractive landmark and focus for the newly emerging urban areas of Taroomball and is reasonably expected in urban landscapes.

9.3.1 General development code

The proposed development has demonstrated compliance with the requirements of the General development code. There are matters which will need to be addressed in more detail as part of subsequent operational works application which are included in the conditions of development.

9.3.2 Development works code

The proposed development has demonstrated compliance with the requirements of the General development code. There are matters which will need to be addressed in more detail as part of subsequent operational works applications which are included in the conditions of development.

9.3.3 Reconfiguring a lot code

The proposed reconfiguration of a lot is to facilitate a separate lot and access easement for the food and drink outlet proposed as part of the shopping centre. The reconfiguration of a lot is considered to provide an outcome generally consistent with this assessment benchmark. The proposed lots have an appropriate size and dimension to cater for the needs of the future development including the needs for private lots with suitable service and access arrangements.

Other

The subject land is located within the Agricultural land classification and Drainage problem overlays. Section 8.1 of the Planning Scheme identifies that an overlay code is not provided for these overlays. Considerations in relation agriculture and drainage are referred to in the assessment benchmarks contained within a zone code and/or development code.

The applicant's traffic report has addressed the Road hierarchy overlay code and Transport infrastructure overlay code. The access, traffic management and servicing, and road network implications have been assessed by the Department of Transport and Main Roads and conditions will apply in relation to the Department's requirements.

PUBLIC NOTIFICATION

The development application was subject to impact assessment and was publicly notified between 4 November 2024 to 25 November 2024. A total of 5 submissions were received for the proposed development. Out of these 5 submissions:

- 1 submission was not properly made¹;
- 1 submission was withdrawn; and
- 3 submissions opposed the development.

The following is a summary of the issues raised in the submissions lodged, with Council officer comments:

¹ Schedule 2, Definitions, *Planning Act 2016*

Issue	Officer Comment
Traffic management – Tanby and Taranganba Roads experience congestion. Concerns have been raised about the impacts of the proposed shopping centre on the road network, congestion and access arrangements.	The applicant has submitted Traffic impact assessment reports. Traffic access and management has been assessed by Council and the Department of Transport and Main Roads. The Department of Transport and Main Roads has provided conditions of development to apply to the development.
Stormwater management, including stormwater quality	A stormwater management plan has been provided by the applicant to manage stormwater runoff. Conditions require further detailed operational works approvals to be submitted to address stormwater management.
Amenity concerns to surrounding residences	The proposal is appropriately located on the major road network to provide a convenient location for a new shopping centre. Noise and lighting aspects can be managed to achieve required standards at sensitive receptors.
Infrastructure pressures and constraints	Conditions of development will apply which will require that the development is provided with appropriate urban services.
Need for the shopping centre including: - Incorrect definition of the trade area - Adverse impacts on existing and planned centres - Adverse impacts on the Yeppoon major centre	The applicant's economic study demonstrates need for the shopping centre taking account of the growth in Livingstone Shire. The Livingstone Shire planning scheme does not envisage a Local Centre at this location but the need assessment has indicated a need for an additional local centre and the proposed location is considered appropriate from a planning point of view to provide convenient, accessible and local shopping and services to the existing and planned urban growth.
Conflicts with the planning scheme including the Strategic framework, in relation to the centres hierarchy,	<p>The Yeppoon Major centre is not suitable for accommodating a new full line shopping centre.</p> <p>There is no appropriately located centre zoned land that is considered suitable to accommodate a new local centre.</p> <p>Trading impacts on established centres are considered to be within the bounds of normal competition.</p>
Insufficient relevant matters to support the approval of the proposal	Relevant matters support the approval of the proposed development.
Insufficient car parking has been proposed	Car parking is considered to be provided at appropriate levels to meet the needs of the proposed shopping centre.
Significant impacts on flora and fauna	The applicant has submitted appropriate flora and fauna studies to demonstrate that any impacts are appropriately managed. The relevant planning scheme codes are

	able to be met by the proposed development.
The proposal has not provided a structure plan	The proposal is considered to provide an appropriate location in the local area to provide a convenient and accessible location, and to integrate with future public transport and local road networks. A structure plan has been provided by the applicant to demonstrate how the proposal integrates with surrounding development.

RECOMMENDATION C

THAT Council resolves to issue an infrastructure charges notice.

PREVIOUS DECISIONS

The proposal is considered to integrate with development applications approved in the vicinity of the subject land. Road networks and infrastructure networks as part of previous decisions in nearby development have been taken into account.

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

ACCESS AND INCLUSION

There are no identified access or inclusion issues associated with this development application.

ENGAGEMENT AND CONSULTATION

The application was publicly notified between 4 November 2024 to 25 November 2024, as per the requirements of the *Planning Act 2016*. Five (5) submissions were received. Of these submissions, 1 was not properly made, 1 was withdrawn, and the remaining 3 submissions were in opposition to the proposed development.

HUMAN RIGHTS IMPLICATIONS

There are no identified human rights implications associated with this development application.

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 either a submitter (should Council approve the development application) or 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 PLAN REFERENCE

Future Livingstone

Community Plan Goal 5.1 - Balanced environmental and development outcomes

5.1.2 Balance development within Livingstone Shire in accordance with the community's desired environmental and economic outcomes.

The decision will be made in accordance with the *Livingstone Planning Scheme 2018* and relevant legislation, with consideration of the submissions received, to ensure that development is consistent with current best practice and community expectations.

CONCLUSION

The proposed development seeks approval for a Development Permit for a Material change of use (shopping centre), a Development Permit for Reconfiguring a lot (1 lot into 2 lots and an access easement), and a Development Permit for Operational work (native vegetation clearing), pursuant to Section 51 of the *Planning Act 2016*.

The assessment of the proposed development against the Livingstone Shire planning scheme and State assessment benchmarks has identified that:

- a) the development generally complies with the assessment benchmarks and does not cut across the intent of the Strategic framework;
- b) there is demonstrated need for the proposal to service the growing retail and services needs of a growing population at a suitable location,
- c) any non compliance with assessment benchmarks are acceptable and reflect relevant and established planning grounds in support the proposed development
- d) relevant matters weigh in favour of the approval of the application
- e) reasonable and relevant conditions are able to address impacts arising from the proposal.

**13.2 - DEVELOPMENT APPLICATION
D-246-2024 FOR A DEVELOPMENT
PERMIT FOR A MATERIAL CHANGE
OF USE FOR A SHOPPING CENTRE,
RECONFIGURING A LOT (ONE LOT
INTO TWO LOTS AND ACCESS
EASEMENT), AND OPERATIONAL
WORKS FOR NATIVE VEGETATION
CLEARING**

Locality

Meeting Date: 16 September 2025

Attachment No: 1



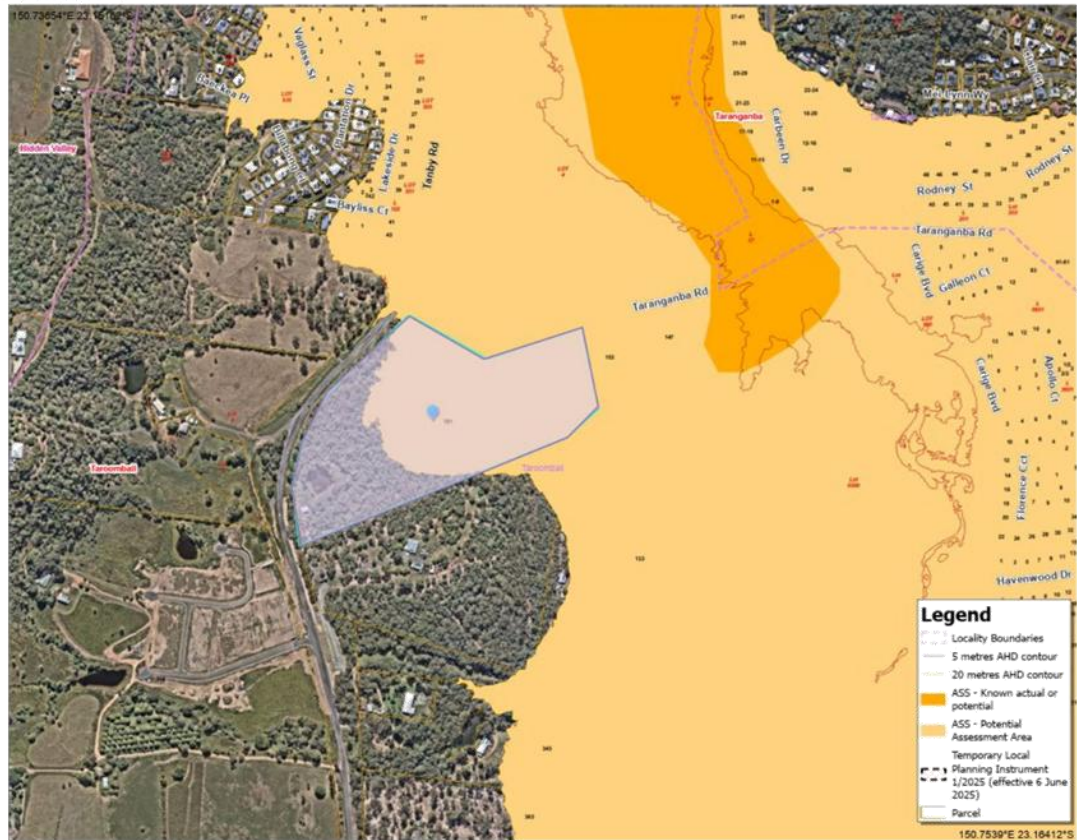
13.2 - DEVELOPMENT APPLICATION D-246-2024 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOPPING CENTRE, RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENT), AND OPERATIONAL WORKS FOR NATIVE VEGETATION CLEARING

Overlays

Meeting Date: 16 September 2025

Attachment No: 2

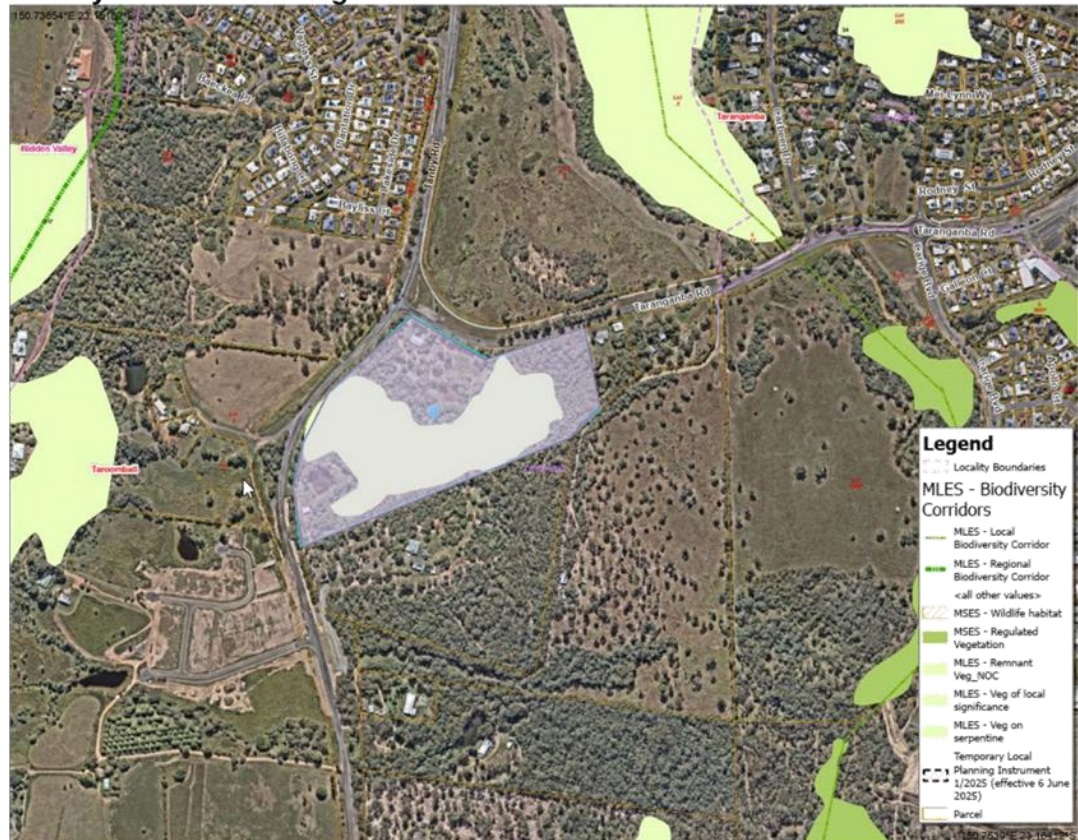
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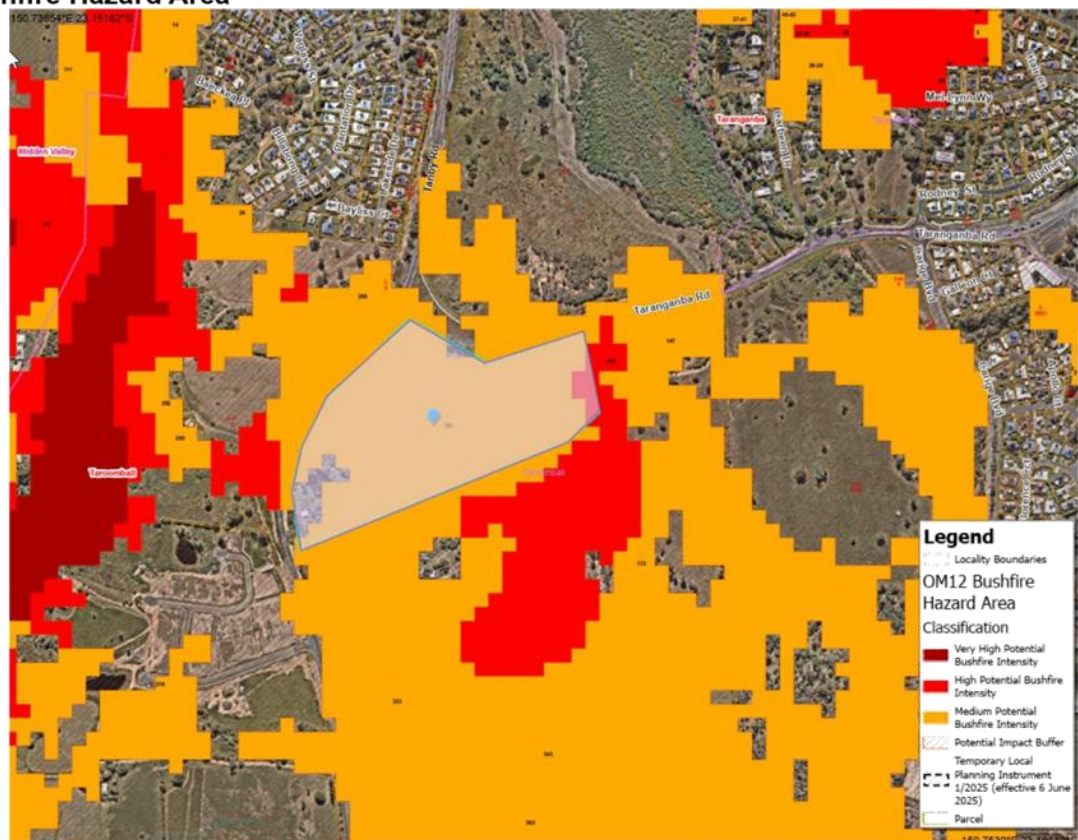
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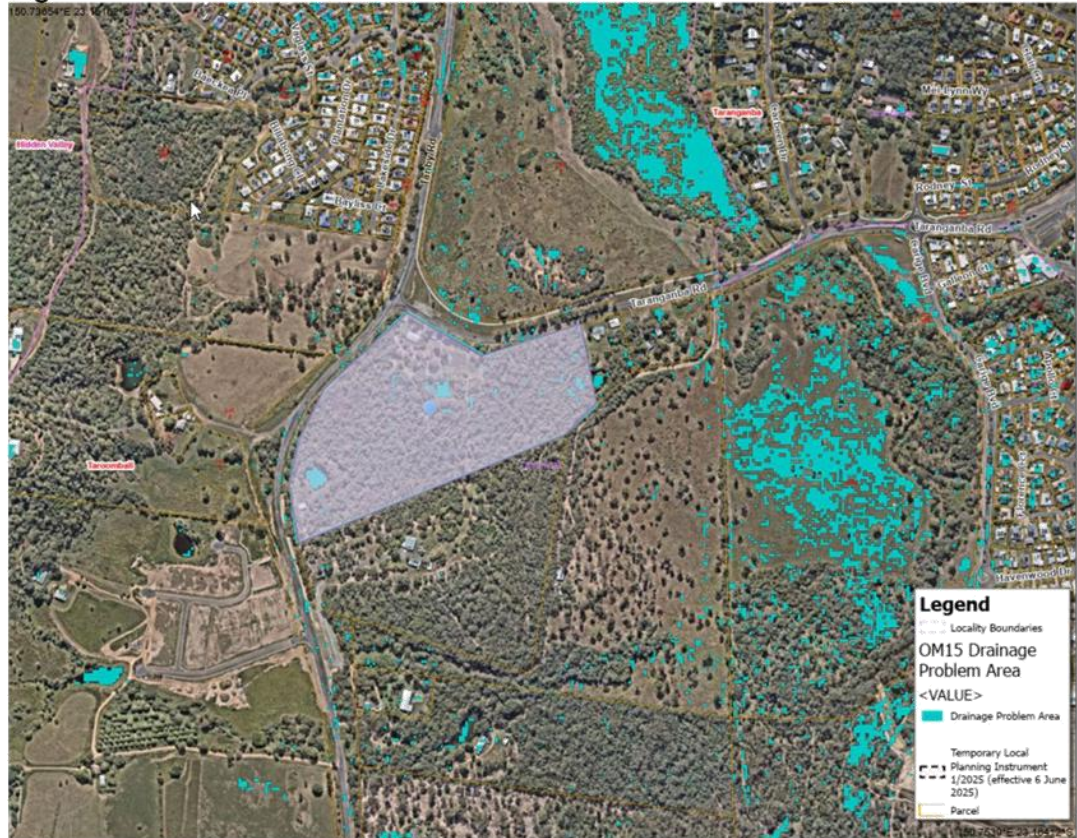
Biodiversity – Habitat and Vegetation



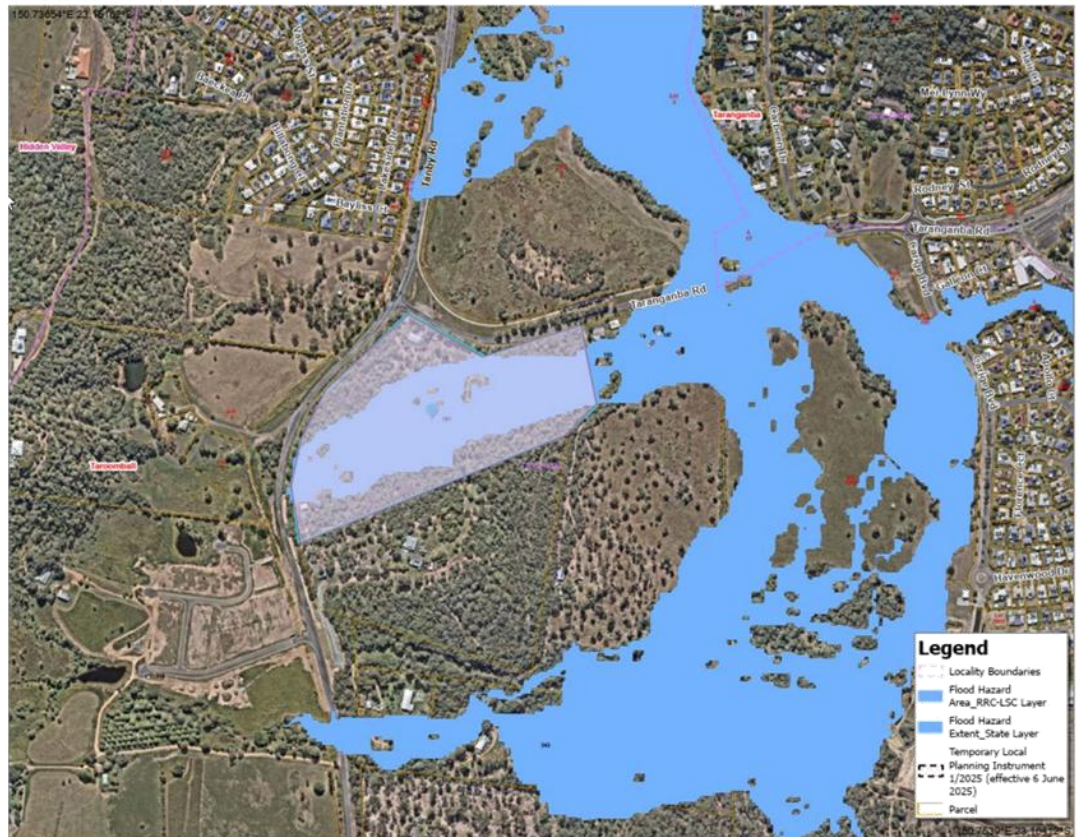
Bushfire Hazard Area



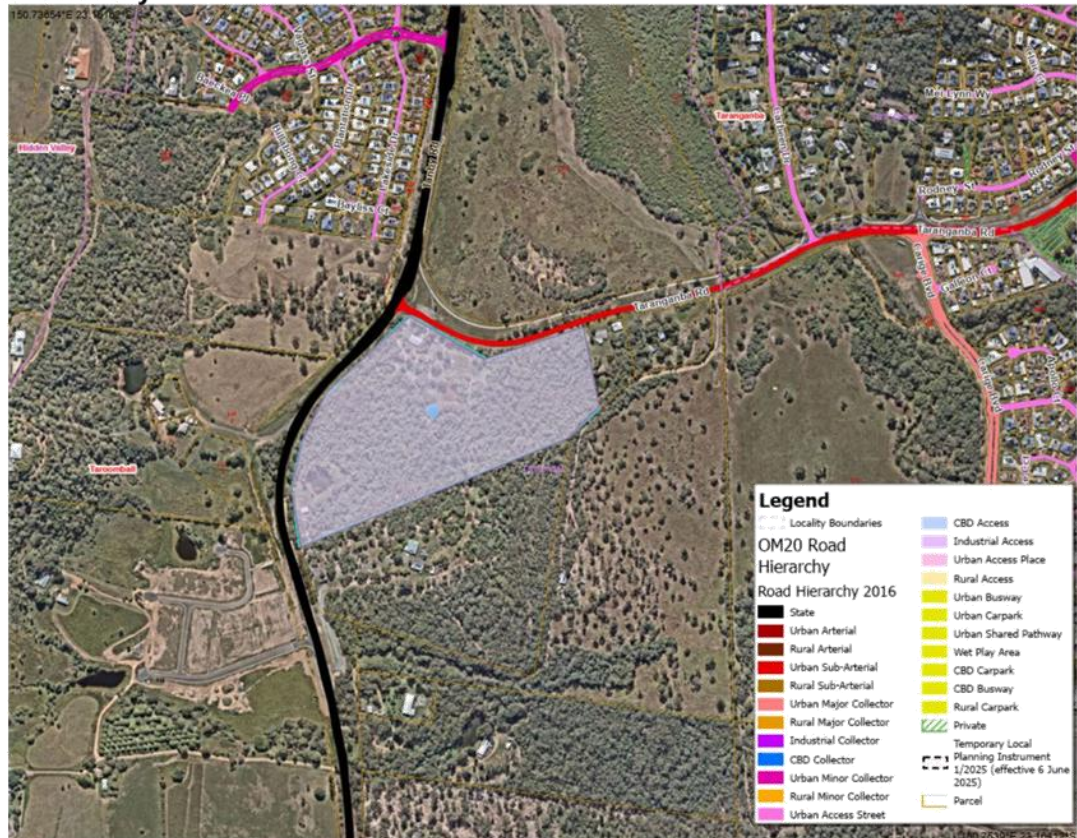
Drainage Problem Area



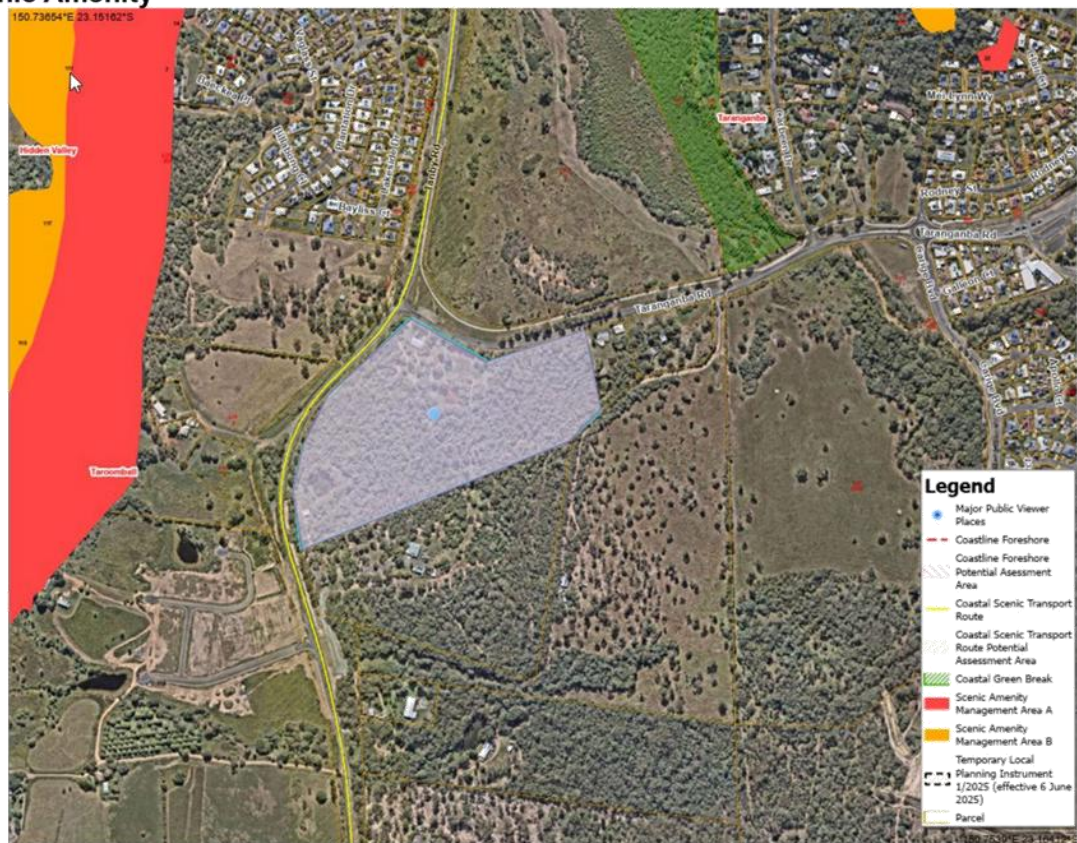
Flood Hazard Area



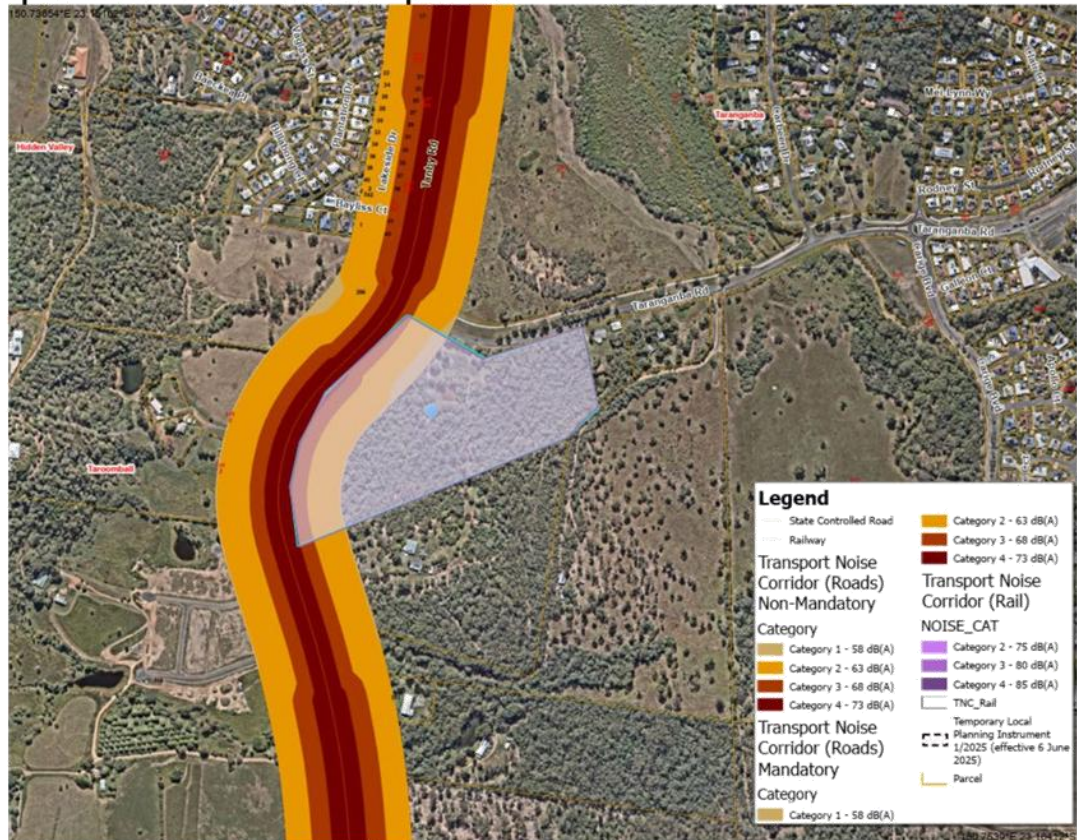
Road Hierarchy



Scenic Amenity



Transport Infrastructure and Transport Noise Corridors



Height Limits



**13.2 - DEVELOPMENT APPLICATION
D-246-2024 FOR A DEVELOPMENT
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CLEARING**

Architectural Plans

Meeting Date: 16 September 2025

Attachment No: 3

TARANGANBA SHOPPING CENTRE

DA STAGE 1

DRAWING LIST - DA stage 1

Sheet Number	Sheet Name
DA000	COVER SHEET & DRAWING LIST
DA100	OVERALL SITE PLAN
DA200	DEVELOPMENT PLAN
DA210	OVERALL ROOF PLAN
DA220	DEMOLITION PLAN
DA400	BUILDING ELEVATIONS
DA500	OVERALL SITE SECTIONS
DA510	OVERALL BUILDING SECTIONS
DA900	PERSPECTIVE 1
DA901	PERSPECTIVE 2
DA910	MATERIAL SELECTION
DA920	VEHICLE & PEDESTRIAN CIRCULATION DIAGRAMS
DA930	IMPERVIOUS & EASEMENT PLAN



ARTIST IMPRESSION ONLY



COVER SHEET & DRAWING LIST
TARANGANBA SHOPPING CENTRE

Status: **FOR INFORMATION**
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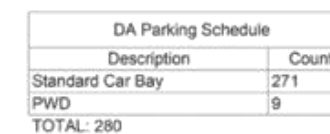
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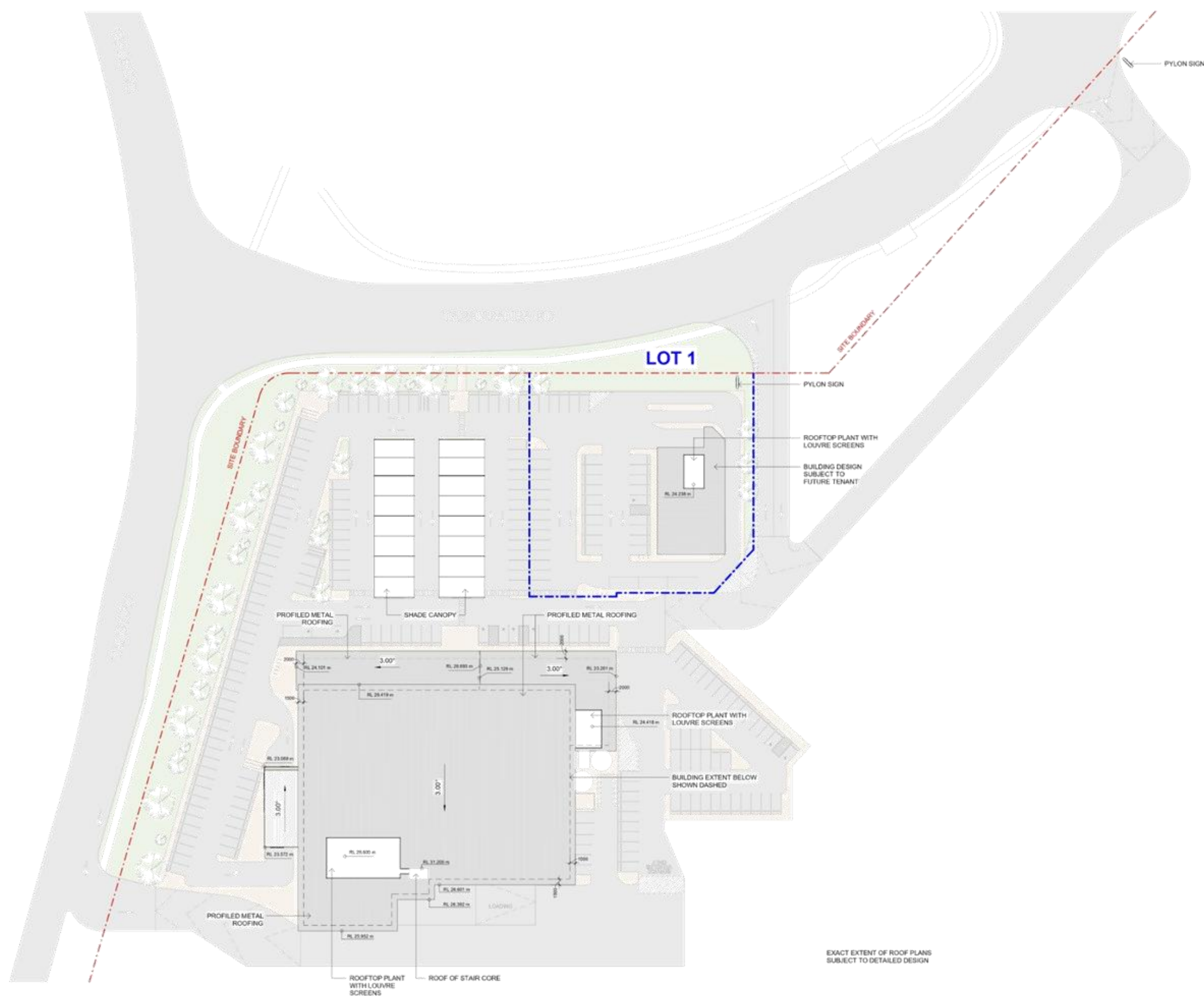
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Project Number: 63397
Drawing Number: DA000
Revision: H
Date: 05/08/2025

**Hames
Sharley**









DEMOLITION PLAN
TARANGANBA SHOPPING CENTRE

Status: **FOR INFORMATION**
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Taranganba SL_P_Ara\go\TGP.MXD

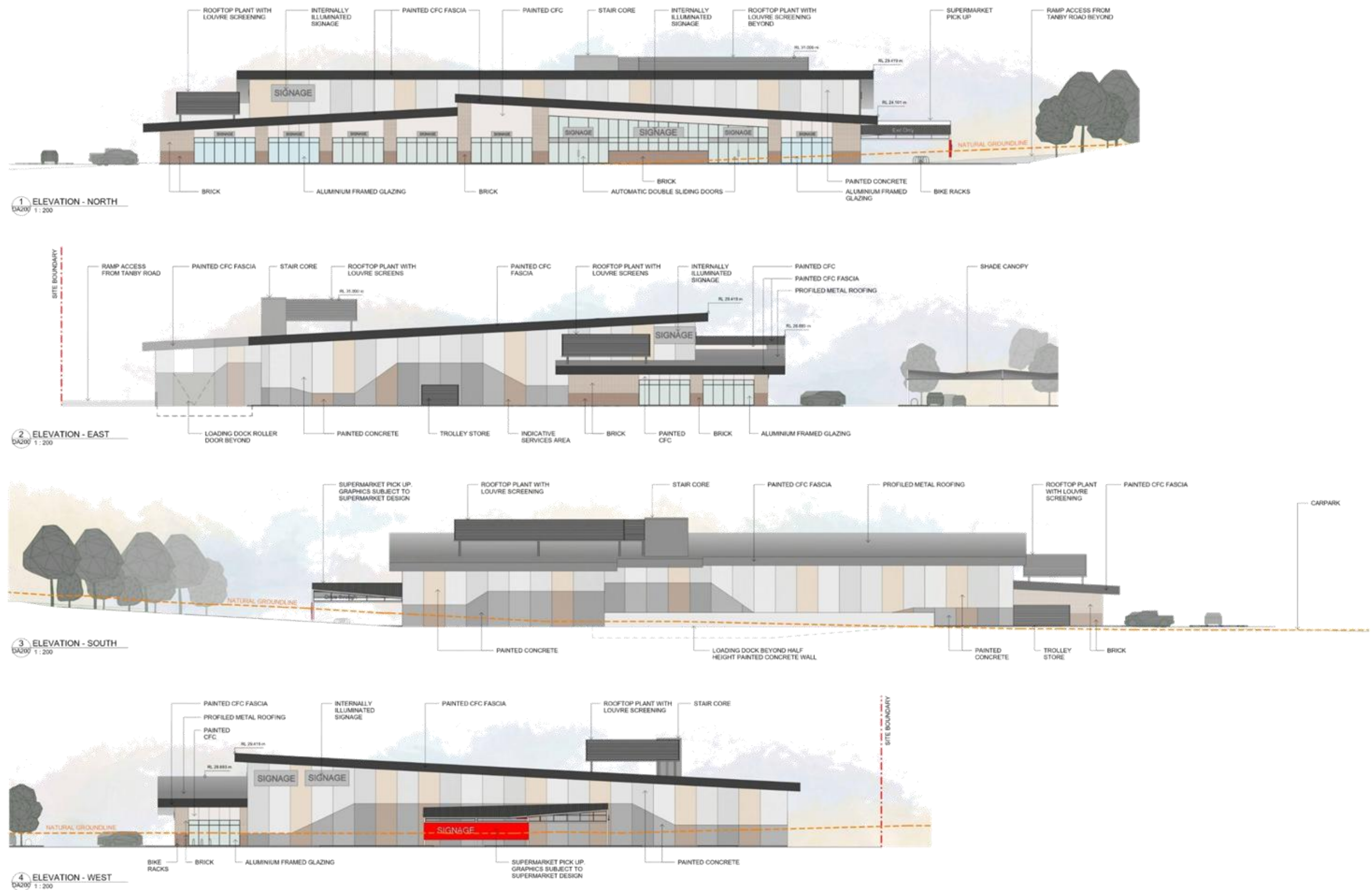
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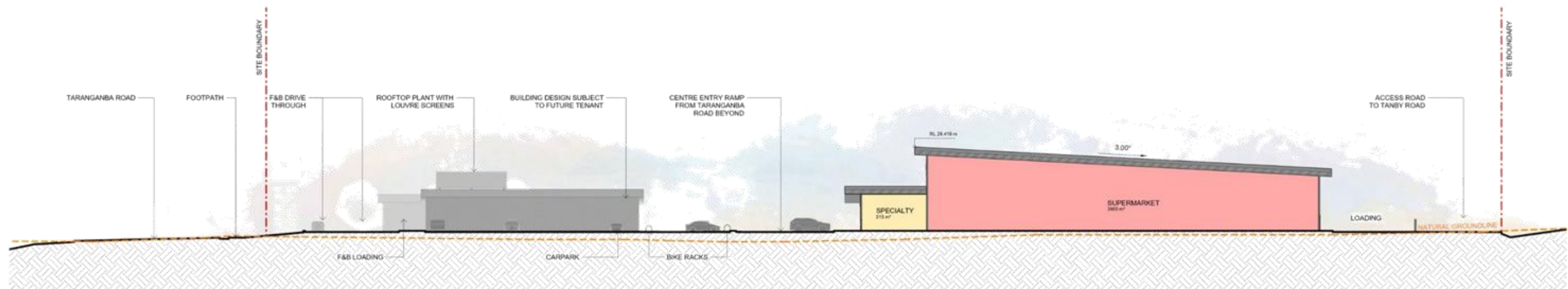


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Revision: E
Date: 30/06/2025

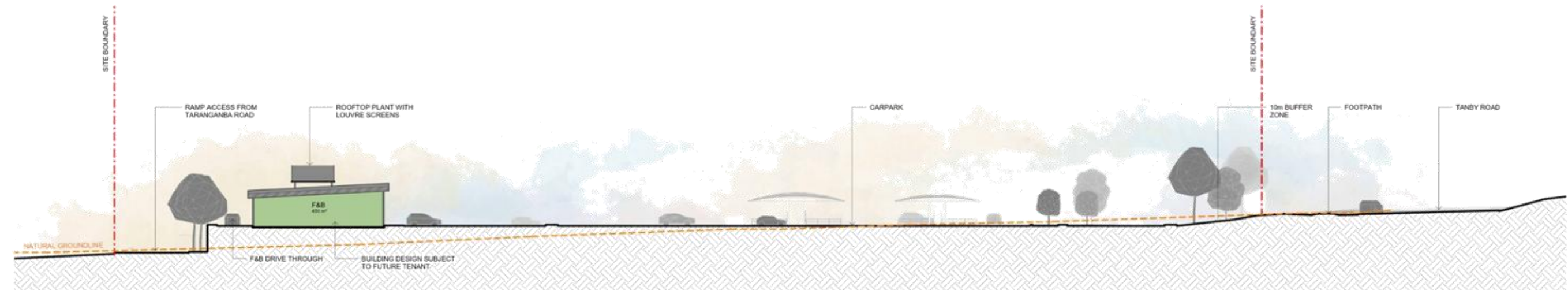
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1 OVERALL SITE SECTION 1
DA200 1:250



2 OVERALL SITE SECTION 2
DA200 1:250



3 OVERALL SITE SECTION 3
DA200 1:250



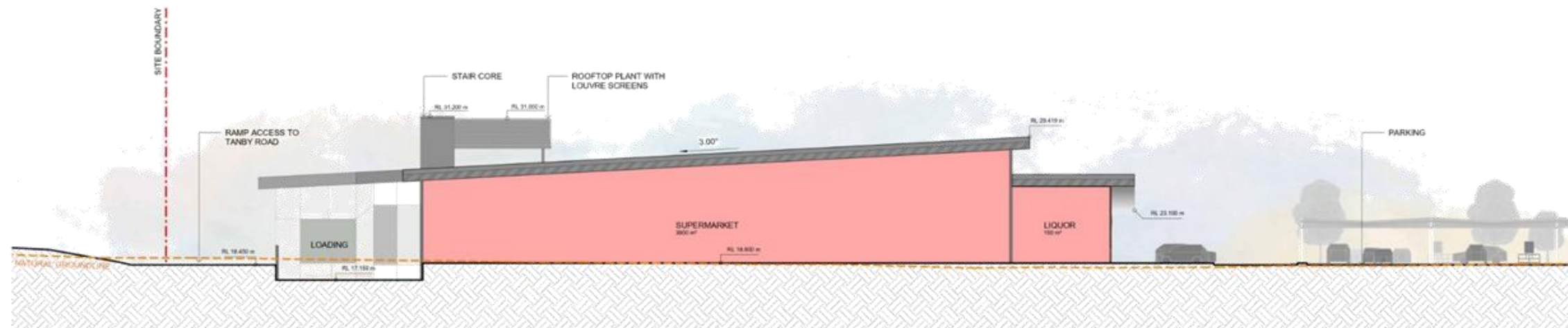
OVERALL SITE SECTIONS
TARANGANBA SHOPPING CENTRE

Status: **FOR INFORMATION**
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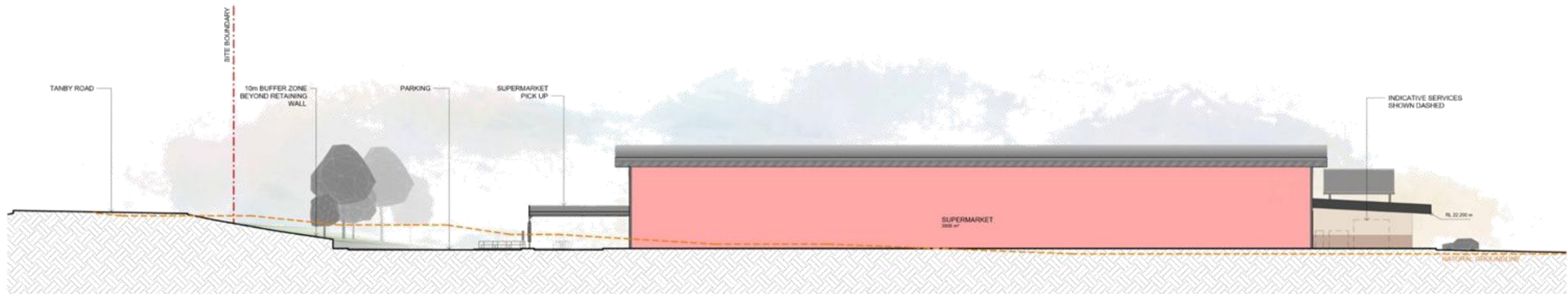
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Project Number: 63397
Drawing Number: DA500
Revision: K
Date: 05/08/2025

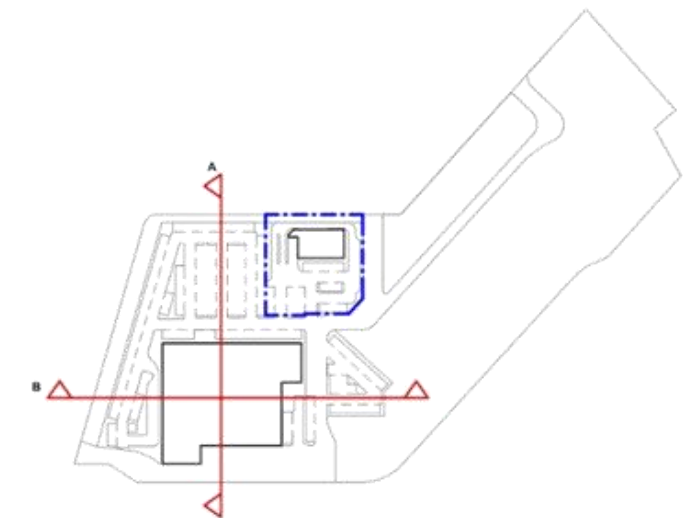
Hames Sharley



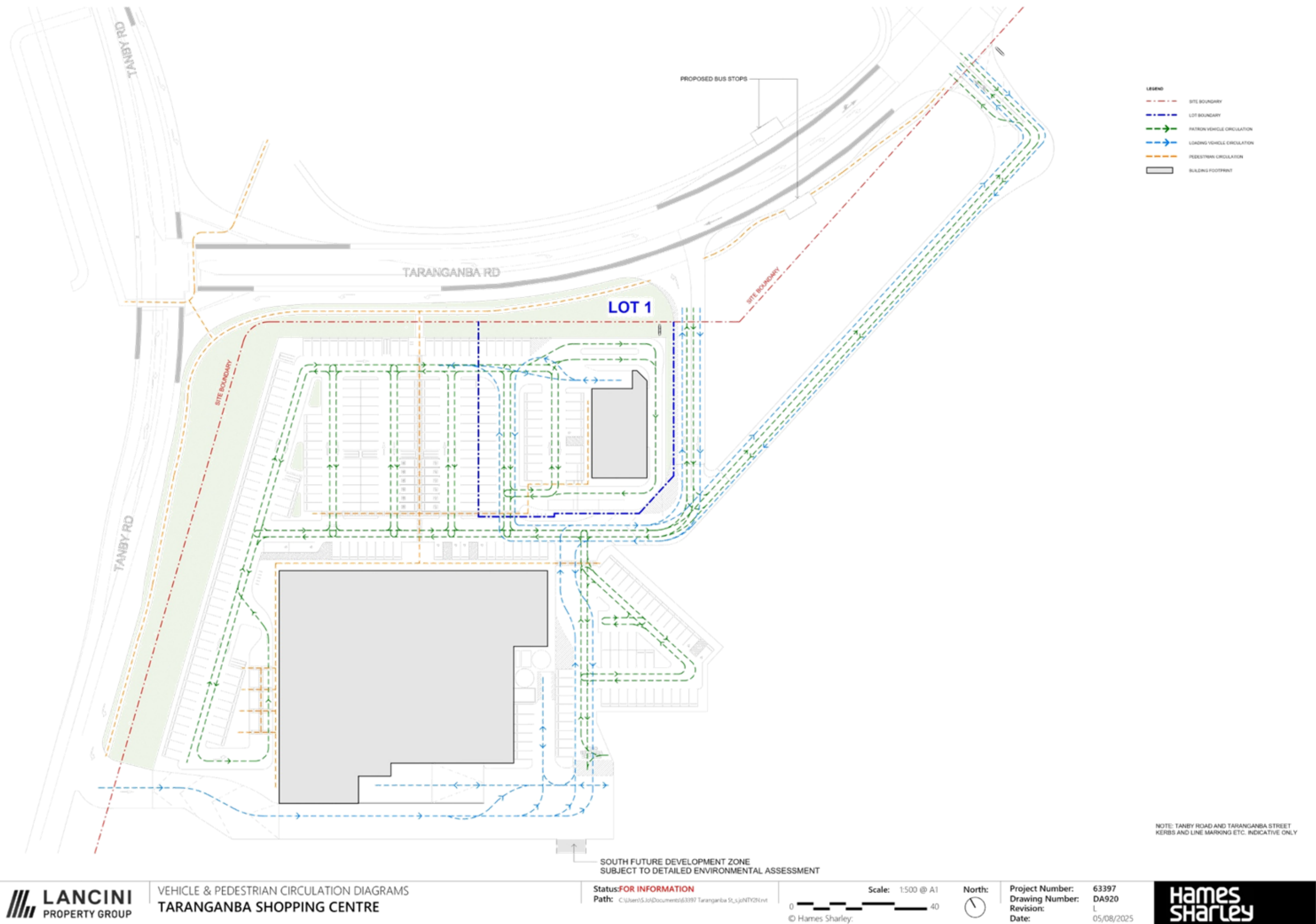
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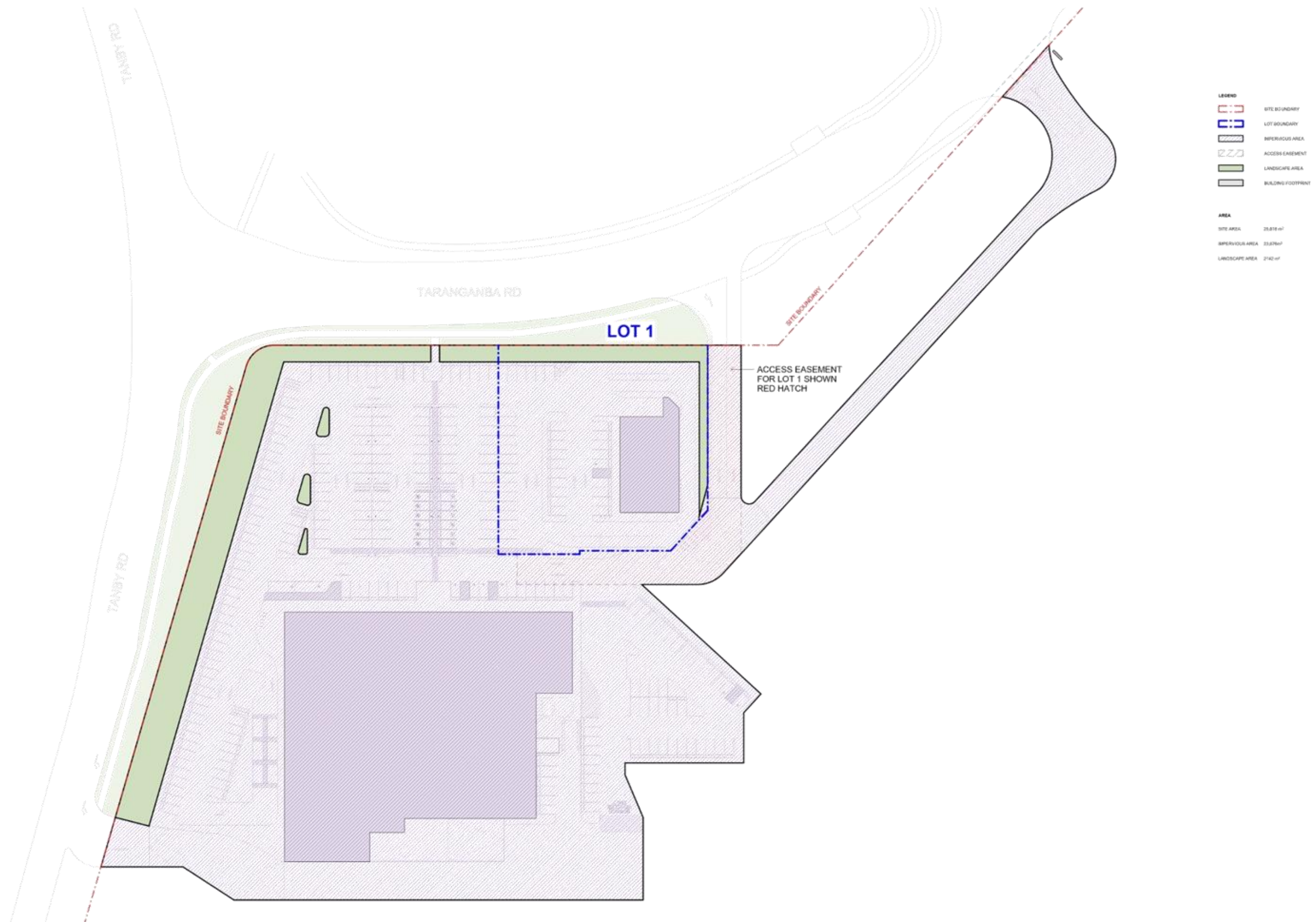


B SECTION B
DA200 1:200



LANCINI PROPERTY GROUP	OVERALL BUILDING SECTIONS TARANGANBA SHOPPING CENTRE	Status: FOR INFORMATION Path: C:\Users\J...Documents\63397 Taranganba Shopping Centre.rvt	Scale: 1:200 @ A1 	Project Number: 63397 Drawing Number: DA510 Revision: H Date: 05/08/2025	
		© Hames Sharley			





13.2 - DEVELOPMENT APPLICATION D-246-2024 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOPPING CENTRE, RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENT), AND OPERATIONAL WORKS FOR NATIVE VEGETATION CLEARING

Code Assessment

Meeting Date: 16 September 2025

Attachment No: 4



Planning Scheme Code assessment attachment



6.2.2 Local centre zone code

6.2.2.2. Purpose

Purpose
<p>The purpose of the local centre zone code is:</p> <ol style="list-style-type: none"> (1) to identify the desired character and amenity for the zone and to protect it from incompatible development; (2) to provide for the development of highly accessible local centres which are a scale that services a local trade catchment of approximately 3000 to 5000 households; (3) to provide for the development of the local centre of Emu Park, which is currently the only local centre in the planning scheme area; (4) to provide for the development of local centres as places comprising a range and mixture of uses from within the centre activities group, entertainment activities group and community activities group; (5) to provide for the development of a limited range and mixture of other uses where they are compatible with preferred uses and they support the needs of the local trade catchment area; (6) to provide for the management of impacts on adjoining sensitive land use; and (7) to facilitate the achievement of the overall outcomes sought for the zone.

6.2.2.3. Overall outcomes

Overall outcomes	GPC Response
The purpose of the code will be achieved through the following overall outcomes:	
(1) the local centre operates as the third highest order centre in the planning scheme area;	<p>Complies</p> <p>The proposed Local Centre seeks to operate in a manner that is consistent with the identified centre hierarchy. The proposal is considered to have impacts within the normal bounds of competition to the higher order Yeppoon Major Centre.</p>
(2) the local centre of Emu Park develops as a centre which: <ol style="list-style-type: none"> a. provides predominantly for the needs of local residents in terms of access to shops, health care services, food and drink outlets, a range of entertainment activities, a range of community activities and other compatible uses; and b. is also promoted as a tourist destination; 	<p>Not applicable</p> <p>The proposal does not involve the local centre of Emu Park. The proposed Local Centre will not have any unacceptable impact on the supermarket facilities in the Local Centre at Emu Park as demonstrated in the submitted Economic Need and Impact Assessment ('ENIA'). The proposed development will service a different and spatially separate residential catchment.</p>



<p>(3) local centres develop as walkable and legible places, having a pedestrian focussed environment at ground level, with a range of connected, safe and pleasant public spaces forming community focal points;</p>	<p>Complies The proposed Local Centre will be walkable and is located within proximity to residential development. Pedestrian pathways will be provided throughout the subject land to facilitate safe and convenient access throughout the carparking area and to the shopping centre. This also includes pedestrian connections along the street frontages.</p>
<p>(4) development is:</p> <ul style="list-style-type: none"> a. a use from within the centre activities group; or b. a use from within the entertainment activities group; or c. a use from within the community activities group; or d. a low impact use which: <ul style="list-style-type: none"> (i) is compatible with and supports a use within the centre activities group, entertainment activities group, or community activities group; or (ii) does not limit or compromise the of a use within the centre activities group, entertainment activities group, or community activities group; 	<p>Complies The proposal involves uses from the centre activities group.</p>
<p>(5) the development of a use within the centre activities group is a preferred use within the zone in the following circumstances:</p> <ul style="list-style-type: none"> a. it is an adult store; or b. it is a food and drink outlet; or c. it is health care services; or d. it is an office; or e. it is a shop; or f. it is a shopping centre; 	<p>Complies The proposal involves a food and drink outlet and a shopping centre.</p>
<p>(6) the development of a use within the entertainment activities group is a preferred use within the zone in the following circumstances:</p> <ul style="list-style-type: none"> a. it is a bar; or b. it is a function facility; or c. it is a hotel; or d. it is a nightclub entertainment facility (only if located at the local centre of Emu Park); or e. it is a theatre (only if located at the local centre of Emu Park); 	<p>Not applicable The proposal does not involve a use within this activity group.</p>



<p>(7) the development of a use within the community activities group is a preferred use within the zone in the following circumstances:</p> <ul style="list-style-type: none"> a. it is a child care centre; or b. it is a club; or c. it is a community care centre; or d. it is a community use; or e. it is an educational establishment; or f. it is a place of worship; 	<p>Not applicable</p> <p>The proposal does not involve a use within this activity group.</p>
<p>(8) the development of a use that is not within the centre activities group, entertainment activities group, or community activities group is a preferred use within the zone in the following circumstances:</p> <ul style="list-style-type: none"> a. it has low impacts; b. is small in scale; c. it is compatible with other uses in the local centre; d. it is designed to integrate with development in the immediate area; e. the use: <ul style="list-style-type: none"> (i) is a caretaker's accommodation; or (ii) is a dwelling unit; or (iii) is an environment facility; or (iv) is a funeral parlour; or (v) is a garden centre; or (vi) is indoor sport and recreation (being a gymnasium or fitness studio); or (vii) is a park; or (viii) is a research and technology industry (being a computer server facility); or (ix) is a sales office; or (x) is a service industry; or (xi) is from within the special activities group and it is an essential component of infrastructure servicing the community; 	<p>Not applicable</p> <p>The proposal involves uses within the centre activities group.</p>



<p>(9) the development of a use within the accommodation activities group (other than a caretaker's accommodation or dwelling unit) occurs within the zone only in the following circumstance:</p> <ul style="list-style-type: none"> a. it enhances the local centre of Emu Park as a tourist destination; b. it does not limit or compromise the development of preferred uses; c. it is designed to integrate with development in the immediate area; d. it is designed to complement the character of Emu Park with long-term accommodation activities located above the ground level storey; e. the use: <ul style="list-style-type: none"> (i) is a dual occupancy; or (ii) is rooming accommodation; or (iii) is short-term accommodation; or (iv) is multiple dwelling units; 	<p>Not applicable The proposal does not involve a use within this activity group.</p>
<p>(10) the development of a market or emergency services occurs only if the following circumstance:</p> <ul style="list-style-type: none"> a. it does not limit or compromise the development of preferred uses; b. it is designed to integrate with development in the immediate area; 	<p>Not applicable The proposal does not involve a market or emergency services.</p>
<p>(11) the development of a use which has a medium, high, or severe impact on land use in the immediate area does not occur;</p>	<p>Complies The proposal does not involve a use which would have a medium, high or severe impact on land uses in the immediate area. The proposal is supported by specialist reporting which demonstrates how the potential for adverse impacts has been addressed where appropriate (including, traffic, noise, ecology, bushfire, etc.).</p>
<p>(12) development within the local centre zone does not undermine the viability, role or function of established district centres or major centres;</p>	<p>Complies The proposed Local Centre will not undermine the viability, role or function of established District Centres (nil exist) or the Major Centre of Yeppoon. This is confirmed in the submitted ENIA which demonstrates economic impacts are within acceptable competitive parameters.</p>



(13) large scale administrative and professional offices, including regional offices of government and private sector entities locate in the Yeppoon major centre and do not locate in local centres;	Complies The proposal does not involve large scale administrative and professional offices.
(14) the development is compatible with an urban form that is characterised by: <ul style="list-style-type: none"> a. low rise buildings in accordance with Figure 6.2.2.4.1.1 – Emu Park Business District Height Limits; b. high site cover; c. appealing streetscapes and public places; and 	Complies The proposal incorporates low rise buildings that are appealing to the street and public spaces. The proposal is located on a substantially sized site, subject to biodiversity and waterway constraints, and therefore overall site cover is low, however it is considered the development incorporates an urban form and design relevant to the site context of Taranganba Road and Tanby Street.
(15) in the local centre of Emu Park, views and vistas to key landmarks and local features, such as the singing ship, are retained;	Not applicable The proposal does not involve the Local Centre of Emu Park.
(16) in the local centre of Emu Park, development is designed in a manner that is compatible with the coastal village character;	Not applicable The proposal does not involve the Local Centre of Emu Park.
(17) the appearance of development provides visual interest and contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area;	Complies The proposed Local Centre has been designed to incorporate elements of visual interest and contribute to a high level of amenity when viewed from the street, public places, and the surrounding area. The centre has been designed to respond to the Taroomball local character and includes a vegetated landscape buffer to Tanby Road which is identified as a 'coastal scenic transport route' on the Scenic amenity overlay.
(18) development provides facilities to promote public and active transport use, and safe and equitable access to a range of transport modes; and	Complies The proposal provides facilities to promote public and active transport use, including new pedestrian pathways and bus stops. The proposal also facilitates safe and equitable access to a range of transport modes, including the local bus routes, pedestrian pathways and the local road network.
(19) the development is provided with adequate infrastructure and essential services.	Complies The proposed Local Centre is provided with adequate infrastructure and essential services as demonstrated in the submitted specialist reports, including the Traffic Impact Assessment and Civil Engineering Report.



6.2.2.4. Specific benchmarks for assessment

Table 6.2.2.4.1—Outcomes for assessable development

Performance outcomes	Acceptable outcomes	Response
Built form		
PO1 The height and bulk of buildings and structures are consistent with the intended character of the zone and they result in the following outcomes: (a) they do not adversely impact the character or amenity of the streetscape, adjoining sites and surrounding area; (b) they are low to medium rise; (c) they are human scale at street level; and (d) they do not compromise distant views and vistas to important local landmarks (such as the singing ship) from significant public viewer places.	AO1.1 Building height and the height of structures does not exceed the height limits identified for the specific locations shown on Figure 6.2.2.4.1.1 – Emu Park Business District Height Limits.	Not applicable The site is not located in Emu Park.
	AO1.2 Site cover does not exceed the following: (a) eighty (80) per cent if buildings have a height less than or equal to two (2) storeys; or (b) fifty (50) per cent if buildings have a height greater than two (2) storeys.	Complies Site cover does not exceed 80%.
PO2 The design and sitting of buildings and structures does not adversely impact the amenity of the streetscape or adjoining sites having regard to the following: (a) minimisation of potential sources of nuisance; (b) provision of and maintenance of access to natural light and ventilation; (c) integration with and consideration of the design and sitting of any buildings and structures located on adjoining sites	AO2.1 There is a 1.8 metre high acoustic screen fence located along all common lot boundaries with a residential category zone or other adjoining sensitive land use.	Complies with PO2 The proposed development is supported by an Noise Impact Assessment which demonstrates no adverse impacts to adjoining properties in relation to acoustic matters.
	AO2.2 Buildings or structures have a setback from all common lot boundaries with a lot located in a residential category zone in accordance with the following: (a) at any point where the 'outermost projection height' is between two (2) metres and 4.5 metres, a setback of at least five (5) metres; or	Not applicable The site does not have a common boundary with a residential zone.



Performance outcomes	Acceptable outcomes	Response
(particularly those associated with the sensitive land use) or public places; and (d) provision of and maintenance of privacy for any habitable buildings.	(b) at any point where the 'outermost projection height' is greater than 4.5 metres, a setback of at least five (5) metres plus 0.3 of a metre for every additional metre or part thereof in height over 4.5 metres	
	AO2.3 Buildings are built to the road frontage lot boundary at locations identified on Figure 6.2.2.4.1.2 – Emu Park Business District Streetscape and an awning is provided over the footpath.	Not applicable The site is not located in Emu Park.
	AO2.4 Buildings have a setback from rear lot boundaries of at least six (6) metres.	Complies with AO2.4 Proposed buildings have a setback from rear lot boundaries of at least 6m.
	AO2.5 If the distance separating a window of a habitable room, a balcony or a patio is less than three (3) metres at ground level or nine (9) metres at levels above the ground level storey, of a window of a habitable room or a balcony or a patio of an adjacent building, privacy is protected by utilising the following: (a) window sill heights a minimum of 1.5 metres above floor level; or (b) fixed opaque glazing in any part of the window below 1.5 metres above floor level; or (c) fixed external screens; or (d) in the case of screening for a ground floor level, fencing to a height of 1.5 metres above ground floor level.	Not applicable No habitable rooms, balconies or patios are proposed, and no buildings are proposed within 9m of any habitable rooms, balconies or patios on adjoining sites.



Performance outcomes	Acceptable outcomes	Response
PO3 Lots have a regular shape and consistent dimensions to facilitate the development of the land in accordance with a prior related Material Change of Use, and the lots have sufficient area to provide for: (a) the approved density of development; (b) buildings and structures; (c) usable open space and landscaping; (d) ventilation and sunlight for buildings; (e) privacy for residents; (f) suitable vehicle access and onsite parking where required; and (g) any on-site services and infrastructure.	AO3.1 For a multi-storey building, any storey located above the second storey, has a setback in accordance with the following: (a) a setback from road frontage lot boundaries of at least six (6) metres but no more than ten (10) metres; and (b) a setback from side lot boundaries of at least one-third of the 'outermost projection height' of the building.	Not applicable The proposed development does not contain a multi-storey building.
Appearance		
PO4 The development is designed in a manner that contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area by incorporating elements including but not limited to the following: (a) emphasis on entry points; (b) orientation to the street and any public places; (c) use of buildings, structures or vegetation to screen any waste storage areas and building plant from view of the street; (d) inclusion of vegetation to screen any large unarticulated building walls;	AO4.1 The development has a pedestrian entry point at or visible from the primary road frontage.	Complies The proposed development has a pedestrian entry point at or visible from Taranganba Road. Pedestrian footpaths and a bus stop are also provided along this frontage.
	AO4.2 Any waste storage areas are screened from view of the street by one or more of the following: (a) a solid screen fence; or (b) a wall; or (c) dense vegetation.	Complies Waste storage areas are located behind buildings and are screened from view of the street.
	AO4.3 Any building plant: (a) is screened from view of the street by one or more of the following:	Complies Building plants will be behind buildings and screened from view of the street and / or integrated into the roof design.



Performance outcomes	Acceptable outcomes	Response
(e) inclusion of vegetation at appropriate locations to enhance public streets and places and to provide shading for pedestrian comfort.	(i) a solid screen fence, or (ii) a roof design feature; or (iii) a wall; or (iv) dense vegetation; or (b) is located within, underneath or central to the building so as to not be visible from the street.	
	AO4.4 There is a densely vegetated area having a depth of at least five (5) metres from the lot boundary, located along all common lot boundaries where adjoining any residential category zone.	Not applicable The site does not have a common boundary with a residential zone.
	AO4.5 The densely vegetated area specified in AO4.4 complies with the following: (a) there is a minimum of two (2) rounded canopy trees for every five (5) linear metres or part thereof of the length of the lot boundary; and (b) any established native tree species having a height exceeding two (2) metres, or a trunk diameter of thirty (30) centimetres are retained within the vegetation area.	Not applicable The site does not have a common boundary with a residential zone.



Table 6.2.2.4.2—Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Response
Land use		
PO5 The use: (a) is a preferred use for the zone (as identified in the overall outcomes for the zone); or (b) is another use that is identified in the overall outcomes for the zone and is compatible with and does not limit or compromise the development of a preferred use for the zone.	No acceptable outcome is nominated.	Complies with PO5 The proposed uses (Shopping centre, Food and drink outlet) are compatible with the overall outcomes for the zone, which seeks to facilitate orderly and efficient development of urban activities.
PO6 The use does not undermine the viability, role or function of a district centre or a major centre in the planning scheme centres hierarchy.	No acceptable outcome is nominated.	Complies with PO6 The proposal will not undermine the viability, role or function of a district centre or a major centre in the planning scheme centres hierarchy.
PO7 The use appropriately integrates with any established uses in the immediate area.	No acceptable outcome is nominated.	Complies with PO7 The proposed Local centre appropriately integrates with established uses in the immediate area, which are generally residential. The proposal will provide a bus stop and signalised intersections which support safe active and public transport including access from nearby residential areas. The proposed development will contribute to the provision of essential services within a walkable catchment.
PO8 The use does not result in medium impacts, high impacts, or extreme impacts and risks due to emissions, or dangerous or hazardous goods and activities.	No acceptable outcome is nominated.	Complies with PO8 The proposal will not involve emissions, or dangerous or hazardous goods and activities which would cause medium, high or extreme impacts on adjoining properties.



Performance outcomes	Acceptable outcomes	Response
PO9 The use is located, designed and operated in a manner that maintains public safety and minimises impacts on other land use.	No acceptable outcome is nominated.	Complies with PO9 The proposal has been designed and located to maintain public safety and minimise impacts on nearby land uses. The subject land is located at the corner of two higher order roads and will provide passive surveillance of Tanby Street, Taranganba Road and carparking area to promote public safety.
PO10 If the use is a food and drink outlet, it does not involve a drive through facility.	No acceptable outcome is nominated.	Complies with SO of Strategic Framework (Centres) and OO of Local Centre Zone Code The proposal includes only one (1) drive through food and drink outlet, which is located adjacent to the site entry/exit. While PO10 ordinarily discourages drive-through facilities, the proposed development is considered appropriate for the following reasons: <ul style="list-style-type: none"> • The use is consistent with Specific Outcome 3.3.9.1(13) of the Strategic Framework, which identifies that local centres are intended to provide a mix of land uses to meet the convenience needs of their catchments. Drive-through food and drink outlets form part of contemporary convenience retail supply and are a recognised component of local centre development. • Locating the drive-through as part of a shopping centre consolidates food and drink uses in an appropriate environment. • This also avoids potential conflicts with residential areas and ensures activity occurs



Performance outcomes	Acceptable outcomes	Response
		<p>on higher-order roads (Tanby and Taranganba Roads) where such uses are typically located.</p> <ul style="list-style-type: none"> The proposed facility has been designed to maintain walkability, with pedestrian pathways integrated throughout the site, and is located in proximity to public transport. The built form incorporates visual interest and contributes positively to the centre's streetscape. <p>Accordingly, the proposal is considered to achieve the intent of PO10 and the broader planning framework by ensuring the drive-through component provides local convenience, is appropriately located and designed, and contributes to the role and function of the proposed local centre.</p>
PO11 The development of a public use that generates frequent and a large amount of public visitation: (a) is highly accessible; and (b) is well located in relation to public and active transport networks.	No acceptable outcome is nominated.	Complies with PO11 The proposal is highly accessible and is located at the corner of two higher order roads and is well located in relation to the existing public and active transport networks. The site is located on an existing bus route, and a new bus stop is proposed in front of the centre to connect to this route. Pedestrian connections are also proposed throughout the site and along the street frontage to encourage active transport use.
Built form		
PO12 Development is designed to:	AO12.1 New developments:	Complies with PO12



Performance outcomes	Acceptable outcomes	Response
(a) fit responsibly into the streetscape; (b) activate and engage with the street and important public spaces; (c) create a pedestrian rather than car oriented street frontage; (d) create a safe pedestrian environment at street level; (e) create interesting street level façades which avoid expanses of blank walls oriented to the street; (f) provide an awning over pedestrian areas or shade trees where an awning would conflict with the streetscape (for example, heritage buildings).	(a) are oriented to the street and on-site customer parking areas; (b) at ground level, include display windows for a minimum of eighty (80) per cent of the façade area; and (c) result in ground floor tenancies which do not exceed ten (10) metres in width, or the ground floor tenancies are punctuated at least every fifteen (15) metres by a vertical design feature or shop window displays	The buildings will be oriented to the street and internal carparking areas, with display windows across the façade. Ground floor tenancies have been designed to activate and engage with the street, with interesting street level façades which avoid expanses of blank walls. Awnings will be provided to the buildings to shade pedestrian areas and provide weather protection. The proposal also incorporates a 10m wide vegetation corridor along Tanby Road.
	AO12.2 Where fronting a street or public space, any part of a building above ground floor level includes design features, windows or balconies to at least thirty (30) per cent of the façade area of each floor level.	Not applicable The proposed buildings are single storey.
	AO12.3 Buildings have awnings over external pedestrian footpath areas and the awnings: (a) provide continuous weather protection; (b) are not higher than 7.5 metres from the constructed pavement or footpath to the soffit of the awning; and (c) extend from the building over the pedestrian footpath area the greater of the following: (i) three (3) metres; or (ii) a distance which finishes 0.5 of a metre before any roadside kerb or vehicle parking area.	Complies with PO12 To comply with visual amenity and landscape requirements, the proposed buildings are setback from the street boundary and therefore no external awnings are proposed. However, the buildings include awnings over the internal pedestrian footpath areas, providing continuous weather protection. These awnings will integrate with the buildings and roof design, and provide an attractive appearance.
PO13 Ground level streetscapes are developed with uses which create daytime and night time activity.	AO13.1 The development of a long-term accommodation activity occurs only above the ground level storey.	Not applicable No accommodation is proposed.



Performance outcomes	Acceptable outcomes	Response
	AO13.2 Active uses are provided on the ground level of all buildings identified as built to boundary buildings on Figure 6.2.2.4.1.2 – Emu Park Business District Streetscape	Not applicable The site is not located in Emu Park.
PO14 All buildings provide opportunities for ground floor reuse and adaptation for alternative preferred uses.	AO14.1 Building ground floors have a floor to ceiling height of at least four (4) metres.	Complies with AO14.1 The proposal will comply with this requirement.
Appearance		
PO15 Buildings have an appearance which provides visual interest and contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area by use of the following: (a) vertical and horizontal articulation to create shadow and break up the built form by use of fenestration, recesses, wall offsets, balconies, projections, splays or other building design features; (b) external building walls having variations in textures, materials and colours; (c) external building materials which are unlikely to create a nuisance, discomfort or hazard due to solar reflection.	AO15.1 Buildings have a maximum unarticulated length of fifteen (15) metres to the street frontage.	Complies with AO15.1 Proposed buildings incorporate articulation at least every 15m along the street frontage.
	AO15.2 External building walls have at least three (3) variations, with the variations consisting of one or more of the following: (a) changes in surface textures; or (b) changes in materials; or (c) changes in colours.	Complies with AO15.2 Proposed external building walls incorporate variations in colours and materials to provide visual interest and contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area.
	AO15.3 The design of the building does not include glass or surfaces that are likely to: (a) reflect solar rays for prolonged periods due to exterior finishes and design elements, or (b) create undue nuisance, discomfort or hazards to any part of the surrounding locality.	Complies with PO15 The proposal will mostly comprise brick materials, with some glazing proposed to provide opportunities for casual surveillance of the parking area. This glazing also provides visual interest and activation and contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area.
PO16	No acceptable outcome nominated.	Complies with PO16



Performance outcomes	Acceptable outcomes	Response
Buildings are well designed and decorated to respond to the sub-tropical climate and the coastal town character of the immediate area.		The proposal will be well designed and decorated to respond to the sub-tropical climate and the coastal town character of the immediate area.
PO17 The roof of a building is designed in a manner that creates visual interest and can conceal any plant equipment.	No acceptable outcome nominated.	Complies with PO17 The proposed building roofs have been designed in a manner that creates visual interest and is able to conceal any plant equipment through integrated roof design.
PO18 The location of street trees, seating, waste bins, drinking fountains, public transport stops and public art and the like are: (a) provided at a scale and location appropriate to the siting and design of the centre; (b) co-ordinated to create cohesive streetscapes and movement areas to soften the built form and provide increased user amenity; and (c) located so as to retain at least a 1.5 metre wide clear pedestrian zone.	No acceptable outcome nominated.	Complies with PO18 The location of landscaping features has been provided at a scale and location appropriate to the siting and design of the proposed centre, in a coordinated manner to create cohesive streetscapes and movement areas to soften the built form and provide increased user amenity whilst maintaining at least a 1.5m wide clear pedestrian zone.
Vehicle parking areas and access		
PO19 Parking areas are designed to minimise impacts on sensitive land use due to noise, car park lighting, vehicle lighting, and loss of privacy.	No acceptable outcome is nominated.	Complies with PO19 The proposed parking areas have been located so as to minimise impacts on nearby sensitive land uses in terms of noise, lighting, and potential loss of privacy. The parking areas have been oriented to the street frontage. The submitted Noise Impact Assessment demonstrated that the proposal would not have any adverse impacts on adjoining properties.
PO20	No acceptable outcome is nominated.	Complies with OO



Performance outcomes	Acceptable outcomes	Response
On-site vehicle parking areas do not compromise the walkability and active shop front focus of the streetscape and they are sited: (a) to the side or the rear of buildings; or (b) below ground level.		Onsite vehicle parking areas have been designed to provide convenient access to the proposed shopping centre in a safe, well-lit environment with passive surveillance available. The car parking layout supports walkability through integration of a dedicated pedestrian entry with safe and convenient internal walkways which connect to the main shopping centre building and food and drink outlet. The carpark has been purposefully screened behind a 10m vegetation corridor on Tanby Road and a 5m wide landscaping strip on Taranganba Road.
PO21 Access to sites is via existing crossovers and new crossovers do not interrupt the walkability of key pedestrian areas unnecessarily.	AO21.1 In the local centre of Emu Park, no new vehicle accesses are provided to Hill Street.	Not applicable The site is not located in Emu Park.
Infrastructure		
PO22 Safe, accessible, robust and reliable infrastructure relating to access and parking, energy supply, roads, roof and allotment drainage, sewage and wastewater treatment and disposal, stormwater management, telecommunications, and water supply, is adequately provided for the development in accordance with best practice and endorsed standards for the location, and relative to the needs of the development.	AO22.1 The development complies with the requirements of the Development Works Code.	Complies with AO22.1 The proposed development complies with the provisions within the Development Works Code, to the extent possible.



Emerging community zone code

6.5.2.2 Purpose

Purpose
<p>The purpose of the emerging community zone code is:</p> <ol style="list-style-type: none"> (1) to provide for development on land that is considered to be generally suitable for urban activities; (2) to protect land in the zone from development which compromises or limits its ability to develop for urban activities when needed; (3) to provide for the timely, orderly and efficient conversion of non-urban land to land providing for urban activities; (4) to provide for the development of new well planned urban communities; (5) to provide for the development of small scale and low intensity uses until such time as the land is needed for urban activities; and (6) to facilitate the achievement of the overall outcomes sought for the zone.

6.5.2.3 Overall outcomes

Overall outcomes	GPC Response
The purpose of the code will be achieved through the following overall outcomes:	
(1) a demonstrated overriding community need is established prior to the land being developed for urban activities;	<p>Complies</p> <p>The proposal will serve a demonstrated overriding community, which has been outlined in the submitted Economic Need and Impact Assessment ('ENIA') and Planning Report. The proposed Local Centre will serve the weekly convenience needs of one of the main growth area of Livingstone Shire, which is not currently serviced by a Local Centre.</p>
(2) structure planning of areas within the zone is undertaken in advance of development of the land (with the only exception being the interim uses identified in Overall Outcome (4), Overall Outcome (5), Overall Outcome (6), and Overall Outcome (7));	<p>Complies</p> <p>A structure plan has been submitted in support of the proposed development, which is discussed further in the response to Overall Outcome (9) below. No interim uses are proposed.</p>
(3) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, development occurs only in the following circumstances: <ol style="list-style-type: none"> a. if it does not limit or compromise the ability to develop the land for urban activities at a time when needed; and 	<p>Not applicable</p> <p>The proposal will serve a demonstrated overriding community need, which has been outlined in the submitted ENIA and Planning Report.</p>



<p>b. if it is for the following:</p> <ul style="list-style-type: none"> (i) a small scale and low intensity use from within the rural activities group; or (ii) a small scale and low intensity use from within the recreation activities group; or (iii) a use from within the accommodation activities group which is compatible with and supports a use from within the rural activities group; or (iv) a use from within the special activities group which is an essential component of infrastructure servicing the community; and <p>c. if it involves reconfiguration of a lot, it does not result in fragmentation of the land into lots having inappropriate sizes and dimensions;</p>	
<p>(4) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, the development of a use from within the rural activities group is a preferred use within the zone in the following circumstances:</p> <ul style="list-style-type: none"> a. it is designed, sited and operated to mitigate significant adverse impacts on sensitive land use; and b. the use: <ul style="list-style-type: none"> (i) is animal husbandry; or (ii) is cropping; or (iii) is a roadside stall; or (iv) is a wholesale nursery; 	<p>Not applicable</p> <p>The proposal will serve a demonstrated overriding community need, which has been outlined in the submitted ENIA and Planning Report. The proposal does not involve rural activities.</p>
<p>(5) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, the development of a use from within the recreation activities group is a preferred use within the zone in the following circumstances:</p> <ul style="list-style-type: none"> a. it is an environment facility; or b. it is a park; 	<p>Not applicable</p> <p>The proposal will serve a demonstrated overriding community need, which has been outlined in the submitted ENIA and Planning Report. The proposal does not involve recreation activities.</p>
<p>(6) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, the</p>	<p>Not applicable</p>



<p>development of a use from within the accommodation activities group is a preferred use within the zone only in the following circumstances:</p> <ol style="list-style-type: none"> it is ancillary to the use of the land for a use within the rural activities group; it is designed and sited so as not to limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot; it is designed and sited so as not to limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group; it is appropriately separated and buffered from uses that are likely to result in adverse impacts on amenity; and the use: <ol style="list-style-type: none"> is a dwelling house; or is a home based business; 	<p>The proposal will serve a demonstrated overriding community need, which has been outlined in the submitted ENIA and Planning Report. The proposal does not involve accommodation activities.</p>
<p>(7) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, the development of a use from within the special activities group occurs within the zone only in the following circumstances:</p> <ol style="list-style-type: none"> it has relatively low impacts and is an essential component of infrastructure servicing the community; it is designed and sited so as not to limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot; it is designed and sited so as not to limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group; it is designed and sited so as to limit significant adverse impacts on any established sensitive land use in the immediate area and any future sensitive land use in the emerging community; and the use: <ol style="list-style-type: none"> is a landing; or 	<p>Not applicable</p> <p>The proposal will serve a demonstrated overriding community need, which has been outlined in the submitted ENIA and Planning Report. The proposal does not involve special activities.</p>



(ii) is a utility installation (for example, water supply pump station, water supply reservoir, sewerage pump station, other essential urban infrastructure networks);	
(8) until such time as there is a demonstrated overriding community need established for the land to be developed for urban activities, development is consistent with a built form that is characterised by low building heights and large boundary setbacks;	<p>Not applicable</p> <p>The proposal will serve a demonstrated overriding community need, which has been outlined in the submitted ENIA and Planning Report. Notwithstanding, the proposal incorporates a built form that is appropriate given its intended role and function as a local centre, the community's expectations of a centre of this nature and the surrounding character of the area.</p>
<p>(9) when there is a demonstrated overriding community need established for the land to be developed for urban activities, development occurs only in the following circumstances:</p> <ol style="list-style-type: none"> the development is undertaken in accordance with a structure plan that has been approved by Council for the site; the Council approved structure plan for development of the site provides a framework for the coordinated provision and layout of land use and infrastructure and it includes specific details in relation to the planned development yield for the site; and the Council approved structure plan for development of the site and surrounding area provides for the achievement of the following outcomes: <ol style="list-style-type: none"> land that is unsuitable for development because of constraints arising from significant heritage features, matters of environmental significance, scenic landscape features or other important features is avoided, protected and appropriately managed; land that is unsuitable for development because of constraints arising from natural hazards is avoided and appropriately managed; 	<p>Complies</p> <p>The applicant has prepared a revised structure plan (in response to Council's information request). The proposal is considered to respond to a demonstrated overriding community need. The Structure Plan demonstrates the coordinated provision and layout of land use and infrastructure and includes details of the planned development yield for the site. The revised structure plan responds to the items identified in (9)(c) as follows:</p> <ul style="list-style-type: none"> No significant heritage features have been identified Environmental matters have been addressed in the submitted ecological reports Scenic features such as the coastal transport route have been maintained, with a landscaped buffer provided along the street frontage to screen the development. Bushfire hazard will be appropriately managed and has been demonstrated in the submitted Bushfire Management Plan. Flooding impacts will also be managed as demonstrated in the submitted hydraulic reporting. The proposal will integrate with established urban communities, notably the extensive residential development occurring nearby. The site is in proximity to other land uses such as schools, parks and other community facilities and will contribute to an integrated community.



<p>(iii) development is appropriately integrated with established urban communities;</p> <p>(iv) developed occurs in an orderly and sequenced way;</p> <p>(v) development ensures that the efficient extension of existing urban infrastructure occurs;</p> <p>(vi) development does not limit or compromise the development of identified future trunk infrastructure;</p> <p>(vii) the provision of a variety of lot sizes to suit the needs of different land use envisioned within the structure plan area occurs;</p> <p>(viii) development is provided with necessary infrastructure and services to an appropriate urban standard in a coordinated, timely and efficient manner;</p> <p>(ix) development is able to be supported by transport infrastructure that promotes public transport use, walking and cycling;</p> <p>(x) sensitive land use is not located in proximity to any established incompatible uses without appropriate design and siting to minimise adverse impacts on amenity;</p> <p>(xi) the development of uses from within the accommodation activities group contributes to housing diversity which predominantly caters for the long-term stay of residents;</p> <p>(xii) the development of uses from within the accommodation activities group predominantly occurs at densities that are consistent with the low density residential zone code and the low-medium density residential density zone code of the planning scheme;</p>	<ul style="list-style-type: none"> • The proposal will occur in an orderly and sequenced way and will not cause any impediment on the development of other sites in the area. • The proposal will provide for the efficient extension of existing urban infrastructure as discussed in the submitted civil and traffic reports. • Upgrades will be undertaken as required to ensure infrastructure is appropriate to service the site. • The proposal will not limit or compromise the development of identified future trunk infrastructure, particularly identified trunk road and water main upgrades on the LGIP mapping. • The ROL provides lot sizes that are commensurate with the intended land uses. • The proposal will be provided with necessary infrastructure and services to an appropriate urban standard in a coordinated, timely and efficient manner as discussed in the attached civil and traffic reporting. • The proposal is able to be supported by transport infrastructure that promotes public transport use, walking and cycling as discussed in the submitted civil reporting. Footpath upgrades will be provided along the street frontage to promote active transport and bus stops will also be accommodated on Taranganba Road. • No sensitive land uses are proposed. • No accommodation activities are proposed. • No special activities are proposed. • The proposed Local Centre will be provided in accordance with the hierarchy of centres and responds to an identified community need. It is acknowledged the site is in proximity to an investigation area in the Strategic Framework for a future Neighbourhood Centre. As the proposed Local Centre is responding to an identified need, it will not impede on the delivery of the Neighbourhood Centre when deemed appropriate in the future. • The proposal involves urban activities in a 'new urban' area identified on the Strategic framework. These areas are intended to accommodate development from 2026 – 2031 and the proposal is consistent with this.
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<p>(xiii) opportunities for the development of uses from within the accommodation activities group at a medium density are provided where adjoining or in proximity to land identified for the development of a centre;</p> <p>(xiv) uses from within the accommodation activities group have safe and convenient access to an appropriate range of uses from within the community activities group and recreation activities group;</p> <p>(xv) the development of a limited range of uses from within the special activities group occurs at appropriate locations where they are an essential component of infrastructure servicing the emerging community;</p> <p>(xvi) where involving a centre, the centre is provided in accordance with the hierarchy of centres and the investigation areas stated in the Strategic Framework;</p> <p>(xvii) the development of other urban activities occurs at appropriate locations as identified in the Strategic Framework; and</p> <p>(xviii) the built form of development in areas identified for specific land use, is generally consistent with the built form that is intended for other zones of the planning scheme where they have a similar purpose.</p> <p>Note: to confirm the location of approved structure plan areas, reference should be made to the notation of decisions affecting the planning scheme contained within Schedule 8 – Notations required under the Planning Act.</p>	<ul style="list-style-type: none"> The proposed built form is consistent with the built form anticipated for a Local Centre, both in size, scale and appearance, and will be consistent with the community's expectations of a use of this nature.
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6.5.2.4. Specific benchmarks for assessment

Table 6.5.2.4.1—Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Response
Land use		
Where located in an area that is not the subject of an approved structure plan		
If a use within the accommodation activities group		Not applicable The proposed development does not involve accommodation activities.
If a use within the rural activities group		Not applicable The proposed development does not involve rural activities.
If a roadside stall		Not applicable The proposed development does not involve a roadside stall.
Built form		
Where located in an area that is not the subject of an approved structure plan		
PO4 The height and bulk of buildings and structures are consistent with the intended character of the zone and do not adversely impact the character or amenity of the streetscape, adjoining sites and surrounding area.	AO4.1 Building height and the height of structures does not exceed the following: (a) 8.5 metres above ground level where the ground has a slope less than fifteen (15) per cent; or (b) ten (10) metres above ground level where the ground has a slope equal to or greater than fifteen (15) per cent.	Complies with PO4 The proposed building height is considered suitable and appropriate for a shopping centre development. The building height addressing Taranganba Road comprises a single storey form with a skillion roof, reaching a maximum building height in the order of ~10.7m at the height of the roof pitch. This built form is considered consistent with community expectations of a development of this nature and responsive to the low-scale character of the area.
	AO4.2	Complies with AO4.2



Performance outcomes	Acceptable outcomes	Response
	Site cover does not exceed fifty (50) per cent.	Site cover does not exceed 50%.
	AO4.3 If located on a on a lot having an area 0m ² to 2,999m ² , building height of a standalone Class 10a building under the Building Code of Australia, does not exceed the lesser of the following: (a) if there is a dwelling house on the site, the height of the dwelling house; or (b) five (5) metres to the apex of the Class 10a building.	Not applicable Site area exceeds 2,999m ² .
	AO4.4 If located on a on a lot having an area 0m ² to 2,999m ² , the volume of a standalone Class 10a building under the Building Code of Australia, being a garage or shed, does not exceed three (3) per cent of the lot volume. <small>Editor's note: Lot volume is defined in SC1.2 Administrative definitions.</small>	Not applicable The proposed development does not involve a Class 10a structure or building.
PO5 The design and siting of buildings and structures does not adversely impact the amenity of the streetscape or adjoining sites having regard to the following: (a) minimisation of potential sources of nuisance; (b) prevention of overshadowing of habitable buildings of any sensitive land use on adjoining lots; and (c) prevention of overshadowing of public places.	AO5.1 Buildings or structures have a setback from side, rear and road frontage lot boundaries in compliance with the setback standards identified in Table SC10.1.1 of Schedule 10.	Complies with PO5 The site exceeds 10ha in area and the AO for road setbacks in the zone is 20m. No specific setback is set in the Local Centre Zone Code, however for a centre comparison, the Neighbourhood Centre Zone Code identifies a setback of 6m (AO3.2). The AO for the Emerging community zone is not considered to reflect urban development circumstances. As the site is proposed to transition from broad hectare land to urban development, it is proposed that setbacks align with urban development outcomes, which is consistent with the immediate surrounding site context.



Performance outcomes	Acceptable outcomes	Response
		<p>The supermarket building however is setback more than 20m from Tanby Road and located behind a 10m wide vegetated corridor for scenic amenity purposes. The food and drink outlet is setback approximately 8m from the Taranganba Road frontage and is located behind a 5m landscape strip. The building is single storey, and the setback exceeds the AOs for frontage boundary setback in the Centres zone.</p> <p>Given the overall intent of urban development outcomes and the location of buildings behind landscape and vegetation area, it is considered that the proposed development complies with PO5 and will not create adverse impacts on the amenity of the streetscape or adjoining properties.</p>

Table 6.5.2.4.2—Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Response
Land use		
Where located in an area that is not the subject of an approved structure plan		
PO6 If the development is for a use that is not consistent with Performance Outcome (PO7), the development does not occur within the zone until a structure plan has been approved by Council in accordance with the overall outcomes for the zone. <small>Editor's note: For structure plans, other than the overall outcomes of this code, reference should also be made to Schedule SC7.14.</small>	No acceptable outcome is nominated.	Not applicable The proposed development is consistent with PO7 as discussed below.



Performance outcomes	Acceptable outcomes	Response
PO7 The use is only one of the following: (a) preferred use for the zone (as identified in the overall outcomes for the zone); or (b) a use from within the special activities group where it is an essential component of infrastructure servicing the community (where in accordance with the circumstances identified in the overall outcomes for the zone).	No acceptable outcome is nominated.	Complies with OO Section 6.1((7) of the Planning Scheme confirms the performance outcomes of a code are subordinate to the overall outcomes. In this instance, overall outcome (9)(c)(xvi), which relates to centre activity uses, is met and this overrules PO7 to the extent of any inconsistency.
PO8 The use does not limit or compromise the ability to develop the land for urban activities at a time when needed.	No acceptable outcome is nominated.	Not applicable The proposed development involves a Shopping centre and Food and drink outlet which respond to a current overriding community and economic need, as outlined in the submitted ENIA.
PO9 The use appropriately integrates with any established uses in the immediate area.	No acceptable outcome is nominated.	Complies with PO9 The proposed development appropriately integrates with the surrounding locality through provision of supporting transport infrastructure and pedestrian connections. It supports the surrounding residential communities through provision of essential services to meet the day-to-day needs of residents. The proposal will not compromise the orderly development of the surrounding area.
PO10 The use is located and designed in a manner that maintains public safety and minimises impacts on other land use.	No acceptable outcome is nominated.	Complies with PO10 The proposed development has been appropriately located and designed in a manner that maintains public safety and minimises impacts on other land use. New signalised intersections are proposed to improve safety for vehicle and



Performance outcomes	Acceptable outcomes	Response
		pedestrian movement. Specialist reports support the proposal and demonstrate how potential adverse impacts will be mitigated.
PO11 The development of any public use that generates frequent and a large amount of public visitation: (a) is highly accessible; and (b) is well located in relation to public and active transport networks.	No acceptable outcome is nominated.	Complies with PO11 The proposed development is considered to be highly accessible and well located in relation to public and active transport networks. The site is located on the corner of two higher order roads (Tanby Street and Taranganba Road) and is within proximity to extensive resident residential development occurring on nearby sites. The proposed development involves upgrades to the public, private and active transport networks, particularly along the Taranganba Road street frontage which is proposed to be upgraded to include pedestrian pathways and bus stops. New signalised intersections are proposed to improve safety for vehicle and pedestrian movement. Further detail is included in the submitted Traffic Report.
PO12 The development of a use within the rural activities group, where involving the boarding, accommodation, care, training, holding, keeping, production, or cultivation of animals and the like, ensures that the animals are confined within the site in secure fencing or other enclosures, and these confinements are sited, designed and managed in a manner which achieves the following:	No acceptable outcome is nominated.	Not applicable The proposed development does not involve of a rural activity.



Performance outcomes	Acceptable outcomes	Response
(a) accepted best practice for the welfare of animals; (b) prevention of the escape of animals; (c) best practice for the hygienic confinement of animals; and (d) minimal nuisance beyond the site boundaries by way of noise and odours produced by the animals.		
PO13 The use does not result in land and water quality degradation (above ground and underground) due to the following: (a) movement of sediment, nutrients, pathogens, and pollutants; or (b) the handling, treatment and disposal of solid and liquid waste.	No acceptable outcome is nominated.	Complies with PO13 The proposed development will not result in land and water quality degradation. This has been demonstrated in the submitted Civil Engineering and Stormwater Reports.
PO14 The use: (a) avoids unnecessary clearing of native vegetation and habitat; and (b) minimises major earthworks.	No acceptable outcome is nominated.	Complies with PO14 The proposed development has been designed to avoid unnecessary clearing of native vegetation and habitat. The proposal retains vegetated areas along the Tanby Road frontage. Vegetation clearing is required in balance areas of the site to enable the proposed development and necessary flood and stormwater management works. A central naturalised channel will be rehabilitated through revegetation.
Lot size and shape		
Where located in an area that is not the subject of an approved structure plan		
PO15	No acceptable outcome is nominated.	Complies with PO15



Performance outcomes	Acceptable outcomes	Response
<p>The development does not reconfigure a lot into an inappropriate size which limits the potential to develop the land for urban activities in an efficient and coordinated manner.</p> <p>Note: Council considers that lots below a minimum area of ten (10) hectares and a minimum lot frontage and lot width of two-hundred (200) metres are unsuitable for enhancing the potential to develop the land for urban activities in an efficient and coordinated manner.</p>		<p>The proposed ROL relates to a 1 into 2 lot subdivision for management of a Shopping centre and standalone Food and drink outlet. The lots will be an appropriate size to develop the land for the identified activities in an efficient and coordinated manner.</p>
Appearance		
Where located in an area that is not the subject of an approved structure plan		
<p>PO16</p> <p>The development is designed in a manner that does not significantly adversely affect visual amenity when viewed from the street, public places, and the surrounding area.</p>	<p>No acceptable outcome is nominated.</p>	<p>Complies with PO16</p> <p>The proposed development has been designed in a manner that does not significantly adversely affect visual amenity when viewed from the street, public places, and the surrounding area. The proposal involves single storey commercial buildings which are well separated from established houses and of a height that is consistent with a suburban setting. The buildings have been setback from the road frontages, and vegetation and landscaping has been used on both road frontages to soften the visual impact of the built form.</p>
Infrastructure		
Where located in an area that is not the subject of an approved structure plan		
<p>PO17</p> <p>Safe, accessible, robust and reliable infrastructure relating to access and parking, energy supply, roads, roof and allotment drainage, sewage and wastewater</p>	<p>AO17.1</p> <p>The development complies with the requirements of the Development Works Code.</p>	<p>Complies with AO17.1</p> <p>The proposal is able to comply (or be conditioned to comply) with the requirements of the Development works code.</p>



Performance outcomes	Acceptable outcomes	Response
treatment and disposal, stormwater management, telecommunications, and water supply, is adequately provided for the development in accordance with best practice and endorsed standards for the location, and relative to the needs of the development.		
Structure Plan Area		
Note: to confirm the location of approved structure plan areas, reference should be made to the notation of decisions affecting the planning scheme contained within Schedule 8 – Notations required under the Planning Act.		



9.3.1. General development code

9.3.1.4. Specific benchmarks for assessment

Table 9.3.1.4.1—Outcomes for assessable development

Performance outcomes	Acceptable outcomes	Response
Flood resilience		
PO1 The development is resilient to the adverse impacts of flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	AO1.1 The development is resilient to the adverse impacts of a flood by locating the floor level of all building rooms used for habitation or work a minimum of 300 millimetres above the level of a flood event of at least the annual exceedance probability specified in Table SC5.1.1 located in Schedule 5 of the planning scheme.	Complies. Hydraulic impact and stormwater quantity assessment found buildings will not be subject to flooding during the defined flood event. The applicant has submitted a Hydraulic report to address flood aspects of the proposal.
Location, design, siting, operation		
PO2 The development is located at a site that is able to accommodate all the buildings, facilities, and operational needs of the use without increasing the likelihood of land use conflict by: <ul style="list-style-type: none"> (a) adversely affecting the amenity of adjoining land use and the surrounding area; (b) adversely affecting the safety, health and wellbeing of occupants of sensitive land use; (c) adversely affecting the operations of adjoining land use; (d) reducing the potential to use adjoining land for its intended purpose; and 	AO2.1 The development is located at a site that does not conflict with the minimum separation distances specified in tables SC4.1.1, SC4.1.2, SC4.1.3, and SC4.1.4, located in Schedule 4 of the planning scheme.	Not applicable. Tables SC4.1.1, SC4.1.2, SC4.1.3, and SC4.1.4 are not applicable to the proposed development.

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Performance outcomes	Acceptable outcomes	Response								
(e) adversely affecting the safe and effective provision of services to the development.										
PO3 Development maintains a high level of amenity for adjoining sensitive land use with regard to the generation of unreasonable noise.	AO3.1 Where located within a residential category zone, rural residential zone, or township zone, development does not exceed noise generation levels at the property boundary, interpreted under the provisions of the current version of the Environmental Protection (Noise) Policy as unreasonable, or the following whichever is the lesser: <table><tr><td>Period</td><td>Noise level at property boundary</td></tr><tr><td>0700 to 2000</td><td>Background noise level plus 5 dB(A)</td></tr><tr><td>2000 to 0700</td><td>Background noise level plus 3 dB(A)</td></tr><tr><td colspan="2">Measured as the adjusted maximum sound pressure level Lmax adj T.</td></tr></table>	Period	Noise level at property boundary	0700 to 2000	Background noise level plus 5 dB(A)	2000 to 0700	Background noise level plus 3 dB(A)	Measured as the adjusted maximum sound pressure level Lmax adj T.		Complies. There are limited adjoining sensitive land uses to the development which are sufficiently separated from the development.
Period	Noise level at property boundary									
0700 to 2000	Background noise level plus 5 dB(A)									
2000 to 0700	Background noise level plus 3 dB(A)									
Measured as the adjusted maximum sound pressure level Lmax adj T.										
PO4 Outdoor lighting maintains the amenity of any adjoining residential zoned premises and does not adversely impact the safety for vehicles or pedestrians on the adjoining streets as a result of light emissions, either directly or by reflection	AO4.1 Outdoor lighting is designed, installed and maintained in accordance with the parameters and requirements of the current version of the Australian Standard AS4282 — Control of the obtrusive effects of outdoor lighting.	Complies. Conditions are able to specify this standard.								
PO5 A refuse container and container storage area is provided in a manner that:	AO5.1 The development of a use within the accommodation activities group is provided with a refuse container and container storage area that:	Not applicable.								



Performance outcomes	Acceptable outcomes	Response
(a) maintains the amenity of the surrounding area; (b) is of adequate size to accommodate the expected amount of refuse to be generated by the use; (c) is in a position that is conveniently accessible for collection; and (d) is able to be kept in a clean state at all times.	(a) is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres; (b) is large enough to accommodate at least one (1) standard issue sized rubbish bin per dwelling.	
	AO5.2 The development of a use (other than an use within the accommodation activities group), is provided with a refuse container and container storage area that: <ul style="list-style-type: none"> (a) is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.8 metres; (b) has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system; (c) is within proximity to a hose cock; (d) is large enough to accommodate at one (1) or more industrial bins of a size appropriate to the nature and scale of use; and (e) is not located within three (3) metres of the common property boundary where adjoining a lot within a residential category zone or township zone. 	Complies. Proposed refuse area is located at the rear of the facility away from public view on a sealed pad with sufficient access and size to service the development. It is more than three metres from the common boundary.



Table 9.3.1.4.2—Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Response
Community safety		
PO6 Personal safety and property security are optimised through the design of buildings and spaces incorporating the following: (a) means of easily identifying the premises; (b) appropriate night lighting; (c) suitably designed and located building entry and exit points; (d) opportunities for surveillance; (e) appropriate plant species for landscaping; (f) clear definition of boundaries between private and public spaces; and (g) any best practice for crime prevention through environmental design.	AO6.1 The development contains: (a) appropriately designed and sited numbering which clearly identifies the street address and any individual tenancies or dwelling units at the premises; and (b) appropriately designed and sited signage for way finding and premises identification.	Complies. Pylon sign will identify individual tenants at the shopping centre.
	AO6.2 The development contains lighting that is designed and installed in any public places and community places in accordance with Australian Standard AS1158: Public Lighting Code	Complies.
	AO6.3 Other than for controlled and well lit emergency exits, the development has clearly identifiable and well lit entry and exit points which: (a) front a road, public place, or communal place; or (b) are in clear unobstructed view of a road, public place, or communal place; or (c) front a well-defined, unobstructed and appropriately lit pathway which connects to a road, public place, or communal place.	Complies.
	AO6.4 Building entrances facing onto roads, public places or communal places:	Complies.

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Performance outcomes	Acceptable outcomes	Response
	(a) do not incorporate recesses of sufficient size to conceal a person; or (b) where the recess is of sufficient size to conceal a person it: i. is well lit; and ii. is: A. gated with restricted access; or B. has strategically placed mirrors.	
	AO6.5 Any movement corridor (walkways, laneways, pathways, tunnels, stairways, cycleways and the like) within a site or between sites do not exceed two-hundred (200) metres in length.	Complies.
	AO6.6 Any movement corridor (walkways, laneways, pathways, tunnels, stairways, cycleways and the like) having blind corners involving a change in direction of seventy-five (75) degrees or more are provided with design elements that maximise the ability to sense the presence of danger around the corner such as one of or a combination of the following: (a) a mirror to allow viewing around the blind corner; or (b) use of permeable material for the building or structure at the blind corner; or (c) reduction of the height of the building or structure at the blind corner to a height allowing for an unobstructed view; or	Complies.



Performance outcomes	Acceptable outcomes	Response
	(d) inclusion of a barrier extending out from the blind corridor with the barrier being permeable or having a height allowing for an unobstructed view; or (e) use of night lighting fixed at locations which can cast shadow of persons or objects into view; or (f) other effective design elements.	
	AO6.7 For vehicle parking areas, the planting of vegetation involves species that have clear trunks up to a height of two (2) metres or that have low ground covers less than one (1) metre in height.	Complies
	AO6.8 The development has clearly defined boundaries between private and public space by use of one or more of the following elements: (a) fencing; or (b) changes in surface finishes; or (c) landscape treatments.	Complies.
PO7 The safety, efficiency, effectiveness and operation of the transport network servicing the site and surrounding area or any identified future components of the transport network, are not compromised by the development.	AO7.1 Non-residential development, which commonly generates greater than ten (10) vehicle trips per day, does not have direct access to a road that is classified in the road hierarchy as a local residential access street or a residential access place.	Complies. Access is onto Urban Sub-Arterial Road.
	AO7.2 A traffic impact assessment report is prepared by an engineer who qualifies as a registered professional engineer of Queensland and the traffic impact assessment report satisfies Council	Complies. Development supported by detailed Traffic Impact Assessment demonstrating no unacceptable traffic impacts.



Performance outcomes	Acceptable outcomes	Response
	that the safety, efficiency, effectiveness and operation of components of the transport network servicing the site and surrounding area or any identified strategic future components of the transport network, are not compromised by the development.	
PO8 Development that generates use by a high quantity of people or frequent use by people is located at a highly accessible premises: (a) which is convenient for people needing to use the premises; and (b) which: i. contains public transport facilities, or ii. is in proximity to current or future public transport facilities; or iii. is in proximity to current or future high order transport routes; and (c) which provides for the efficient travel of emergency vehicles; and (d) which can minimise adverse impacts on local amenity.	No acceptable outcome is nominated.	Complies. Proposed development located on an Urban Sub-Arterial Road to ensure safe and efficient operation without unacceptable traffic or amenity impacts.
PO9 Development that requires frequent use of heavy haulage vehicles, bulk freight of goods, or the transportation of dangerous or hazardous goods, liquids, materials and the like, is located at premises able to effectively utilise major transport facilities and routes, and other high order components of the transport network.	No acceptable outcome is nominated.	N/A.
PO10	No acceptable outcome is nominated.	N/A.



Performance outcomes	Acceptable outcomes	Response
Development occurs on sites that are safe from contaminants that may cause harm to people or property.		
PO11 The development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds including but not limited to the following: (a) large tracts of established native vegetation; or (b) inland and coastal waterways and wetlands; or (c) riparian vegetation; or (d) biodiversity corridors; or (e) visually prominent mainland and island mountains, hills, ridges, headlands, dunes, beaches; or (f) important urban green break areas; or (g) cultural heritage features.	No acceptable outcome is nominated.	Complies. The development footprint is located to avoid adverse impacts.



9.3.2. Development works code

9.3.2.4. Specific benchmarks for assessment

Table 9.3.2.4.1—Outcomes for assessable development

Performance outcomes	Acceptable outcomes	Response
Access and parking		
PO1 The development is provided with an on-site parking and movement system designed and constructed to: <ul style="list-style-type: none"> (a) be integrated with the site layout including: <ul style="list-style-type: none"> (i) direct access to a road providing an appropriate level of service required to accommodate traffic generated by the use; (ii) having appropriately designed footpath crossovers; (iii) provision for safe pedestrian movement between public footpath and facility entry points; (b) accommodate sufficient manoeuvring room for the safe entry and exit of all modes of transport generated by the use (including refuse collection vehicles, trucks, buses and the like as relevant to the development); (c) accommodate sufficient parking for the expected number and type of vehicles generated by the use; (d) facilitate non-discriminatory accessibility; 	AO1.1 The development is provided with sufficient onsite vehicle parking and queuing space in accordance with the standards relevant to the use in compliance with Table 9.3.2.4.3. AO1.2 For development other than a use listed in the table below, an engineer who qualifies as a registered professional engineer of Queensland certifies that all vehicles likely to use the site are able to enter and leave the site in a forward gear, and that the on-site vehicle parking spaces, pickup areas, loading and unloading areas, queuing areas, circulation and manoeuvring areas for the development are designed and constructed in accordance with the most up to date version of the Australian Standards as relevant to the development, including but not limited to the following: <ul style="list-style-type: none"> (a) Australian Standard AS2890.1-1993: Parking Facilities –Off-street Car parking; (b) Australian Standard AS1428.1-2001: Design for access and mobility – General requirements for access – New building work; 	Complies. A detailed Traffic Impact Assessment supports the proposed development with access arrangements and car parking ensuring safe and efficient operation without unacceptable traffic impacts. Complies. Requirement can be conditioned.

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Performance outcomes	Acceptable outcomes	Response
(e) provide for safe and efficient loading and unloading of goods; (f) allow for vehicle queuing necessary for the use; (g) provide for passenger set down and pick up necessary for the use (including public transport needs); (h) facilitate public access to the foreshore and public open space networks; (i) provide a safe environment; (j) be compatible with the character and amenity of the area; and (k) make a positive aesthetic contribution to the streetscape character of the setting, particularly if involving multi-level parking.	(c) Australian Standard AS2890.2-1993: Offstreet parking – Commercial vehicle facilities. Accommodation activities: Caretaker's accommodation Community residence Dual occupancy Dwelling house Dwelling unit Home based business Recreation activities: Environment facility Park Rural activities: Animal husbandry Cropping Permanent plantation Roadside stall Special activities: Landing Major electricity infrastructure Substation Telecommunications facility	
	AO1.3 A solid, good quality brick, timber or masonry screen fence having a minimum height of 1.8 metres is provided between the car parking area of development (other than a use within the accommodation activities group being for long-term accommodation) where adjoining a sensitive	N/A – no sensitive adjoining land use.



Performance outcomes	Acceptable outcomes	Response
	land use located within the residential category zone or the township zone.	
PO2 Access driveways are designed and sited: <ul style="list-style-type: none"> (a) to minimise disruption to public infrastructure; (b) to operate safely and efficiently taking into account the volume, frequency and type of vehicle traffic expected to be generated by the development; (c) to operate safely and efficiently taking into account the function of the adjoining road; and (d) to minimise impacts on the safety, efficiency, or function of the road network. 	AO2.1 The access driveway of the development does not require the modification, relocation or removal of any street tree or public infrastructure including a fire hydrant, water meter, street sign, manhole, stormwater gully pit or other Council asset.	Complies.
	AO2.2 The access driveway of the development is not constructed over an access point to infrastructure under the control of a regulatory authority, including storm water pits, water meters, water hydrants and telephone pits.	Complies.
	AO2.3 The access driveway of the development does not enter the road carriageway at the location of an existing traffic island, speed control device, car parking bay, pedestrian crossing, bus stop or other infrastructure within the road carriageway.	Complies.
	AO2.4 The access driveway of the development is not located within: <ul style="list-style-type: none"> (a) two (2) metres of any adjoining property access driveway (excluding shared property accesses at the property line); and (b) one (1) metre of any public infrastructure such as a street sign, power pole, street light, manhole, stormwater gully pit or other Council asset; 	Complies.

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Performance outcomes	Acceptable outcomes	Response
	(c) the closest half of the road frontage to a road intersection for any corner lot.	
	AO2.5 The access driveway of the development is designed and constructed in accordance with the Capricorn Municipal Development Guidelines Standard Drawing relevant to the development including but not limited to the following: <ul style="list-style-type: none"> (a) Standard Drawing CMDG-R-040 Rural Road Access and Property Access over Table Drains; (b) Standard Drawing CMDG-R-041 Residential Driveway Slab and Tracks; (c) Standard Drawing CMDG-R-042 Commercial Driveway Slab (Type A) Two Way Access; (d) Standard Drawing CMDG-R-043 Commercial Driveway Slab (Type B) Two Way Access. 	Complies. Requirement can be conditioned at operational works.
	AO2.6 Where adjoining a state-controlled road or Key Resource Area transport route, the development provides: <ul style="list-style-type: none"> (a) a single site access driveway; (b) the access driveway to the lowest order road to which the site has frontage; (c) an access driveway which enables vehicles to enter and exit the site in a forward direction. 	N/A.
Advertising devices		



Performance outcomes	Acceptable outcomes	Response
PO3 The advertising device is designed and sited in a manner that: <ul style="list-style-type: none"> (a) results in a size, shape, design and location that does not adversely impact on: <ul style="list-style-type: none"> (i) the visual amenity and character of a building, streetscape, locality or natural landscape setting; (ii) the operational safety of a road or pedestrian safety of footpath; (iii) the operations of an airport; (iv) the visual amenity of the rural areas when viewed from a main transport route through the rural area; and (v) the visual and civic importance of entrances into a town or township; (b) is integrated with the design of buildings on the premises; (c) does not visually dominate the premises, streetscape, locality or natural landscape setting; (d) is constructed of durable materials; (e) does not resemble traffic or road signs; and (f) does not result in the proliferation of advertising, causing visual clutter. 	AO3.1 The maximum total sign face area for an advertising device at any premises is limited to the larger of the areas calculated using the following methods: <ul style="list-style-type: none"> (a) boundary length method (refer to SC7.1); (b) building elevation method (refer to SC7.1). 	Complies. Requirement can be conditioned or subject to assessment within a separate signs application
	AO3.2 If the development involves an advertising device, the advertising device is a preferred advertising device type defined in Table 9.3.2.4.4.	Complies. Pylon sign identified in Table 9.3.2.4.4
	AO3.3 If the development involves an advertising device, the advertising device complies with the design standards identified in Table 9.3.2.4.4 applicable to that particular type of advertising device.	Complies. Requirement can be conditioned or subject to assessment within a separate signs application.
PO4 The advertising device:	AO4.1	Complies.



Performance outcomes	Acceptable outcomes	Response
<p>(a) is located to ensure that members of the community have equitable access to advertising space at appropriate locations;</p> <p>(b) does not adversely affect the character and visual amenity of the rural zone, residential category zones, the township zone or zones having a predominantly natural landscape setting, due to:</p> <ul style="list-style-type: none"> (i) loss of views; (ii) overshadowing; (iii) loss of access to breezes; (iv) illumination effects; (v) impact on sight lines for vehicles; and (vi) loss of landscaping; and <p>(c) does not proliferate advertising for third parties which are not directly associated with a business operating on the premises.</p>	<p>If the development involves an advertising device, the advertising device only advertises the following:</p> <ul style="list-style-type: none"> (a) the name of the occupier of the building, or persons carrying on, conducting or practising therein any trade, business or calling; or (b) the trade, business or calling then being so carried on, conducted or practised; or (c) goods or commodities actually or ordinarily on sale or for hire in the normal course of business on the premises; or (d) services actually or ordinarily available in the normal course of business on the premises; or (e) third party advertising if: <ul style="list-style-type: none"> (i) it is located in a centre category zone, industrial category zone, or sport and recreation category zone; or (ii) it is located at a premises that is being used for an approved use from within the business activities group, centre activities group, entertainment activities group, industry activities group, or sports and recreation; or (iii) it is a real estate sale or lease sign; or (iv) it is a temporary advertisement on a lot upon which an approved building is being or is to be 	<p>Requirement can be conditioned or subject to assessment within a separate signs application.</p>

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Performance outcomes	Acceptable outcomes	Response
	<p>erected, giving particulars of such buildings and the names, addresses and descriptions of the owner, architect, engineer, builder and other person(s) concerned in the erection of the building; or</p> <p>(v) it is used to promote a community event and the advertising device is located for a period that is not longer than four (4) weeks; or</p> <p>(vi) it is used to promote a political candidate or a political issue, only during a period of four (4) weeks prior to a State, Federal or local government election.</p>	
<p>PO5 The illumination of an advertising device does not detract from the character and amenity of an area and does not cause a visual nuisance to any adjoining premise or road.</p>	<p>AO5.1 If the development involves an advertising device, the light produced by any illuminated advertising device does not spill beyond the boundary of the premises upon which it is located.</p>	<p>Complies. Requirement can be conditioned or subject to assessment within a separate signs application</p>
	<p>AO5.2 The luminance of any externally or internally illuminated advertising device (measured in candelas per square metre) does not exceed the maximum levels expressed in the table below, where in the applicable zone.</p>	<p>Complies. Requirement can be conditioned or subject to assessment within a separate signs application</p>
	<p>AO5.3 If the development involves an advertising device that is a flashing device, a minimum of ten (10) per cent of the device is illuminated at all times when</p>	<p>Complies. Requirement can be conditioned or subject to assessment within a separate signs application.</p>



Performance outcomes	Acceptable outcomes	Response
	the illumination of the device is in operation and it is flashing.	
	AO5.4 If the development involves an advertising device that is a flashing device, the device is not located in a low density residential zone, low-medium density residential zone, medium density residential zone, tourist area (major) zone, or township zone.	N/A
Clearing of native vegetation		
PO6 Clearing does not result in any significant adverse impacts on the following: <ul style="list-style-type: none"> (a) values associated with large tracts of native vegetation which serve as habitat or viable biodiversity corridors; or (b) the regeneration of biodiversity corridors; or (c) wetlands, waterways and native riparian vegetation; or (d) the quality of land and water resources (including underground water). 	AO6.1 With the exception of clearing for a purpose identified in AO6.3, clearing does not result in damage, removal or destruction of native vegetation located in proximity to a biodiversity corridor identified on a biodiversity overlay map in accordance with the following: <ul style="list-style-type: none"> (a) clearing native vegetation is not undertaken within 250 metres of a regional biodiversity corridor; or (b) clearing native vegetation is not undertaken within twenty-five (25) metres of a local biodiversity corridor. 	Complies. An ecological assessment was undertaken to support the development which includes recommendations in relation to mitigation measures, including vegetation management, fauna management, erosion and sediment control, stormwater management, and rehabilitation work. Conditioning the implementation of recommendations during the construction and operational phases, the proposed development will reduce its impact on the ecological values of the site and surrounding area, alongside the rehabilitation of approximately 3.1 hectares of vegetation post-completion of earthworks.
	AO6.2 With the exception of clearing for a purpose identified in AO6.3, clearing does not result in damage, removal or destruction of any native vegetation located in proximity to a waterway or wetland identified on a biodiversity overlay map, if	N/A.



Performance outcomes	Acceptable outcomes	Response										
	<p>it is within the buffer distances in the following table:</p> <table><tr><th>Location</th><th>Buffer distance</th></tr><tr><td>Top of the bank of a waterway classified as stream order one or stream order two</td><td>10 metres</td></tr><tr><td>Top of the bank of a waterway classified as stream order three or stream order four</td><td>25 metres</td></tr><tr><td>Top of the bank of a waterway classified as stream order five or higher order</td><td>50 metres</td></tr><tr><td>Wetland</td><td>100 metres</td></tr></table>	Location	Buffer distance	Top of the bank of a waterway classified as stream order one or stream order two	10 metres	Top of the bank of a waterway classified as stream order three or stream order four	25 metres	Top of the bank of a waterway classified as stream order five or higher order	50 metres	Wetland	100 metres	
Location	Buffer distance											
Top of the bank of a waterway classified as stream order one or stream order two	10 metres											
Top of the bank of a waterway classified as stream order three or stream order four	25 metres											
Top of the bank of a waterway classified as stream order five or higher order	50 metres											
Wetland	100 metres											
	<p>AO6.3</p> <p>If the development involves clearing of native vegetation, the clearing does not result in damage, removal or destruction of the native vegetation, unless the clearing satisfies the following circumstances:</p> <ul style="list-style-type: none">(a) the clearing involves lawful forestry; or(b) the clearing involves plants or plant material that had been planted for a 'cropping' use; or(c) the clearing is for landscape gardening purposes; or(d) the clearing is within a building location envelope or it is outside an environmental covenant area, which forms part of a prior	<p>Complies.</p> <p>An ecological assessment was undertaken to support the development which includes recommendations in relation to mitigation measures, including vegetation management, fauna management, erosion and sediment control, stormwater management, and rehabilitation work. Conditioning the implementation of recommendations during the construction and operational phases, the proposed development will reduce its impact on the ecological values of the site and surrounding area, alongside the rehabilitation of approximately 3.1 hectares of vegetation post-completion of earthworks.</p>										



Performance outcomes	Acceptable outcomes	Response
	approved development permit for material change of premises or a development permit for a reconfiguration of a lot.	
PO7 Clearing does not result in land degradation due to soil erosion.	AO7.1 If the development involves clearing of native vegetation which is likely to result in the removal of ground cover and the exposure of soil to weather, clearing only occurs if it is undertaken in accordance with an erosion and sediment control plan which has been prepared and endorsed by a suitably qualified person, and the plan ensures that the erosion and sediment control measures are in accordance with best practice.	Complies. An ecological assessment was undertaken to support the development which includes recommendations in relation to mitigation measures, including vegetation management, fauna management, erosion and sediment control, stormwater management, and rehabilitation work. Conditioning the implementation of recommendations during the construction and operational phases, the proposed development will reduce its impact on the ecological values of the site and surrounding area, alongside the rehabilitation of approximately 3.1 hectares of vegetation post-completion of earthworks.
Earthworks and retaining walls		
PO8 Earthwork or the construction of any retaining wall occurs only if it results in the following: <ul style="list-style-type: none"> (a) minimal modification of the natural slope of the land; (b) minimal increase of the elevation of land due to the placement of fill material; (c) no unsightly scarring of the landscape; (d) retaining walls which are not prominent; and 	AO8.1 The volume of fill material added to the natural ground level on any lot does not exceed a net increase of two-hundred (200) cubic metres calculated cumulatively, with the only exception being the addition of fill material for a lawfully undertaken use from within the rural activities group if located in the rural zone.	To be conditioned with operational works permit.
	AO8.2 The development does not involve construction of a retaining wall having a height exceeding two (2)	Complies. Development does not involve construction of terracing or retaining walls above two metres.

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Performance outcomes	Acceptable outcomes	Response
(e) no significant adverse impacts on the character or visual amenity of the streetscape or neighbourhood.	metres, or terraced retaining walls having a combined height exceeding two (2) metres unless the following: (a) the wall is part of a split level building design and it is concealed in its entirety; or (b) no more than forty (40) square metres of total wall face area is visible from a location at any boundary of the lot on which the wall is located.	
	AO8.3 The bulk of a retaining wall or terraced retaining walls having a combined total wall face area greater than forty (40) square metres, is broken up by the following: (a) the planting of vegetation so that the vegetation screens at least fifty (50) per centum of the face of the walls as viewed from a location at any boundary of the lot on which the wall is located; or (b) buildings or other non-retaining wall structures so that they screen at least fifty (50) per centum of the face of the walls as viewed from a location at any boundary of the lot on which the wall is located.	Complies. Retaining walls are screened with buffer planting.
PO9 Earthwork or the construction of any retaining wall occurs only if it results in structurally stable and safe development sites.	PO9.1 Earthwork does not involve the use of material for structural fill which includes: (a) organic soils, such as many topsoils, severely root affected subsoils and peat; or	To be assessed and/ or conditioned with operational works permit.



Performance outcomes	Acceptable outcomes	Response
	(b) materials contaminated through past site usage which may contain toxic substances or soluble compounds harmful to water supply or agriculture; or (c) materials containing substances which can be dissolved or leached out in the presence of moisture (for example, gypsum), or which undergo volume change or loss of strength when disturbed and exposed to moisture (for example, some shales and sandstones), unless these matters are specifically addressed in the design; or (d) silts or materials that have the deleterious engineering properties of silt; or (e) other materials with properties that are unsuitable for the forming of structural fill; or (f) fill which contains wood, metal, plastic, boulders or other material that may decompose or cause the creation of voids.	
	AO9.2 If the development involves filling in of a dam or detention basin, sludge lining is removed and filling consists of clean fill material, which is compacted to a Level 2 standard in accordance with Australian Standard AS3798-2007.	N/A
	AO9.3 The development does not require earthwork that results in batter slopes, which exceed twenty-five (25) per cent, unless the earthwork has been	To be assessed and/ or conditioned with operational works permit.



Performance outcomes	Acceptable outcomes	Response
	certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and as being structurally stable and safe.	
	AO9.4 If the development involves construction of a retaining wall having a height exceeding one (1) metre, the retaining wall has been certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and as being structurally stable and safe.	To be assessed and/ or conditioned with operational works permit.
PO10 Earthwork or the construction of any retaining wall occurs only if it results in the following: (a) lawful discharge of stormwater; (b) no substantial damage to buildings, structures, infrastructure, or land; (c) no adverse impacts on the natural environment; and (d) erosion and sediment control in accordance with best practice.	AO10.1 Earthwork or a retaining wall is designed to ensure that any stormwater drainage achieves lawful discharge of surface water flows or ground water flows to or from adjoining land by: <ul style="list-style-type: none"> (a) not unreasonably interfering with or redirecting the site's natural stormwater drainage characteristics; or (b) ensuring that water is conveyed to kerb and channel in a road reserve; or (c) ensuring that water is conveyed to an approved inter-allotment drainage system; or (d) ensuring that water is conveyed to an approved drainage reserve; or (e) ensuring that water is conveyed to an approved and secured drainage easement. 	To be assessed and/ or conditioned with operational works permit.

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Performance outcomes	Acceptable outcomes	Response
	AO10.2 The development does not involve earthwork or the construction of a retaining wall within a wetland or within ten (10) metres of the top of a bank of a waterway of any stream order.	
	AO10.3 Earthwork occurs in accordance with an erosion and sediment control plan and the plan ensures that the erosion and sediment control measures are in accordance with best practice. <small>Editor's note: Queensland Development Code Mandatory Part MP1.4 – Building over or near relevant infrastructure contains mandatory requirements for particular buildings and structures in proximity to relevant infrastructure</small>	To be assessed and/ or conditioned with operational works permit.
	Energy supply	
PO11 An energy supply is provided in a manner which: (a) is safe; and (b) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location; and (c) does not compromise other infrastructure.	AO11.1 The development is provided with an energy supply in accordance with the requirements of Table 9.3.2.4.6.	Requirement can be conditioned.
	AO11.2 If the development requires the provision of reticulated grid electricity supply in accordance with Table 9.3.2.4.6 or if the development is to be provided with a reticulated grid electricity supply, the reticulated grid electricity supply infrastructure is provided in accordance with the requirements of the relevant energy supply authority.	Requirement can be conditioned
	AO11.3	Requirement can be conditioned



Performance outcomes	Acceptable outcomes	Response
	If the development requires an on-site energy supply in accordance with Table 9.3.2.4.6 (and the development is not to be provided with a reticulated energy supply in accordance with AO11.2 above), the on-site energy supply is installed in accordance with all laws and regulations and current best practice.	
Sewerage and waste water treatment and disposal		
PO12 The development is provided with sewage and wastewater treatment and disposal infrastructure which: <ul style="list-style-type: none"> (a) treats and disposes all generated sewage and waste water in a manner that protects public health and avoids environmental harm; (b) where practicable, is integrated with the existing public sewerage networks; (c) where practicable, facilitates the orderly provision of future public sewerage networks; and (d) is designed and constructed to be safe, operationally reliable and easily maintained. 	AO12.1 The development is provided with sewage and waste water treatment and disposal infrastructure in accordance with the requirements of Table 9.3.2.4.5.	Land has the ability to be serviced with water and sewerage infrastructure. Requirement can be conditioned.
	AO12.2 If the development requires the provision of reticulated sewerage in accordance with Table 9.3.2.4.5 or if the development is to be provided with reticulated sewerage, the reticulated sewerage is provided in accordance with the current version of the Capricorn Municipal Development Guidelines.	Requirement can be conditioned.
	AO12.3 If the development requires on-site sewerage infrastructure in accordance with Table 9.3.2.4.5 (and the development is not to be provided with reticulated sewerage in accordance with AO12.2 above), the on-site sewerage infrastructure is provided in accordance with the current version of the Queensland Plumbing and Wastewater Code.	Land has the ability to be serviced with water and sewerage infrastructure. Requirement can be conditioned.



Performance outcomes	Acceptable outcomes	Response
Roof and allotment drainage		
PO13 Roof and allotment drainage is able to be collected and discharged from the development in a manner that does not adversely affect the stability of buildings, structures, or land on the site or on adjoining land.	AO13.1 Roof and allotment drainage is conveyed to the kerb and channel or an inter-allotment drainage system in accordance with the most current version of the Australian Standard AS3500.3 (stormwater drainage).	Requirement can be conditioned.
Telecommunications		
PO14 The development is provided with telecommunications infrastructure or equipment which: (a) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location; (b) where practicable, is integrated with the existing public telecommunication networks; and (c) is designed and constructed to be safe, operationally reliable and easily maintained.	AO14.1 The development is provided with telecommunications infrastructure or equipment in accordance with the requirements of Table 9.3.2.4.6.	Requirement can be conditioned.
	AO14.2 If the development requires the provision of reticulated telecommunications infrastructure in accordance with Table 9.3.2.4.6 or if the development is to be provided with a reticulated telecommunications infrastructure, the reticulated telecommunications infrastructure is provided in accordance with the requirements of the relevant telecommunications supply authority.	Requirement can be conditioned.
	AO14.3 If the development requires on-site telecommunications equipment in accordance with Table 9.3.2.4.6, the telecommunications equipment is sufficient to enable contact in normal circumstances with the each of the following nearest emergency services:	Requirement can be conditioned.



Performance outcomes	Acceptable outcomes	Response
	(a) ambulance station; (b) police station; (c) fire brigade; and (d) state emergency service facility	
Water supply		
PO15 The development is provided with water supply infrastructure which: <ul style="list-style-type: none"> (a) is sufficient to support the consumption and emergency needs of the development and the reasonable expectations for the development based on its location; (b) where practicable, is integrated with the existing public water supply networks; (c) where practicable, facilitates the orderly provision of future public water supply networks; and (d) is designed and constructed to be safe, operationally reliable and easily maintained. 	AO15.1 The development is provided with a water supply in accordance with the requirements of Table 9.3.2.4.5.	Land has the ability to be serviced with water infrastructure. Requirement can be conditioned.
	AO15.2 If the development requires the provision of reticulated municipal water supply in accordance with Table 9.3.2.4.5 or if the development is to be provided with a reticulated municipal water supply, the reticulated municipal water supply is provided in accordance with the current version of the Capricorn Municipal Development Guidelines.	Land has the ability to be serviced with water infrastructure. Requirement can be conditioned.
	AO15.3 If the development requires an on-site water supply in accordance with Table 9.3.2.4.5 (and the development is not to be provided with a reticulated municipal water supply in accordance with AO15.2 above), the development is provided with an on-site water tank or multiple tanks for domestic water supply purposes, which have a minimum combined capacity of 50,000 litres.	Land has the ability to be serviced with water infrastructure. Requirement can be conditioned.

Table 9.3.2.4.2 – Additional outcomes for assessable development



Performance outcomes	Acceptable outcomes	Response
Non-tidal artificial waterways		
PO16 Development involving non-tidal artificial waterways ensures that the non-tidal artificial waterway is planned, designed, constructed, managed to: <ul style="list-style-type: none"> (a) protect water environmental values; (b) be compatible with the land use constraints for the site for protecting water environmental values; (c) be compatible with existing tidal and non-tidal waterways; (d) perform a function in addition to stormwater management; (e) achieve water quality objectives. 	AO16.1 Development involving non-tidal artificial waterways ensures: <ul style="list-style-type: none"> (a) environmental values in downstream waterways are protected; (b) any groundwater recharge areas are not affected; (c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway; (d) existing areas of ponded water are included. 	N/A
	AO16.2 Non-tidal artificial waterways are located: <ul style="list-style-type: none"> (a) outside natural wetlands and any associated buffer areas; (b) to minimise disturbing soils or sediments; (c) to avoid altering the natural hydrologic regime in acid sulphate soil and nutrient hazardous areas. 	N/A
	AO16.3 If a non-tidal waterway is located adjacent to, or is connected to, a tidal waterway by means of a weir, lock, pumping system or similar: <ul style="list-style-type: none"> (a) there is sufficient flushing or a tidal range of greater than 0.3 metre; or (b) any tidal flow alteration does not adversely impact on the tidal waterway; or 	N/A



Performance outcomes	Acceptable outcomes	Response
	(c) there is not introduction of salt water into freshwater environments.	
	AO16.4 Development involving non-tidal artificial waterways is designed and managed for any of the following end-use purposes: (a) amenity including aesthetics, landscaping and recreation; or (b) flood management; or (c) stormwater harvesting as part of an integrated water cycle management plan; or (d) aquatic habitat.	N/A
	AO16.5 Development involving non-tidal artificial waterways ensures that the end-use purpose of any non-tidal artificial waterway is designed and managed in a way that protects water environmental values.	N/A
	AO16.6 The non-tidal artificial waterway is designed, constructed and managed under the responsibility of a suitably qualified registered professional engineer of Queensland who has specific experience in establishing and managing artificial waterways.	N/A
	AO16.7 Monitoring and maintenance programs adaptively manage water quality in any non-tidal artificial waterway so as to achieve relevant water quality objectives downstream of the waterway.	N/A



Performance outcomes	Acceptable outcomes	Response
	AO16.8 Aquatic weeds are managed so as to achieve less than ten (10) per cent weed coverage of the water surface area.	N/A
	AO16.9 The non-tidal artificial waterway is managed and operated by a responsible entity under a deed of agreement (if the terms are acceptable to and endorsed by Council).	N/A
	AO16.10 The responsible entity identified by AO16.9 implements a deed of agreement for the management and operation of the artificial waterway (if the terms are acceptable to and endorsed by Council), and the deed of agreement: <ul style="list-style-type: none"> (a) identifies the waterway; (b) states the period of responsibility for the entity; (c) states a process for any transfer of responsibility for the waterway; (d) states required actions under the agreement for monitoring the water quality of the waterway and receiving waters; (e) states required actions under the agreement for maintaining the waterway to achieve the outcomes of this code and any relevant conditions of a development approval; and 	N/A



Performance outcomes	Acceptable outcomes	Response
	(f) identifies funding sources for the above, including bonds, infrastructure charges or levies.	
PO17 The non-tidal artificial waterway is designed and managed so as to avoid causing adverse impacts on residential amenity and public health and safety due to pests and vectors (such as mosquitoes).	No acceptable outcome is nominated.	N/A
Roadwork		
PO18 All roadwork is designed and constructed in an economically cost-effective manner and ensures that the pedestrian, cycle and vehicle movement network: <ul style="list-style-type: none"> (a) is safe; (b) is efficient; (c) is orderly; and (d) does not significantly adversely affect amenity. 	AO18.1 If the development involves roadwork, an engineer who qualifies as a registered professional engineer of Queensland certifies that all roadwork is designed and constructed in accordance with the Capricorn Municipal Development Guidelines.	Requirement can be conditioned.
Stormwater management		
PO19 The development: <ul style="list-style-type: none"> (a) collects and discharges stormwater in a manner that does not adversely affect the stability of buildings, structures, infrastructure or land, located on the site or off the site; 	AO19.1 An engineer who qualifies as a registered professional engineer of Queensland certifies that the development has a stormwater management system which: <ul style="list-style-type: none"> (a) collects and discharges stormwater to a lawful point of discharge; 	Complies. Approved stormwater management plan to be conditioned.



Performance outcomes	Acceptable outcomes	Response
<p>(b) has a stormwater management system that is designed and constructed to be safe, operationally reliable, and easily maintained;</p> <p>(c) ensures that the stormwater management system and site work does not adversely impact flooding or drainage characteristics of premises which are located up-slope, downslope, or adjacent to the site;</p> <p>(d) ensures that the stormwater management system and site work does not result in ponding or retention of water in a manner that is likely to result in loss of amenity for sensitive land use, or result in adverse impacts on public health and safety;</p> <p>(e) where practicable, is integrated with existing public stormwater management networks and planned future stormwater management networks; and</p> <p>(f) does not compromise the ability of the stormwater management system for the catchment to ensure that stormwater causes minimal nuisance, danger, and damage to people, property, infrastructure and the environment due to the quantity of stormwater discharge.</p>	<p>(b) is compatible with and does not compromise the stormwater management system for the catchment; and</p> <p>(c) is designed and constructed in accordance with the Capricorn Municipal Development Guidelines and any requirements of the stormwater management planning scheme policy contained in schedule 7.13 of the planning scheme.</p>	
PO20	AO20.1	Complies. Approved stormwater management plan to be conditioned.



Performance outcomes	Acceptable outcomes	Response
<p>The development is planned, designed and constructed, and managed to avoid or minimise adverse impacts on environmental values associated with water quality in natural and developed catchments by achieving:</p> <ul style="list-style-type: none"> (a) identified stormwater quality design objectives for the location; or (b) current best practice environmental management. 	<p>A site stormwater quality management plan has been prepared by a suitably qualified person and the plan:</p> <ul style="list-style-type: none"> (a) is consistent with any local area stormwater management planning; and (b) provides for achievable stormwater quality treatment measures which meet the construction phase design objectives identified in Table 9.3.2.4.7 and the postconstruction phase design objectives identified in Table 9.3.2.4.8, or current best practice environmental management, reflecting land use constraints, such as: <ul style="list-style-type: none"> (i) erosive, dispersive, sodic and/or saline soil types; (ii) landscape features (including landform); (iii) acid sulfate soil and management of nutrient of concern; (iv) rainfall erosivity. 	
	<p>AO20.2</p> <p>An erosion and sediment control plan is prepared by a suitably qualified person, and the plan ensures that the release of sediment-laden stormwater:</p> <ul style="list-style-type: none"> (a) is avoided for the nominated design storm; and (b) is minimised when the nominated design storm is exceeded by addressing the construction phase design objectives for drainage control, erosion control, 	<p>Complies.</p> <p>Approved stormwater management plan and ecological assessment recommendations for erosion and sediment control to be conditioned.</p>



Performance outcomes	Acceptable outcomes	Response
	sediment control and water quality identified in Table 9.3.2.4.7.	
	AO20.3 Erosion and sediment control practices (including any proprietary erosion and sediment control products) are designed, installed, constructed, operated, monitored and maintained in accordance with the erosion and sediment control plan required by AO20.2.	Complies. Approved stormwater management plan and ecological assessment recommendations for erosion and sediment control to be conditioned.
	AO20.4 Development incorporates stormwater flow control measures to achieve the design objectives identified in Table 9.3.2.4.7 and identified in Table 9.3.2.4.8, or current best practice environmental management, including management of frequent flows and peak flows.	Complies. Approved stormwater management plan and ecological assessment recommendations for erosion and sediment control to be conditioned.
Waste water treatment and disposal (where discharging to a waterway or off-site)		
PO21 The development does not discharge wastewater to a waterway or off-site unless it is treated and discharged in a manner which: <ul style="list-style-type: none"> (a) is in accordance with current best practice environmental management (b) meets the water quality objectives for the receiving water; (c) maintains ecological processes, riparian vegetation, waterway integrity and downstream ecosystem health; and (d) avoid causing adverse impacts on ecosystem health and waterway health 	AO21.1 If the development involves the treatment and discharge of wastewater to a waterway or off-site, a wastewater management plan is prepared by a suitably qualified person, and the plan addresses the following: <ul style="list-style-type: none"> (a) wastewater type; (b) climatic conditions; (c) water quality objectives; and (d) best environmental practice. 	N/A. Land has the ability to be serviced with wastewater infrastructure which will be conditioned.
	AO21.2 The wastewater management plan required by AO21.1 provides for the management of	N/A.



Performance outcomes	Acceptable outcomes	Response
	<p>wastewater in accordance with a waste management hierarchy that:</p> <ul style="list-style-type: none"> (a) avoids wastewater discharge to waterways; or (b) if wastewater discharge to waterways cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal for sewer, surface water and groundwater. 	
	<p>AO21.3 Wastewater discharge is managed in manner which avoids or minimises the release of nutrients that are likely to increase the occurrence, frequency or intensity of algal blooms.</p>	N/A
	<p>AO21.4 Development in coastal catchments:</p> <ul style="list-style-type: none"> (a) avoids lowering groundwater levels where potential or actual acid sulfate soils are present; and (b) manages wastewater so that: <ul style="list-style-type: none"> (i) the pH of any wastewater discharged is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium, and metals; (ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release; 	<p>Complies. Requirement to be addressed by approved stormwater management plan and ecological assessment recommendations to be conditioned.</p>



Performance outcomes	Acceptable outcomes	Response
	<ul style="list-style-type: none">(iii) visible iron floc is not present in any discharge;(iv) precipitated iron floc is contained and disposed of; and(v) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.	



9.3.3. Reconfiguring a lot code

9.3.3.4. Specific benchmarks for assessment

Table 9.3.3.4.1—Outcomes for assessable development

Performance outcomes	Acceptable outcomes	Response
If boundary realignment		
PO1 Boundary realignment: (a) does not result in the creation of additional lots; (b) does not create the potential to introduce uses or activities which conflict with the intent of the applicable zone for all or part of the site.	AO1.1 No additional lots are created by the re-alignment of boundaries.	Not applicable Proposed development does not include a boundary realignment.
	AO1.2 Boundary realignment is contained entirely within a single zone, precinct or sub precinct.	Not applicable Proposed development does not include a boundary realignment.
PO2 All existing connections to water, sewer, electricity and other infrastructure are retained and additional infrastructure connections or augmentation is not required.	AO2.1 Boundary realignment does not require any change to infrastructure or services.	Not applicable Proposed development does not include a boundary realignment.
PO3 Boundary realignment results in lots which meet the minimum lot area, dimensions and frontage width, applicable to the zone in which the site is located.	AO3.1 The size of the resulting lots complies with the Table 9.3.3.4.2.	Not applicable Proposed development does not include a boundary realignment.
If reconfiguring a lot associated with a prior related Material Change of Use		
PO4 Lots have a regular shape and consistent dimensions to facilitate the development of the land in accordance with a prior related Material	AO4.1 The lots are designed in accordance with the density of development of a prior related Material Change of Use	Not applicable The proposed development does not involve a reconfiguration of lot associated with a prior related Material change of use. A Material change

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Performance outcomes	Acceptable outcomes	Response																						
Change of Use, and the lots have sufficient area to provide for: (a) the approved density of development; (b) buildings and structures; (c) usable open space and landscaping; (d) ventilation and sunlight for buildings; (e) privacy for residents; (f) suitable vehicle access and onsite parking where required; and (g) any on-site services and infrastructure.	AO4.2 The lots have an appropriate size and dimension to cater for the needs of the development including the needs for private lots and communal lots, in accordance with the prior related Material Change of Use.	of use is also proposed as part of the current application. Not applicable The proposed development does not involve a reconfiguration of a lot related to a previous Material Change of Use. However, a Material Change of Use is proposed as part of the current application.																						
All other reconfiguring a lot applications																								
Lot design – general																								
PO5 Development included in the table below requires the preparation of a structure plan to accompany the development application.	No acceptable outcome is nominated.	Complies The development application is supported by a structure plan.																						
<table><tr><th>Zone</th><th>Proposed Additional lots in the stage/ development</th><th>Small structure plan</th><th>Large structure plan</th></tr><tr><td rowspan="2">All residential category zones</td><td>7-15</td><td>✓</td><td></td></tr><tr><td>16 or more</td><td></td><td>✓</td></tr><tr><td rowspan="2">All centre category zones</td><td>5-10</td><td>✓</td><td></td></tr><tr><td>11 or more</td><td></td><td>✓</td></tr><tr><td>All other zones where reconfiguring a lot requires impact assessment</td><td>1 or more</td><td></td><td>✓</td></tr></table>			Zone	Proposed Additional lots in the stage/ development	Small structure plan	Large structure plan	All residential category zones	7-15	✓		16 or more		✓	All centre category zones	5-10	✓		11 or more		✓	All other zones where reconfiguring a lot requires impact assessment	1 or more		✓
Zone	Proposed Additional lots in the stage/ development		Small structure plan	Large structure plan																				
All residential category zones	7-15		✓																					
	16 or more			✓																				
All centre category zones	5-10	✓																						
	11 or more		✓																					
All other zones where reconfiguring a lot requires impact assessment	1 or more		✓																					
PO6	No acceptable outcome is nominated.	Complies																						

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Performance outcomes	Acceptable outcomes	Response
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.		The proposed development was undertaken in accordance with the structure plan.
<p>PO7 Lot design is well integrated with the surrounding locality, having regard to:</p> <ul style="list-style-type: none"> (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. <p>Editor's note: When assessing the location and design for lot reconfiguration, consideration should be given to the standards for separating conflicting land use specified in Schedule 4 of the planning scheme. Where standards are not specified, a specialist report may be required to demonstrate the suitability of the development.</p>	No acceptable outcome is nominated.	<p>Complies</p> <p>The proposed lot design aligns with the intended purpose and management of the site. The subdivision is designed to improve the operation of the planned shopping centre and adjacent food and drink outlet, located near Taranganba Road. It allows for independent ownership of the food and drink outlet, which will function independently, with an access easement to Taranganba Road. The proposed ROL development will have no impact on the surrounding road or open space network.</p>
<p>PO8 Lot design:</p> <ul style="list-style-type: none"> (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; 	No acceptable outcome is nominated.	<p>Complies</p> <p>The proposed subdivision does not interfere with areas of significant environmental or heritage value.</p>

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Performance outcomes	Acceptable outcomes	Response
(c) avoids crossing or otherwise interfering with natural drainage lines, waterways, wetlands, habitat areas or biodiversity corridors; and (d) retains key site characteristics, landmarks, and places of heritage significance.		
PO9 Lot reconfiguration does not facilitate development which would be visually obtrusive on skylines, headlands or prominent landscape features.	No acceptable outcome is nominated.	Complies The proposed lot design does not facilitate development that will intrude on skylines, headlands or prominent landscape features.
PO10 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.	Complies The proposed lot reconfiguration is consistent with the intended use of a Shopping centre and standalone Food and drink outlet. The proposed development will not compromise the transport network or cause land use conflict.
Lot design – size and dimension		
PO11 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;	AO11.1 The lots are designed in accordance with the minimum lot sizes and dimensions specified within Table 9.3.3.4.2.	Complies The proposed Reconfiguration of Lot (ROL) is deemed appropriate for the following reasons: <ul style="list-style-type: none"> • It involves a 1 into 2 lot subdivision to support the management of a shopping center and a standalone food and drink outlet. • It aligns with the intended use of the site, providing ample space to accommodate

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Performance outcomes	Acceptable outcomes	Response
(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.		the proposed buildings, structures, vehicle access, parking, and necessary onsite services and infrastructure.
PO12 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: (a) buildings and structures; (b) usable open space and landscaping; (c) ventilation and sunlight for buildings; (d) privacy for residents; (e) suitable vehicle access and onsite parking where required; and (f) any on-site services and infrastructure such as effluent disposal areas if required.	AO12.1 The lots are designed in accordance with the minimum lot sizes and dimensions specified within Table 9.3.3.4.2.	Complies The proposed ROL involves a 1 into 2 lot subdivision to facilitate the management of a shopping centre and a standalone food and drink outlet. The lots are designed to align with the intended use of the land, offering ample space for the safe and efficient development of the site. The proposed lots will accommodate the necessary buildings, structures, vehicle access, parking, and onsite services and infrastructure.
	AO12.2 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.	Not applicable The proposed development does not include residential lots.
Lot size and dimensions where located in the emerging community zone		
PO13	AO13.1 Reconfiguring below the minimum lot size specified in Table 9.3.3.4.2 does not occur, unless	Complies

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Effective date:



Performance outcomes	Acceptable outcomes	Response
Reconfiguring in the emerging community zone does not compromise the development potential of the area for urban activities.	it is undertaken only to facilitate new urban development which accords with an approved structure plan.	The proposed development does not compromise the potential for other development within the area for other urban activities.
<p>PO14 Reconfiguring for new urban development in the emerging community zone:</p> <ul style="list-style-type: none"> (a) creates attractive, safe and self-contained communities that enable the provision of a choice of housing types; (b) provides convenient access to residential areas, employment areas, community facilities and centres; (c) provides certainty for landowners and residents as to the type and location of future land uses and transport infrastructure; (d) is undertaken in an orderly and sequential manner and avoids sporadic subdivision of land, particularly on small and isolated sites; (e) is provided with the desired infrastructure and services in an efficient and timely manner which minimises whole of life costs; (f) is integrated with the natural environment to minimise impacts on matters of environmental significance and natural hazards; and (g) is designed in a manner which results in an appropriate interface between existing land use or zones that may result in land use conflict. <p>Editor's note: Applicants may refer to SC7.14 for assistance in preparing a structure plan to assist in compliance with this performance outcome.</p>	No acceptable outcome is nominated.	<p>Complies</p> <p>The proposed ROL involves a 1 into 2 lot subdivision to facilitate the management of a shopping centre and food and drink outlet, with no residential development planned.</p> <p>This subdivision will offer convenient access to employment opportunities for the nearby residential community. It will establish a clear interface between different land uses, providing certainty for landowners and residents regarding the future use and development of the site.</p> <p>The ROL will be executed in an orderly and sequential manner, as outlined in the Planning Report, and will be adequately serviced by infrastructure, as detailed in the Traffic, Civil Engineering, and Stormwater Reports.</p>

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Performance outcomes	Acceptable outcomes	Response
Lot design – rear lots		
PO15 If the lot reconfiguration results in a rear lot, the resulting lots are designed in a manner which: (a) retains suitable size and dimensions to enable an appropriate use of the lots; (b) provides an appropriate level of amenity for the new lots and adjoining lots; (c) incorporates a direct means of access to the road network for the rear lot; (d) incorporates an access for the rear lot which has a sufficient width and design to provide for the following: (i) the use of the rear lot; (ii) suitable drainage and flood immunity; and (iii) to enable the implementation of measures to mitigate nuisance to any adjoining sensitive land use due to emissions likely to result from vehicular access; and (e) ensures that infrastructure services to the rear lot can be lawfully and easily constructed, monitored and maintained.	AO15.1 If the lot reconfiguration results in a rear lot, only one (1) rear lot is created.	Not applicable No rear lots are proposed.
	AO15.2 If the lot reconfiguration results in a rear lot, all resulting lots comply with the minimum size and dimensions for the location as specified within Table 9.3.3.4.2, and the minimum lot area for the rear lot does not include the area of the access way.	Not applicable No rear lots are proposed.
	AO15.3 If the lot reconfiguration results in a rear lot, the rear lot does not gain access from the head of a cul-de-sac.	Not applicable No rear lots are proposed.
	AO15.4 No more than two (2) rear lot access ways directly adjoin each other.	Not applicable No rear lots are proposed.
	AO15.5 If the lot reconfiguration results in a rear lot, the access way for the rear lot has a driveway which is immune to a flood inundation event having an annual exceedance probability of ten (10) per cent.	Not applicable No rear lots are proposed.
	AO15.6 If the lot reconfiguration results in a rear lot, the access way for the rear lot contains a driveway that is designed and constructed in accordance with the following: (a) if located in a residential category zone, the township zone, any other zone located within	Not applicable No rear lots are proposed.

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Performance outcomes	Acceptable outcomes	Response
	<p>an urban setting, or in the rural residential zone (Park Residential Precinct):</p> <p>(i) a minimum three (3) metres wide compacted gravel pavement not less than one-hundred (100) millimetres thick and sealed with:</p> <p>(A) twenty-five (25) millimetres of asphaltic concrete; or</p> <p>(B) hot sprayed bitumen consisting of a prime and two (2) seal coats; or</p> <p>(C) interlocking pavers; or</p> <p>(ii) a minimum three (3) metres wide reinforced concrete driveway (not car tracks) not less than one-hundred (100) millimetres thick; or</p> <p>(b) if located in the rural zone or rural residential zone (other than Park Residential Precinct):</p> <p>(i) a four (4) metres wide all weather gravel pavement; and</p> <p>(ii) if the grade of the driveway is steeper than ten (10) per cent at any point, a four (4) metres wide sealed pavement on a six (6) metres wide formation; and</p> <p>(iii) if within twenty (20) metres of an existing dwelling house or other sensitive land use on an adjacent lot, a four (4) metres wide sealed pavement on a six (6) metres wide formation for a distance of at least twenty (20) metres past the extremities of the dwelling house or sensitive land use projected perpendicular from the access way boundary.</p>	

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Performance outcomes	Acceptable outcomes	Response
	AO15.7 If the lot reconfiguration results in a rear lot, the access way for the rear lot has a minimum width which complies with the following: (a) if located in a residential category zone, the township zone, or the rural residential zone (Park Residential Precinct): five (5) metres; or (b) if located in an industry category zone: eight (8) metres; (c) if located in the rural residential zone (not within the Park Residential Precinct): (i) eight (8) metres where the access way has a length up to and including fifty (50) metres; or (ii) fifteen (15) metres where the access way has a length greater than fifty (50) metres; or (d) if located in the rural zone: twenty (20) metres; or (e) if located in any other zone: no acceptable outcome is nominated.	Not applicable No rear lots are proposed.
Road and street network		
PO16 The road and street network has a clear hierarchical structure, with roads that are designed and constructed to achieve their function in the network, having regard to: (a) traffic volumes, vehicle speeds and driver behaviour; (b) on street parking; (c) sight distance;	AO16.1 The roads and streets network is designed in accordance with Schedule SC7.17.	Not applicable No new streets or roads are proposed.

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Performance outcomes	Acceptable outcomes	Response
(d) provision for public transport routes and stops; (e) provision for pedestrian and cyclist movement, prioritising these where appropriate; (f) provision for waste collection and emergency vehicles; (g) lot access; (h) convenience; (i) public safety; (j) amenity; (k) the incorporation of public utilities and drainage; and (l) street scaping and street furniture.		
PO17 The road and street network provides for: (a) high levels of permeability and connection between places to provide for short travel distances; (b) the convenient and safe movement between local streets and higher order roads; (c) at least two road or street access points to every neighbourhood; (d) the avoidance of the use of access places, unless the slope, shape or location of the site provides no alternative.	AO17.1 Road intersections are designed in compliance with Capricorn Municipal Development Guidelines.	Complies The proposed road intersection has been designed with consideration and compliance with the Capricorn Municipal Development Guidelines and DTMR requirements.
	AO17.2 No more than twenty-five (25) lots are served by any single road access point.	Not applicable No more than 2 lots are proposed.
	AO17.3 Street blocks are generally rectangular and arranged in a modified grid pattern, taking account of topography and minimising cut and fill on steeper land.	Not applicable No new streets are proposed.
	AO17.4 Street block lengths do not exceed two-hundred (200) metres. <small>Note: An access place is not regarded as defining the end of a street block.</small>	Not applicable No new streets are proposed.

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Performance outcomes	Acceptable outcomes	Response
	AO17.5 An access place: (a) is straight, with a clear view from the start of the street to the turning head; (b) provides a pedestrian connection from the head of the cul-de-sac to another road, and is a minimum width of ten (10) metres.	Not applicable No new streets are proposed.
PO18 Road crossings are provided for the safe and efficient movement of pedestrians and cyclists at regular intervals on higher order roads.	No acceptable outcome is nominated.	Not applicable No new road crossing is proposed.
PO19 Local streets do not operate as through traffic routes for externally generated traffic (other than for pedestrians, cyclists and public transport).	No acceptable outcome is nominated.	Complies The proposed development will require access via Taranganba Road, which is classified as a sub-arterial road in the Council's Road hierarchy. The anticipated traffic generation is detailed in the attached Traffic Report.
Road and street design		
PO20 The geometric design features of each type of road and street: (a) convey its primary function for all relevant design vehicle types; (b) have an adequate horizontal and vertical alignment that is not conducive to excessive speeds; (c) encourage traffic speeds and volumes to levels commensurate with road hierarchy function; (d) ensure unhindered access by emergency and waste collection vehicles and buses;	AO20.1 Roads are designed in compliance with Capricorn Municipal Development Guidelines.	Not applicable No new roads are proposed.

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Performance outcomes	Acceptable outcomes	Response
(e) ensures safe access to lots.		
PO21 Where lot reconfiguration involves the creation of a new street (other than in a rural zone or the rural residential zone), streetscape and landscape treatments are provided which: (a) create an attractive and legible environment with a clear character and identity; (b) use and highlight features of the site such as views, vistas, existing vegetation, landmarks and places of cultural heritage significance; (c) enhance safety and comfort, and meet user needs; (d) complement the function of the street in which they are located by reinforcing desired traffic speed and behaviour; (e) assist integration with the surrounding environment; (f) maximise infiltration of stormwater runoff; and (g) minimise maintenance costs through: (i) street pavement, parking bays and speed control devices; (ii) street furniture, shading, lighting and utility installations; (iii) retention of existing vegetation; and (iv) on-street planting.	No acceptable outcome is nominated.	Not applicable No new streets are proposed.
PO22 Road access to new lots minimises impacts on the function, vehicle speeds, safety, efficiency and capacity of streets and roads.	AO22.1 Access arrangements are consistent with the characteristics intended for the particular type of road or street specified in the Capricorn Municipal Development Guidelines.	Complies The proposed development's access arrangements are consistent with the characteristics intended for the road or street specified in the Capricorn Municipal Development

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Performance outcomes	Acceptable outcomes	Response
		Guidelines and DTMR requirements. Refer to the applicant's Traffic Report.
Pedestrian and cycle networks		
PO23 A network of bicycle and pedestrian pathways, which is designed to maximise safety, convenience and comfort for users, is provided along higher order roads.	No acceptable outcome is nominated.	Complies The proposed development includes pedestrian pathways along street frontages.
PO24 The alignment of bicycle and pedestrian pathways is designed so that they: <ul style="list-style-type: none"> (a) allow for the retention of trees and other significant features; (b) maximise the visual interest provided by views and landmarks where they exist; (c) are well lit and allow for casual surveillance; (d) do not compromise the operation of or access to other infrastructure services; and (e) are widened at potential conflict points. 	No acceptable outcome is nominated.	Complies Proposed pedestrian pathways will be well-lit, with the shopping centre offering opportunities for casual surveillance. These pathways are designed to ensure they don't interfere with the operation or access to other infrastructure services and are widened at potential conflict points. The pathways will be at grade to enhance visual interest, taking advantage of views and landmarks where they are visible near the site. Refer to the applicant's Traffic Report for further information.
Public transport		
PO25 The road and street network caters for the extension of public transport routes to provide services that are convenient and accessible to the community.	AO25.1 If the lot reconfiguration is within a residential category zone or the emerging community zone, or it results in lots which provide for the development of accommodation activities at a density consistent with a residential category zone, then at least eighty (80) per cent of proposed lots are within four-hundred (400) metres walking	Complies The proposed development adjoins Taranganba Road, which currently has an existing bus route. New bus stops near the development are encouraged to increase connectivity to the public transport network.

Development Application:

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Effective date:

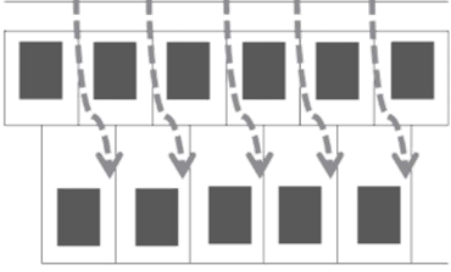


Performance outcomes	Acceptable outcomes	Response
	distance from a road which is designed and constructed to accommodate buses.	
Climate response		
PO26 Lot layout facilitates building design which minimises sun penetration in summer and maximises cooling breezes into buildings.	AO26.1 The long axis of street blocks is oriented generally east-west	Not applicable The proposed development relates to a subdivision (1 into 2) for the management of a Shopping centre and a Food and Drink outlet. No changes to the existing street is proposed.
	AO26.2 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.	Not applicable The proposed development relates to a subdivision (1 into 2) for the management of a Shopping centre and a Food and Drink outlet. No changes to the existing street is proposed.
	AO26.3 Lots are offset to enable breezes to pass between buildings.	Complies Proposed lots enable breeze to pass between buildings.

Development Application:

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Performance outcomes	Acceptable outcomes	Response
	<p>Off-set lots enable cooling breezes between buildings</p> 	
Development near infrastructure and special activities		
PO27 Reconfiguring minimises exposure to risks and amenity impacts from major infrastructure and enables the safe and efficient operation of infrastructure.	AO27.1 Reconfiguration within one-hundred (100) metres of any trunk gas pipeline does not increase the density of development.	Not applicable The location of the proposed development is not within 100m of any trunk gas pipeline.
	AO27.2 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.	Not applicable The site is not adjoining a high voltage electricity easement.
	AO27.3 Lots are designed and oriented to ensure that a habitable building or primary open space areas on	Not applicable The proposed development does not include residential uses.

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Performance outcomes	Acceptable outcomes	Response
	each lot can comply with the separation distances set out in Schedule 4.	
	AO27.4 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.	Not applicable The proposed development does not include residential uses.
Infrastructure		
PO28 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. Editor's note: In the majority of instances, infrastructure is to be provided in accordance with the requirements of the Development Works Code. Noteworthy is that the acceptable outcomes for the provision of infrastructure, as specified in the Development Works Code, are considered to be acceptable assuming that the development is located in a suitable zone which is intended for that development. Although not desirable, should there be a situation where a reconfiguration of a lot results in lot sizes that are below the minimum lot sizes for the zone it is located in (as specified in this code) and the intended land use for the lots are different from that which is preferred for the zone it is located in, then the appropriateness of infrastructure is to be determined by an assessment against the relevant performance outcomes. It is likely that development for urban activities will in the majority of instances require the provision of infrastructure to a standard expected for development in urban zones.	Complies Infrastructure, including roads, streets, water supply, stormwater drainage, sewage disposal, waste management, electricity, and communication facilities, will be provided efficiently. These systems are designed to meet the projected needs of the development, ensuring adaptability while minimizing risks and whole-of-life cycle costs.
Parks and open space		
Editor's note—Where acceptable outcomes are set out in this section, it is acknowledged that they may primarily be practicable in greenfield developments. Alternative outcomes are likely to be appropriate in existing developed areas. This may include works and embellishment to existing parks or recreational corridors to meet the development's demand, or as part of an infrastructure partnership agreement.		
PO29	AO29.1	Not applicable

Development Application:

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Effective date:



Performance outcomes	Acceptable outcomes	Response
<p>Neighbourhood design and lot layout provides a balanced variety of park types, including:</p> <p>(a) small local parks, which are designed to:</p> <ul style="list-style-type: none"> (i) provide a small open space setting for adjoining dwellings; (ii) incorporate and retain existing natural features; and (iii) incorporate landscaping to assist in creating neighbourhood identity and way finding; and <p>(b) neighbourhood parks, which are designed to:</p> <ul style="list-style-type: none"> (i) be centrally located; (ii) support the local community's recreational needs; and (iii) provide opportunities for community and special events; and <p>(c) lineal or corridor parks, which are designed to:</p> <ul style="list-style-type: none"> (i) connect with existing or planned open space in the locality; (ii) incorporate pedestrian and cycle paths; (iii) protect significant natural features; (iv) convey stormwater; and (v) provide for other recreational needs when not flooded; and <p>(d) natural parkland areas which:</p> <ul style="list-style-type: none"> (i) retain locally significant wetlands, remnant vegetation and habitat for fauna; (ii) continue ecological corridors and linkages to areas outside of the neighbourhood; and (iii) maintain important landscape and visual quality values. 	<p>Open space is provided in accordance with the rates and desired standards of service contained in Schedule SC7.9 and Part 4 of this planning scheme.</p>	<p>The proposed development does not include Open space.</p>

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Effective date:



Performance outcomes	Acceptable outcomes	Response
PO30 Neighbourhood design and lot layout provides for safe and secure, well distributed and located parkland that: <ul style="list-style-type: none"> (a) provides a clear relationship between the public realm and adjoining land uses through treatment including alignment, fencing and landscaping; (b) enhances the area's local identity and landscape amenity; (c) provides for a range of recreational opportunities to meet community needs; (d) forms a linkage to existing parkland or habitats; (e) respects and retains existing natural elements; and (f) protects biodiversity values and features. 	No acceptable outcome is nominated. Editor's note: To address community safety, emphasis should be given to elements of crime prevention through environmental design described in the Crime Prevention Through Environmental Design (CPTED) Guidelines for Queensland.	Not applicable The proposed development does not include open space.
Hazards		
PO31 Reconfiguration of a lot avoids creating unacceptable risk to human safety, property and the environment due to natural hazards and contaminated land. Editor's note: Not all areas of the planning scheme area (which may be subject to risk from natural hazards) are identified by overlays. Determination of potential hazards and constraints should be undertaken through the development application process and appropriate analysis of the site and surrounding area. Editor's note: Where contamination is suspected (for example former cattle dip yards, industrial sites, landfill, areas of unexploded ordnances and the like), applicants may be requested to provide a preliminary contamination report when for residential, rural residential or emerging community zone subdivisions.	No acceptable outcome is nominated.	Complies The proposal avoids creating risk to safety, property, and the environment due to natural hazards and contaminated land.

Development Application:

Livingstone Shire Planning Scheme: v3

Effective date:

13.2 - DEVELOPMENT APPLICATION D-246-2024 FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A SHOPPING CENTRE, RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENT), AND OPERATIONAL WORKS FOR NATIVE VEGETATION CLEARING

Peer Review Report

Meeting Date: 16 September 2025

Attachment No: 5

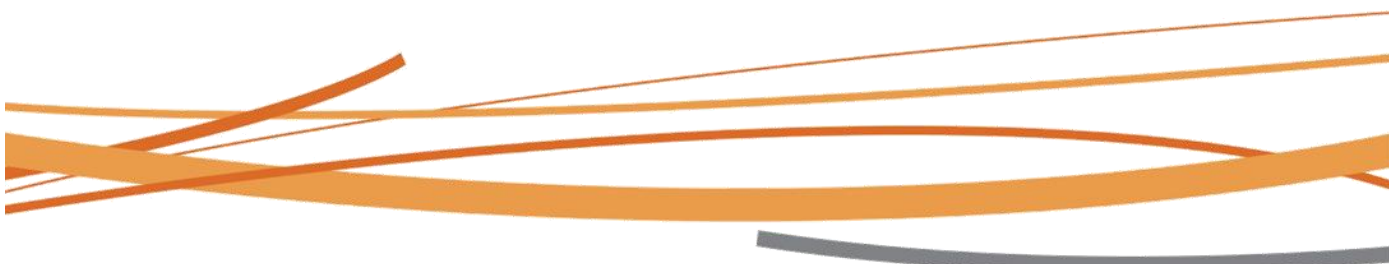


INDEPENDENT PLANNING ASSESSMENT REPORT

181 Taranganba Road, Taroomball

Prepared for Livingstone Shire Council

11 September 2025





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Prepared for: Livingstone Shire Council

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1 Executive Summary

Gaskell Planning Consultants has been commissioned by the Livingstone Shire Council ('Council') to undertake an independent planning assessment of a development application submitted over land located at 181 Taranganba Road, Taroomball QLD 4703 and described as Lot 3 on RP617327. Council's reference for the development application is D-246-2024.

The development application involves a new shopping centre with a full-line supermarket (3,900m²) shops (570m²) and a food and drink outlet with drive through facility (450m²) (Total 4,920m²). The proposal involves the State Assessment and Referral Agency for matters relating to the State-controlled road (Tanby Road) and was subject to impact assessment. Five submissions were received during the public notification period. The development application was properly made on 6 August 2024 and subject to Livingstone Planning Scheme 2018 – Version 3. The Livingstone Planning Scheme identifies the land:

- (a) Outside of the Strategic framework's network of centres, which does not anticipate any new Local centres in the life of the planning scheme but anticipates a District Centre (subject to need) at Emu Park in the future.
- (b) Within the Emerging Community Zone, which intends the land to be used for future urban development, subject to addressing land characteristics and constraints
- (c) A series of planning scheme overlay maps which require specific aspects of development to be addressed.

This independent planning assessment identifies the following key matters relevant to the development application:

- Economic need
- Planning need
- The location design of the centre
- Traffic
- Scenic amenity, landscaping and environmental matters
- Other code requirements.

This independent assessment of the proposed development is an objective review, analysing all aspects of the application, including the proposed changes (as part of the response to Council's information request and Further advice correspondence, and minor change to the application), based on the available facts and circumstances. This ensures a comprehensive evaluation against the criteria outlined in the *Planning Act 2016* ('Planning Act').

In preparing this independent planning assessment report, GPC acknowledges that:

- (a) No instructions were given or accepted to adopt or reject any opinions in preparing this independent planning assessment report.
- (b) All necessary enquiries have been made in the discharge of our professional duties.
- (c) The opinions stated in this report are genuinely held by the reviewer.

The independent assessment has found the following:

1. An independent economic need peer review of the applicant's Economic need report by Norling Consulting identified that economic need for the proposed Local Centre exists from 2028. The findings confirmed that the trading impact on existing centres was within the bounds of normal competition.



2. There is no Centre zoned land available to accommodate the proposed Local Centre. Land on the northern side of James Street, Yeppoon, (Lot 1 on SP 230820) within the Yeppoon District Centre, is considered not to contain the right site area or dimensions to support a Local Centre (including a full line supermarket) and includes heritage items. An application (D-489-2022) for a mixed use commercial development was refused by Council dated 7 August 2025 and is currently the subject of an appeal. There is considered to be a planning need for the proposed centre.
3. The land is reasonably located in an area where new residential growth is planned and is occurring.
4. The land is well located on the corner of Tanby Road and Taranganba Road providing an accessible location for a new Local Centre. The land is expected to be able to be serviced by public transport in the future.
5. Traffic aspects for the proposed development have been resolved to the satisfaction of the Department of Transport and Main Roads and Council.
6. Clearing of vegetation is able to meet Council's requirements for the development to proceed.
7. The proposal is considered to follow good planning principles that support:
 - a. Convenience and efficiency for local residents to access weekly shopping and services
 - b. Access to an existing and growing residential community in the Taroomball locality and within a broader catchment area.
8. The proposal is considered to meet the requirements of the Livingstone Shire planning scheme for a Local Centre.
9. The proposed Local Centre is recommended for approval subject to reasonable and relevant conditions.

2 Locality and Site Context

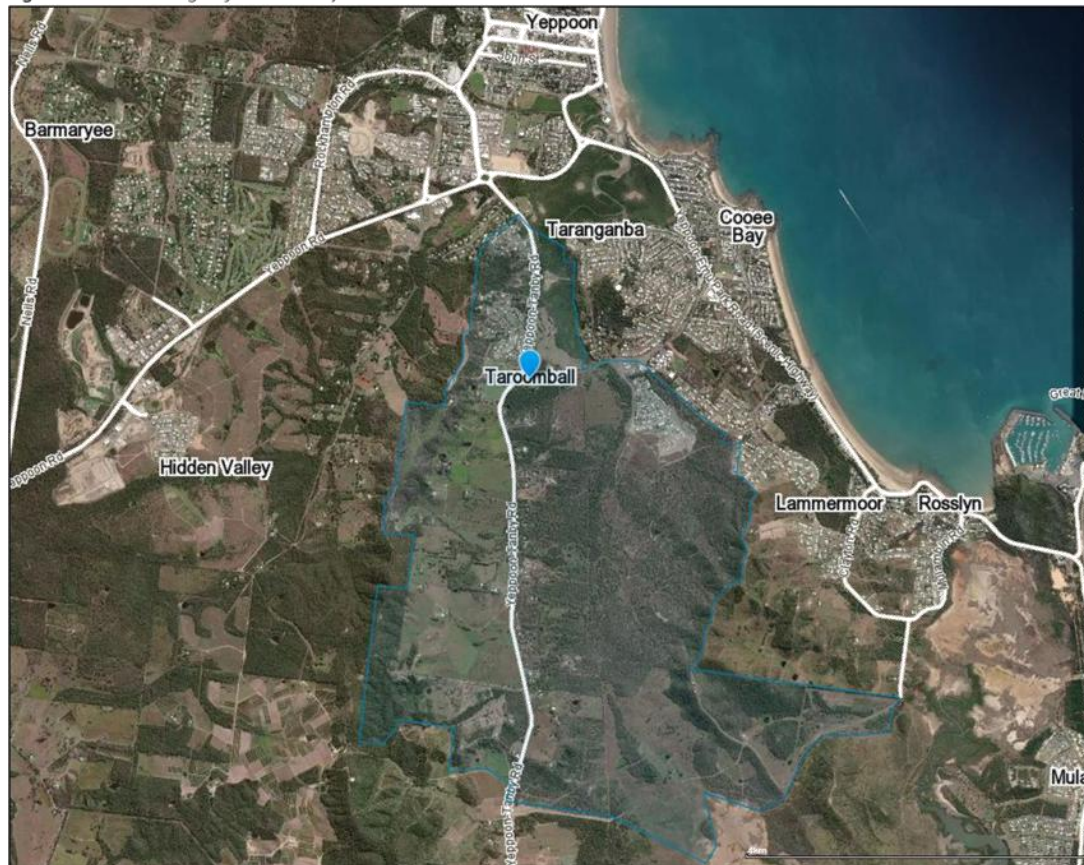
2.1 The Locality

181 Taranganba Road ('subject land') is located within the suburb of Taroomball. Taroomball is a predominantly rural setting on the edge of the coastal suburbs of Taranganba, Cooee Bay and Yeppoon. Tanby Road is the primary road running centrally through Taroomball in a north-south direction with single laneways in each direction. Tanby Road is a State-controlled road.

Taroomball may be characterised as having two parts; large rural residential parcels (south of the subject land) and emerging residential subdivisions (north and east of the subject land). The subject land is in the northern part of the suburb, more particularly, on the corner of Tanby Road and Taranganba Road. Taranganba Road is one of the primary roads through to Cooee Bay and the main coastline of Yeppoon. There are no commercial centres or community facilities in the suburb of Taroomball.

The subject land is located 3.6km (5-minute drive) from the Yeppoon Major Centre and 17.3km (14-minute) drive to Drakes Emu Park.

Figure 1: Aerial image of the locality



Source: Nearmap, 2024.

2.2 The Subject Land

Key details of the subject land include:

Address	181 Taranganba Road, Taroomball QLD 4703
Real property description	Lot 3 on RP617327
Site area	10.907063ha
Zone	Emerging communities

The subject land has frontage to Taranganba Road at its northern boundary for approximately 310m and frontage to Tanby Road on its western boundary for approximately 450m. With the exception of a small portion at the corner of Taranganba Road and Tanby Road, there is no kerb and channelling along the road frontage.

The subject land is improved by a single residential dwelling with a number of ancillary sheds and outbuildings contained to a cleared portion on the corner. The remainder of the subject land is vegetated. There are two waterbodies located onsite which form part of a mapped waterway. This mapped waterway travels in a west-east direction. Vehicle access is gained from Taranganba Road in the form of an unsealed residential crossover and culvert. An aerial of the subject land and its immediate surroundings is provided at Figure 2.

Figure 2: Aerial image of the subject land and immediate surrounding



Source: Development Assessment Mapping System.

2.3 Relevant Approval History

On 6 February 2024, Council approved a Development permit – Reconfiguring a lot (1 into 2 lots) (Council reference D-283-2023). This application included retention of the existing dwelling house on proposed Lot 1 and the balance land within proposed Lot 2. The approved site plan is provided at **Figure 3**.

Figure 3: Approved site plan



Source: Council decision notice D-283-2023.

3 Proposed Development

3.1 Application Summary

Part 3 of the applicant's Development Application ('DA') form identifies the following aspects of development:

- Development permit – Material change of use for a Shopping centre (consisting primarily of Shops, with opportunity for Food and drink outlet, Health care service, Indoor sport and recreation, Office, Service industry and Veterinary services)
- Development permit – Reconfiguring a lot (1 into 2 lot subdivision and access easement)
- Development permit – Operational work involving native vegetation clearing (for urban purposes in an urban area) assessable development under the Livingstone Shire Planning Scheme 2018
- Development permit – Operational work involving constructing or raising waterway barrier works assessable under the *Planning Regulation 2017*.

The Council issued a Confirmation Notice dated 15 August 2024 which identified the material change of use component as 'shopping centre'. Council sought further clarification in item (1) of its Information request dated 27 August 2024. This is discussed further under Section 9 – Key Assessment Matters of this report. A minor change to the application was submitted on 5 August 2025.

The proposed development comprises the following gross floor areas:

- A full line supermarket comprising 3,900m²
- 570m² supporting or specialist retail
- 450m² food and drink outlet with drive through facilities.

The application plans also identify three areas labelled "future development area". The "future development areas" are discussed in greater detail in **Section 3.5** below.

3.2 Material Change of use

The application material further indicates the proposed development includes:

- a single staged development
- a full line supermarket with a total gross floor area of 3,900m²
- specialty stores with a total gross floor area of 1,034m²
- hours of operation for the supermarket and some specialty stores of 7am to 10pm
- hours of operation for a standalone food and drink outlet of 24 hours (excluding servicing / deliveries)
- a maximum building height of approximately 12.5m
- two primary access points via Taranganba Road (one included in an access easement)
- a service access point via Tanby Road
- 271 carparking spaces across the development, plus 9 PWD spaces (for a total of 280 spaces)
- a 10m landscape buffer along Tanby Road and a 5m landscape buffer along Taranganba Road
- a 4m high acoustic barrier provided along the southern edge of the supermarket loading dock.

The overall site plan includes areas nominated as 'future development area'. No preliminary approval was included in the application, and no detailed plans were provided for these areas. A locality site plan of the proposed development is provided at **Figure 4**.

Figure 4: Locality site plan of the overall development

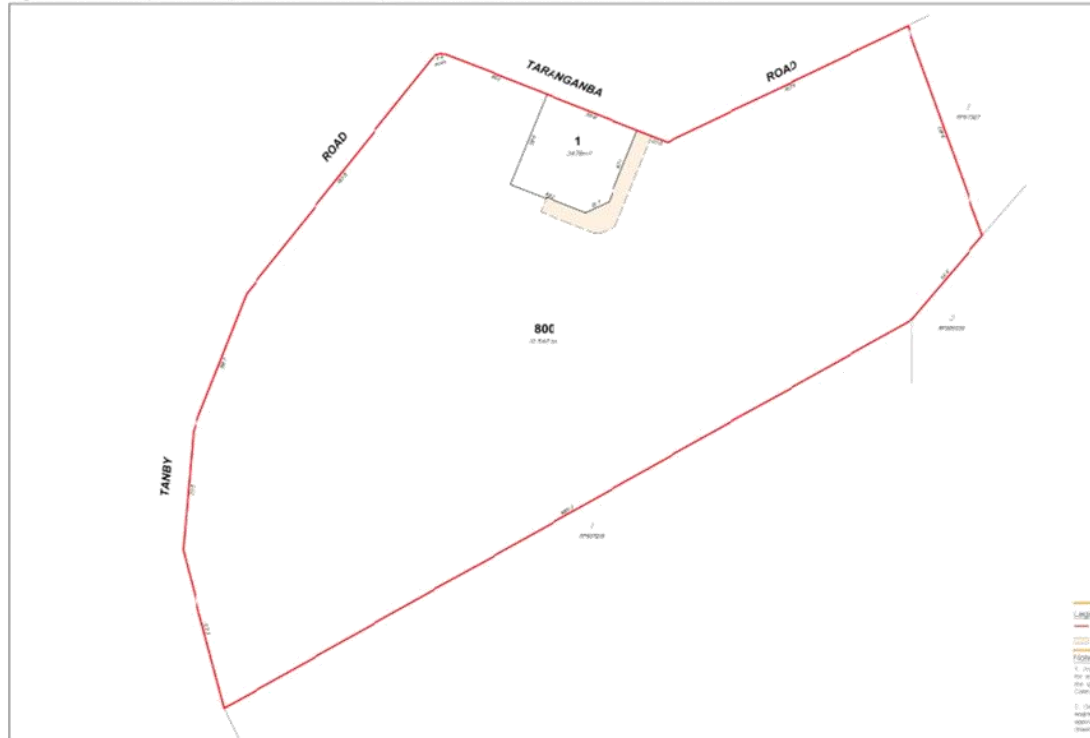


Source: Architectural plans prepared by Hames Sharley, dated 19 June 2024.

3.3 Reconfiguring a Lot

The proposal involves a 1 into 2 lot subdivision to create a separate parcel with an area of 3,478m² to contain a standalone Food and drink outlet with a balance parcel of 10.542 ha to contain the balance of the shopping centre. This aspect includes an access easement from Taranganba Road. A plan of reconfiguration is provided at **Figure 5**.

Figure 5: Plan of reconfiguration showing the subdivision and access easement



Source: Plan of Reconfiguration prepared by Wolters Consulting Group, dated 27 June 2024.

3.4 Operational Work

The proposed development includes two separate aspects of operational work, being:

- Clearing of native vegetation for an urban purpose in an urban area (made assessable under the planning scheme).

The native vegetation proposed to be cleared to facilitate the development is mapped under the Biodiversity overlay (habitat and vegetation) established in the planning scheme. Table 5.9.3 – Biodiversity overlay identifies operational work (clearing of native vegetation, where ‘for urban purposes in an urban area’) is assessable development.

- Constructing or raising waterway barrier works (made assessable under the *Planning Regulation 2017*)

The site is mapped under the State development Assessment Mapping System as containing a Queensland waterways for waterway barrier works (Low). Works are proposed within the area of the mapped waterway which is assessable under the *Planning Regulation 2017*.

3.5 Future development areas

The application includes drawings which identify three “future development area(s)”.

No preliminary approval was included in the application, and no detailed plans were provided for these areas. No details are provided with the application as to the land uses intended for the “future development areas”. As a result there is no proposal to be able to assess the “future development areas”.

It is recommended that if approved the application provide clarity that:

- No approval, development intent or potential expansion is supported in “future development areas”
- Any future application over the “future development areas” will be assessed on its merits.

A particular concern is the scale of the future development areas and the potential for the range and scale of uses to detract from the Yeppoon Major Centre. As no specific uses or built form or further detail was provided as to the “future development areas” these areas did not form part of the assessment of the application.

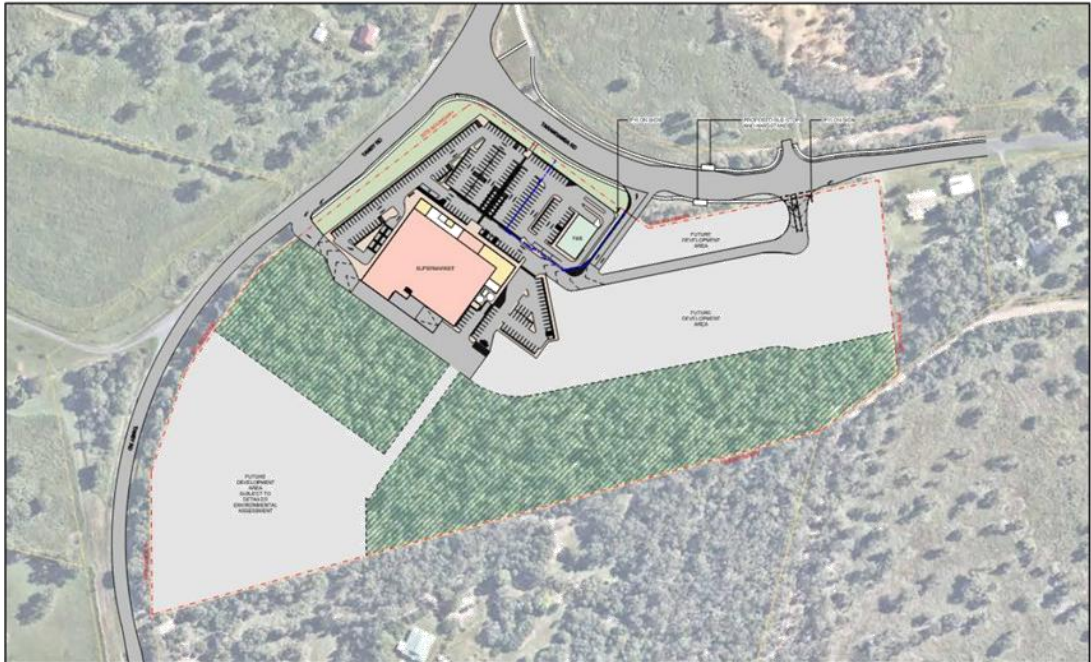
3.6 Minor Change

A minor change to the development application in accordance with section 52 of the *Planning Act 2016* was submitted by the applicant on 5 August 2025. The proposed changes primarily relate to matters raised by SARA and the Department of Main Roads and are summarised as follows:

- Update Tanby Road access to be for left-in only (previously left-in, left-out) and utilised by service vehicles only. Additional line-marking and signage has also been added
- Reorientation of the food and drink outlet and surrounding carpark and corresponding changes to the access easement to proposed lot 1 as a result
- Changes to the carparking layout, including provision of 271 standard spaces (including click and collect bays and HV van parking) and 9 PWD spaces (including 2 taxi bays)
- Centrally located pedestrian entry point on Taranganba Road
- Internal pathways have been amended to maintain connections
- Additional bike racks have been provided
- Gross floor area of the supermarket has increased slightly, from 3,800m² to 3,900m²
- The supermarket building design has been updated to account for the internal stairwell to the rooftop plant and equipment
- The pylon sign associated with the food and drink outlet has been relocated within the landscaped area adjacent to the building.

A site plan of the revised proposal has been included below at **Figure 6**.

Figure 6: Locality site plan of the overall development (minor change)



Source: Architectural plans prepared by Hames Sharley, dated 5 August 2025.

4 Application material and assessment process

4.1 Summary of Application Material

The development application includes the following supporting material and documents.

- DA Form 1, Waterway barrier works template, property searches and owner's consent
- Town planning assessment report
- Proposed subdivision plan and structure plan
- Landscape concept plans
- Economic need and impact assessment
- Sequential site selection analysis
- Traffic impact assessment
- Civil engineering report
- Hydraulic impact and stormwater quantity assessment
- Noise impact assessment
- Conceptual stormwater management plan
- Bushfire hazard assessment and management plan
- Ecological assessment.

4.2 Summary of Development Application Process

The development application was submitted to Council on 30 July 2024 and properly made 6 August 2024. The material change of use and reconfiguration of a lot aspects required impact assessment and the operational work aspect required code assessment.

The development application required referral to the State Assessment and Referral Agency (SARA) at the Department of State Development, Infrastructure and Planning under the following schedules:

- Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in Schedule 20
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises on or near a State transport corridor and future State transport corridor.

A minor change to the application was submitted on 5 August 2025.

SARA, in its changed referral agency response, dated 25 August 2025, responded to representations from the applicant in relation to access arrangements by including the latest proposal plans and setting conditions that restrict access from Tanby Road. This is consistent with a Permitted Road Access Location Decision Notice issued by the Department of Main Roads on 31 July 2025, which only permits a left-in access for service vehicles only. The treatment is to be an Auxiliary Left turn (AUL).

Table 1 below provides a summary of the key actions undertaken during the development assessment process.

Table 1: Summary of Key Assessment Actions

Action	Date
Applicant lodged development application	30 July 2024
Development application deemed properly made	6 August 2024
Council issued confirmation notice to applicant	15 August 2024
SARA issued referral confirmation notice to applicant	23 August 2024
Council issued information request sent to applicant	27 August 2024
SARA issued information request sent to applicant	5 September 2024
SARA issued subsequent advice notice (requesting further information)	6 September 2024
Applicant submitted response to Council information request	18 October 2024
Applicant submitted response to SARA information request	24 October 2024
Applicant submitted intention to commence public notification	30 October 2024
SARA issued advice notice (requesting further information)	11 November 2024
Applicant completed public notification	26 November 2024
SARA and applicant agree to extended referral agency response	29 November 2024
SARA and applicant agree to extended referral agency response	20 December 2024
SARA issued referral agency response	31 July 2025
DTMR issued a Decision Notice – Permitted Road Access Location	31 July 2025
Applicant submitted notice of minor change to application to Council	5 August 2025
Applicant submitted notice of minor change to application to SARA	13 August 2025
SARA issued changed referral agency response	25 August 2025

At the time of lodgement, the Livingstone Planning Scheme Version 3 was in force. Version 3 of the Livingstone Planning Scheme came into effect 15 February 2021. There have been no planning scheme amendments made since the development application was submitted.

The development application required impact assessment under the planning scheme and was publicly notified from 4 November to 25 November 2024. During this time, four (4) submissions were received, one (1) of which has since been withdrawn. A fifth submission was received prior to the development application being advertised. All submissions objected to the development application.



The submitters raised the following grounds of objection:

- conflict with the planning scheme strategic framework and zone
- out of centre development impacting local businesses (existing and planned)
- economic and planning need
- social impacts on existing commercial centre
- premature and unplanned development outcome
- introduction of additional traffic impacts on the network
- traffic safety and need for road upgrades
- shortfall in onsite carparking
- errors in the land uses included in the development application
- ecological impacts from removal of existing vegetation.

Further discussion about how the proposed development responds to the submitters concerns is provided in **Section 7**.

5 State Planning Framework

5.1 Planning Act 2016

The *Planning Act 2016* ('Planning Act') provides the statutory planning framework for the State of Queensland and outlines the statutory process for preparing, assessing and deciding development applications. The Planning Act provides that development, which is categorised as assessable development will require a permit before it can be lawfully carried out.

The relevant local categorising instrument, being the Livingstone Planning Scheme 2018 (Version 3) ('the Planning Scheme') categorises the proposed development as assessable development and therefore requires a development approval prior to the development commencing. Assessable development is required to be undertaken in accordance with Section 45 of the Planning Act, having regard to the relevant assessment benchmarks and other relevant matters. The proposed development is **impact assessable** and therefore requires assessment against the items listed in Section 45(5) of the Planning Act.

Section 45(5) of the Planning Act sets out that an impact assessment is an assessment that:

- (d) *must be carried out—*
 - (i) *against the assessment benchmarks in a categorising instrument for the development; and*
 - (ii) *having regard to any matters prescribed by regulation for this subparagraph; and*
- (e) *may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.*

Examples of another relevant matter—

- *a planning need*
- *the current relevance of the assessment benchmarks in the light of changed circumstances*
- *whether assessment benchmarks or other prescribed matters were based on material errors.*

5.2 Referral Agencies

The State Development Assessment Provisions ('SDAP') is a statutory instrument prescribed by the *Planning Regulation 2017* ('the Planning Regulation'). SDAP Version 3.0 (commenced on 18 February 2022) was the version in effect when this development application was properly made.

The Queensland Government's Development Assessment Mapping System ('DAMS') spatially defines matters of State interest that may be applicable to the subject land. This mapping assists with understanding where certain development, under Schedule 10 of the Regulation, may be made assessable, where State referral is required, and where the SDAP may be prescribed.

The DAMS identifies the following mapping layers are applicable to the subject land:

- Fish Habitat Areas – Queensland waterways for waterway barrier works
- Native Vegetation Clearing – Regulated vegetation management map (Category A and B)
- State Transport Corridor – State-controlled road
- Areas within 25m of a State Transport Corridor – Area within 25m of a State-controlled road.



Correspondence received from SARA, dated 12 April 2023, confirmed that the development application was properly referred. SARA identified the following provisions of the Planning Regulation as relevant:

- Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 – Aspect of development stated in Schedule 20
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 1 – Reconfiguring a lot in proximity to a state-controlled road
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 3 – Reconfiguring a lot adjacent to a state-controlled road
- Schedule 10, Part 9, Division 4, Subdivision 2, Table 4 – Material change of use of premises on or near a State transport corridor and future State transport corridor.

SARA's initial referral agency response was issued on 31 July 2025. Following further liaison with SARA and the DTMR, and in response to design changes primarily relating to access via Tanby Road, the applicant lodged a minor change to the development application on 5 August 2025 (to Council) and submitted the minor change on 13 August 2025 to SARA. SARA subsequently issued a changed referral agency response on 25 August 2025, incorporating the updated proposal plans and conditions restricting access from Tanby Road. Consistent with the Permitted Road Access Location Decision Notice issued by DTMR on 31 July 2025, access is limited to a left-in movement for service vehicles only, designed as an Auxiliary Left Turn (AUL).

5.3 State Planning Policy

The State Planning Policy ('the SPP') July 2017 was in effect at the date the development application was properly made. Under the Regulation an assessment manager must have regard to the SPP (including the relevant state interest statement and policies), where the planning scheme has not appropriately integrated the state interest. The SPP only applies as a matter to have regard to where the assessment manager considers these matters are relevant to the proposed development and only to the extent of any inconsistency with the planning scheme. A summary of the SPP integration in the Planning Scheme is provided in **Table 2**.

Table 2: Summary of SPP integration in the Planning Scheme

SPP mapping relevant to the subject land	SPP appropriately integrated in the Planning Scheme	Separate SPP assessment required?
Agriculture		
– Agricultural land classification – Class A and B	Yes	No, refer to comments below.
Biodiversity		
– MSES – Regulated vegetation (intersecting a watercourse), – MSES – Wildlife habitat (endangered or vulnerable), – MSES – Regulated vegetation (category R)	No	Yes, refer to assessment below.
Natural hazards risk and resilience		

<ul style="list-style-type: none"> – Flood hazard area - Local Government flood mapping area – Bushfire prone area 	No	Yes, refer to assessment below.
Transport infrastructure		
<ul style="list-style-type: none"> – State-controlled road 	No	Yes, refer to assessment below.

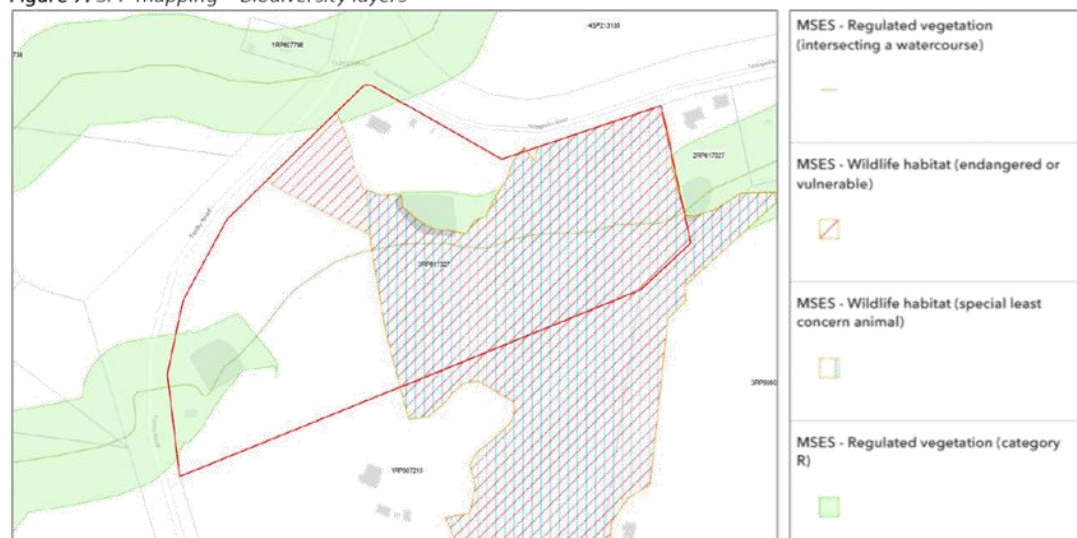
5.3.1 Agriculture

The subject land is partly identified (at both State and local levels) as agricultural land. As the Planning Scheme has appropriately integrated this State interest an assessment has been undertaken as part of the Planning Scheme review under Section 6.

5.3.2 Biodiversity

The subject land is identified in a number of Biodiversity mapping layers (see **Figure 6**). Part E of the SPP is relevant to the assessment of the proposed development in relation to biodiversity State interests. An Ecological Assessment was prepared by Wolter Consulting Group, dated August 2024. Based upon this conclusion and the provided recommendations, considering ecological constraints, the assessment found the proposed development generally conforms to relevant national, state and local requirements.

Figure 7: SPP mapping – Biodiversity layers

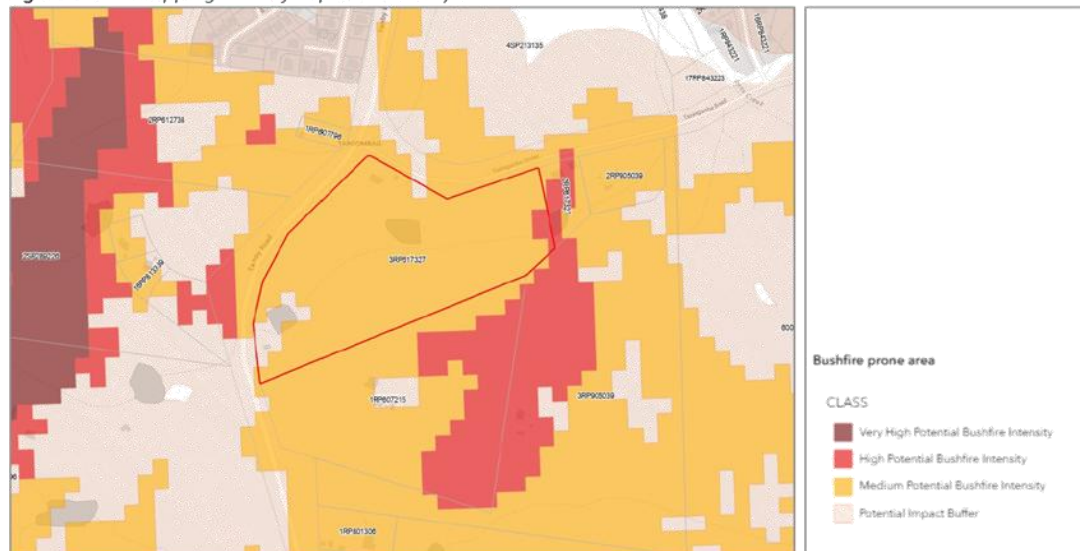


Source: SPP Interactive Mapping

5.3.3 Natural Hazards Risk and Resilience

The subject land is identified in a Flood hazard area - Local Government flood mapping area and Bushfire prone area layers (see **Figure 7**). Part E of the SPP is relevant to the assessment of the proposed development in relation to flood and bushfires State interests. A Bushfire Hazard Assessment and Management Plan was prepared by Wolter Consulting Group, dated August 2024. The assessment identified that the proposal was able to meet required standards.

Figure 8: SPP mapping – Bushfire prone area layer



Source: SPP Interactive Mapping

A Hydraulic Impact and Stormwater Quantity Assessment was prepared by Biome Water and Environmental Consulting, dated July 2024. This report analyses the flood characteristics (pre and post development) to ensure the development does not result in increases in peak flows, flood levels of velocities external to the site that would cause adverse offsite impacts.

The results of this assessment found:

- Stormwater will be discharged to a lawful point
- Stormwater management for the catchment will not be compromised
- There should be no worsening in peak discharge, as a result of the proposed development that would result in actionable damage to downstream properties
- The building should not be subject to flooding during the defined flood event.

5.3.4 Transport Infrastructure

Part E of the SPP is relevant to the assessment of the proposed development in relation to transport infrastructure State interests. A Traffic Impact Assessment was prepared by Traffic Transport Plus, dated 26 June 2024, and accompanied the development application submission. The assessment provides a detailed assessment of the proposed development against the State-controlled road network, Proposed traffic upgrades and treatments are further discussed in Section 6 of this report.

5.4 The Central Queensland Regional Plan (October 2013)

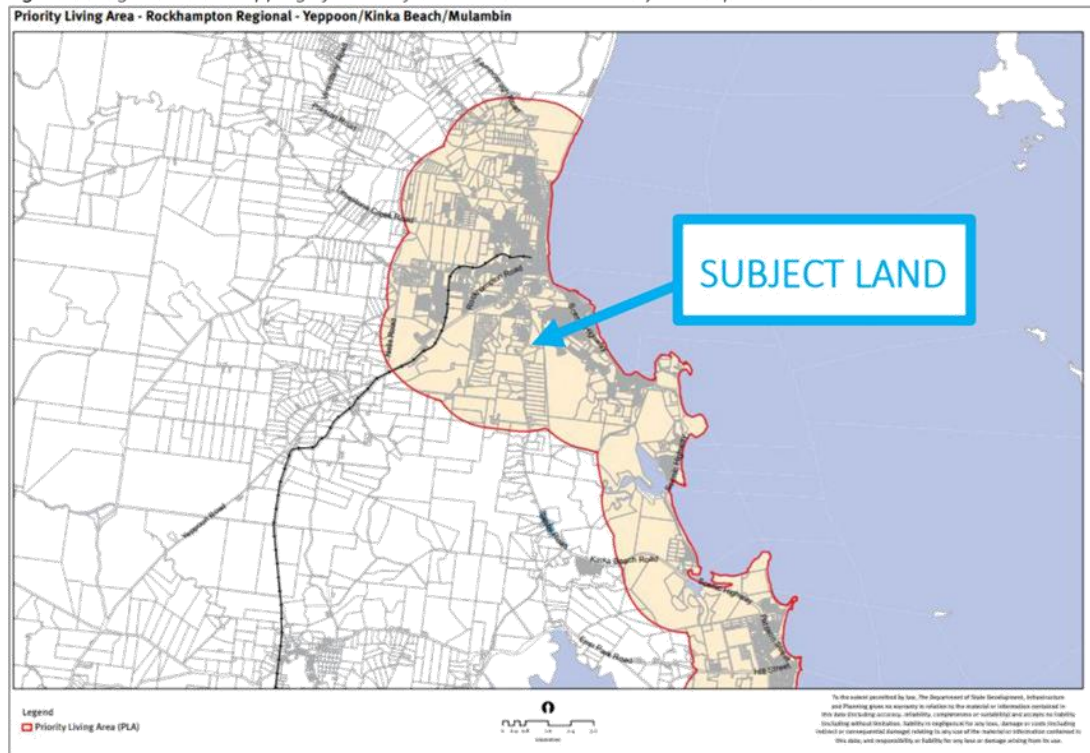
The Central Queensland Regional Plan 2013 ('Regional Plan') was in effect at the date the development application was properly made with the Livingstone Shire Council. The Regional Plan includes the subject land within the Priority Living Area ('PLA') (see Figure 8). The intent of the PLA is to:

- *be established to enable the growth potential of the towns within the region.*
- *provide opportunities for identified towns to expand through the establishment of a town buffer.*
- *be adjusted over time to accommodate changes in local planning, specifically to ensure the identified urban growth areas are afforded adequate protection.*

Councils contribute to the safeguarding of areas required for the growth of towns through appropriate provision in their local planning instruments. The Minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the Regional Plan, as it applies in the planning scheme area.

It is noted that the subject land is not included as a Priority Agricultural Areas (PPA) and there are no mapped PAAs in proximity to the subject land.

Figure 9: Regional Plan mapping of the subject land within the Priority Development Area



Source: Central Queensland Regional Plan, October 2013

6 Livingstone Planning Scheme 2018

6.1 Overview

Planning Scheme provisions within Livingstone Planning Scheme 2018 (Version 3) that are relevant to the development application are found in the following sections:

- Strategic Framework
- Emerging community zone code
- Acid sulfate soils overlay code
- Agricultural land classification overlay code
- Biodiversity habitat vegetation overlay code
- Bushfire hazard overlay code
- Drainage problem area overlay code
- Flood hazard overlay code
- Height limits overlay code
- Road hierarchy overlay code
- Scenic amenity overlay code
- Transport infrastructure overlay code
- Reconfiguring a lot code
- General development code
- Development works code.

GPC has completed a peer review of the assessment against the relevant codes under the Planning Scheme. An assessment against the key code assessment benchmarks is provided in Section 7.

6.2 Strategic Framework

6.2.1 Strategic Intent

The strategic intent in Section 3.2 of the Strategic framework provides a succinct outline of the outcomes intended for Livingstone Shire. An extract relevant to the assessment of centres is set out below.

“The City of Rockhampton, which is located approximately forty (sic) kilometres inland of the major centre of Yeppoon, is the nearest principal hub of economic activity and service provision in the Central Queensland region. It is anticipated that the City of Rockhampton will continue to be a major focal point for the provision of centre activities, services and employment utilised by the residents of the Livingstone Shire Council planning scheme area. Despite this situation, it is intended that economic development gains momentum in the Livingstone Shire Council planning scheme area, resulting in the projected employment growth. The sustainable use of natural features and resources in the planning scheme area will support this. The provision of public services will occur in a manner commensurate with the finances, needs and size of the community. It is intended that there remains a strong network of centres which continues to develop based on a hierarchy to ensure that their role, function and scale are appropriate in the context of their catchment area and the surrounding setting. The major centre of Yeppoon will continue as the highest order centre in the hierarchy of centres, providing for the greatest concentration and mixture of business, community and

entertainment activities. It is intended that a district centre develops at Emu Park to service the southern settlements of the planning scheme area in the future, once the population of the catchment area is sufficient to support a centre of this scale without compromising the viability of the historic local centre of Emu Park. The network of centres is an important ingredient in providing opportunities for local employment, community facilities and enhancing the access of local residential communities to uses supplying essential goods and services.” (Section 3.2 Strategic framework)

The strategic intent also identifies place and feature descriptions which are contained in on the Strategic framework map. The place and feature description from Section 3.2 of the strategic framework is outlined below:

Place and features	Description
Centres – major centre, district centre, local centre, neighbourhood centre and specialised centre	
Major centre	<p>The major centre accommodates the highest mixture and concentration of centre activities which cater for shopping, business, entertainment and community needs. Short-term and long-term residential dwelling options developed at medium densities are located within this centre where it is located above ground level or where it supports or enhances the strength and vibrancy of the centre.</p> <p>The scale and intensity of development, the mixture and concentration of land uses and the role and function of the centre, attracts visitors in larger numbers and from a wider trade catchment area compared to that of other centres in the planning scheme area.</p> <p>Major centre: (a) locality of Yeppoon.</p>
District centre	<p>A district centre will accommodate a mixture of centre activities which cater for shopping, business, entertainment and community needs. The mixture and concentration of land uses is capable of servicing a trade catchment area of 5,000 to 8,000 households. Short-term and long-term residential dwelling options developed at medium densities are located within these centres where they support or enhance the strength and vibrancy of the centre.</p>
Local centre	<p>Local centres accommodate a mixture of centre activities primarily focussed on providing convenience goods and services for ‘week to week’ needs and community focussed activities. The size and scale of local centres and the mixture of land uses is capable of servicing a trade catchment area of between 3,000 to 5,000 households. Short-term and long-term residential dwelling options developed at medium densities are located within local centres.</p> <p>Local centre:</p> <p>(a) locality of Emu Park.</p>
Neighbourhood centre	<p>Neighbourhood centres accommodate a limited mixture of centre activities primarily focussed on providing convenience goods and services for ‘day to day’ needs. The size and scale of neighbourhood centres and the mixture of land uses is capable of servicing a trade catchment area of approximately 1,500 households.</p> <p>Neighbourhood centre:</p>

- (a) locality of Taranganba;
- (b) locality of Taroomball (Keppel Bay Estate).

Note — neighbourhood centres are not shown on the strategic framework maps. They may be identified by zoning, however, their small-scale nature, limited number and mixture of uses, and convenience function means that they may potentially be accommodated at specific sites within urban places, new urban places, or future urban places.

Section 3.2.1 Strategic framework places (**emphasis added**)

6.2.2 Strategic framework places

The strategic framework identifies and makes reference to a series of places and features to illustrate and express the strategic intent and strategic outcomes for the planning scheme area. Each strategic place and feature is provided with a description outlined in Table 3.2.1.1 and supported by the strategic framework maps. Strategic Framework Map SFM-02 identifies the subject land as a New Urban place which is described under Table 3.2.1.1 as follows:

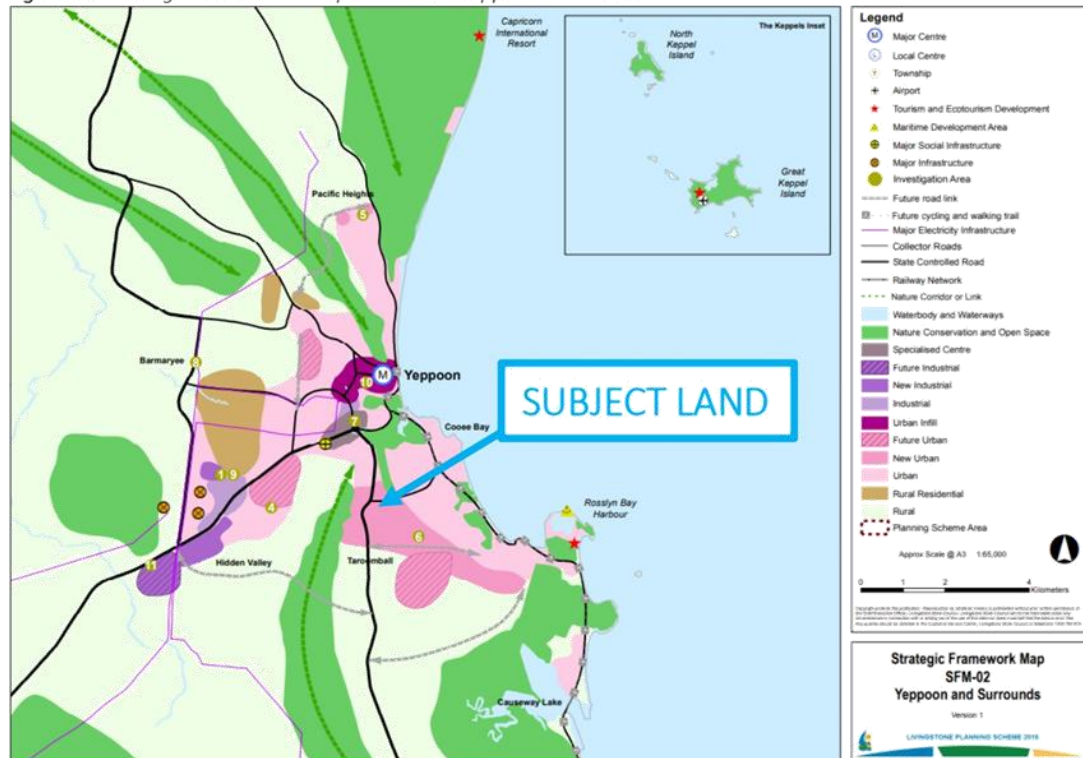
“New urban places predominantly comprise land in proximity to urban areas, which are intended for expansion of urban development to accommodate the projected population growth beyond the year 2026 and up to the year 2031, subject to subject investigations.

New urban places:

- (a) locality of Hidden Valley;*
- (b) locality of Lammermoor;*
- (c) locality of Pacific Heights;*
- (d) locality of Taroomball;*
- (e) locality of Emu Park; and*
- (f) locality of Zilzie.”*

The supporting Strategic Framework Map SRM-002 is provided below with the subject land identified (see **Figure 9**).

Figure 10: Strategic Framework Map SFM-002 – Yeppoon and Surrounds



Source: Livingstone Planning Scheme, 2018

For the purpose of describing the policy direction for the planning scheme, the strategic framework is structured around six (6) themes that collectively represent the policy intent of the planning scheme. The themes include (1) Settlement pattern (2) Natural environment and hazards (3) Community identity and diversity (4) Access and mobility (5) Infrastructure and services and (6) Natural resources and economic development.

6.2.3 New urban places

Section 3.3 of the strategic framework identifies the settlement pattern themes which includes strategic outcomes and specific outcomes relevant to the assessment of the proposed development, which are outlined below.

Strategic outcomes

- (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.
- (2) Development makes efficient use of land and existing or planned infrastructure.
- (3) Expansion of settlements for urban activities predominantly avoids known and potential natural hazard areas, or where natural hazard areas cannot be avoided, development is designed to mitigate and be resilient to potential adverse impacts.
- (4) Expansion of settlements for urban activities avoids nature places. Nature places are protected or enhanced for their biodiversity, ecosystem services and landscape values.

...

- (11) *There is a network of centres which provide opportunities to supply goods and services, create employment, and provide for community activities in a safe built environment.*
- (12) *Centres develop based on a hierarchy to ensure that their role, function and scale are appropriate in the context of their catchment area and the surrounding setting.*
- (13) *Expansion of existing centres into any adjoining residential zones does not occur within the life of the planning scheme.*

...

(Section 3.3.1 Strategic outcomes)

6.2.4 Specific outcomes

Specific outcomes are identified for each theme in the Strategic framework. Section 3.3.7 of the Strategic framework sets out the Urban places specific outcomes and new urban places. Relevant specific outcomes from Section 3.3.7.1 Urban places and new urban places are identified below.

Specific outcomes

- (2) *Development is contained within:*

- (a) Urban places prior to 2026;*

- (b) New urban places from 2026 – 2031;*

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.

- (3) *Land in new urban places is retained in large lot sizes until such time as a need for development is demonstrated.*

...

- (14) *In urban and new urban places, all greenfield land within the emerging community zone provides a structure plan to ensure the following is achieved:*

- (a) the efficient extension of existing urban infrastructure networks including roads, sewerage, water supply, stormwater drainage, open space, pedestrian and bicycle routes, telecommunications and electricity services;*

- (b) adequate and well located provision of land for community facilities, including education, health, welfare and recreation;*

- (c) the protection of areas with scenic amenity values and matters of environmental significance;*

...

- (d) mitigation or avoidance of impacts from natural hazards;*

...

(Section 3.3.7.1 Urban places and new urban places)

Land use strategies for New Urban places relevant to the proposed development are:

- (2) *Urban places and new urban places covering greenfield land that require comprehensive planning, infrastructure, environmental and design assessment of future urban development are included in the emerging community zone.*

(Section 3.3.7.1.2 Urban places and new urban places)

6.2.5 Centres

Section 3.3.9 Centres of the strategic framework identifies specific outcomes and land use strategies for Centres in Livingstone Shire. Specific outcomes considered relevant in the assessment of the development application are set out below.

- (1) *The settlement pattern is supported by a hierarchy of centres for the planning scheme area which:*
 - (a) *provides for a mixture of centre activities, community activities, and entertainment activities which supply goods and services to the residents of the planning scheme area and to tourists;*
 - (b) *provides for a greater concentration, scale and mixture of centre activities, community activities, and entertainment activities in the higher order major centres and district centres, compared to that provided for at local centres and neighbourhood centres;*
 - (c) *provides opportunities for the development of accommodation activities where compatible with surrounding land use;*
 - (d) *encourages the creation of lively, pedestrian-friendly environments which provide safe, comfortable and universally accessible links between important public spaces and activities; and*
 - (e) *develops in well-defined and accessible location*
- (3) *Centres only develop at locations and in a timeframe which ensure there is a sufficient population catchment area to support a viable centre, without significantly adversely affecting the viability of established centres.*
- (4) *The major centre located in the locality of Yeppoon has a role as the highest order of all centres in the hierarchy of centres in the planning scheme area, providing for the highest concentration and mixture of land uses.*
- ...
- (6) *The major centre of Yeppoon is characterised by a traditional 'main street' feel and the design of development maintains this by contributing to the following:*
 - (a) *buildings having active uses in lower levels which face streets and other public places;*
 - (b) *buildings having accommodation activities locate the accommodation predominantly above ground level and the accommodation is able to provide surveillance to public places;*
 - (c) *high quality streetscapes with landscaping suited to a coastal location;*
 - (d) *utilisation of laneways; and*
 - (e) *pedestrian friendly footpaths covered by awnings.*
- (7) *In the major centre of Yeppoon, new development on the former railway site located on the northern side of James Street only occurs in accordance with the following:*
 - (a) *development on this site contributes to the strengthening of the 'main street' character of the centre, by orientating uses to existing streets or any new streets, laneways or internal pedestrian footpaths;*
 - (b) *internally focussed 'big-box' development does not occur; and*
 - (c) *development on this site is appropriately integrated with historic buildings and structures.*

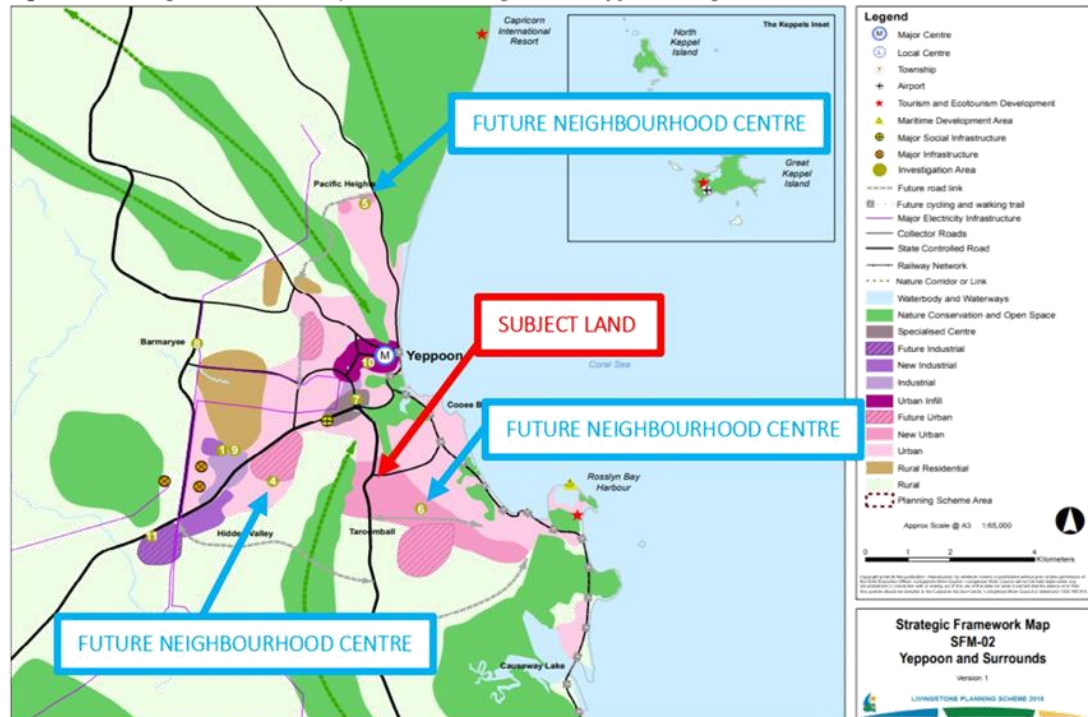


- (10) *The Yeppoon major centre accommodates most major growth in centre activities, community activities and entertainment activities in the planning scheme area and continues to provide a subsidiary and supporting role to the principal centre in Rockhampton, which is to continue as the place for the highest concentration of centre activities, community activities and entertainment activities servicing the wider Central Queensland region.*
- (11) *A district centre is to be established at a location in Emu Park in the vicinity of Investigation Area Three shown on the strategic framework map (SFM-03). It will have a role as the second highest order centre in the hierarchy of centres, providing for a high concentration and mixture of land uses to service the southern settlements of the planning scheme area.*
- (12) *The Emu Park district centre only establishes once the population of the catchment area is sufficient to support a centre of this scale without compromising the viability of the historic local centre of Emu Park.*
- (13) *Local centres provide for a mix of land uses which service the convenience needs of smaller local trade catchment areas.*
- (14) *Neighbourhood centres have a lower order role in the hierarchy of centres, providing a low concentration and mixture of land uses which service the day to day convenience needs of residential areas only.*
- (15) *Neighbourhood centres will be established in the following localities once the population of the catchment area is sufficient to support a centre of this scale without compromising the viability of other centres:*
 - (a) *locality of Hidden Valley (Investigation Area Four);*
 - (b) *locality of Pacific Heights (Investigation Area Five);*
 - (c) *locality of Taroomball (Investigation Area Six);*
 - (d) *locality of Zilzie (Seaspray Estate – Investigation Area Twelve); and*
 - (e) *locality of Zilzie (Keppel Cove Estate or the Great Barrier Reef International Resort Estate – Investigation Area Thirteen).*

(Section 3.3.9.1 Specific outcomes) (**emphasis added**).

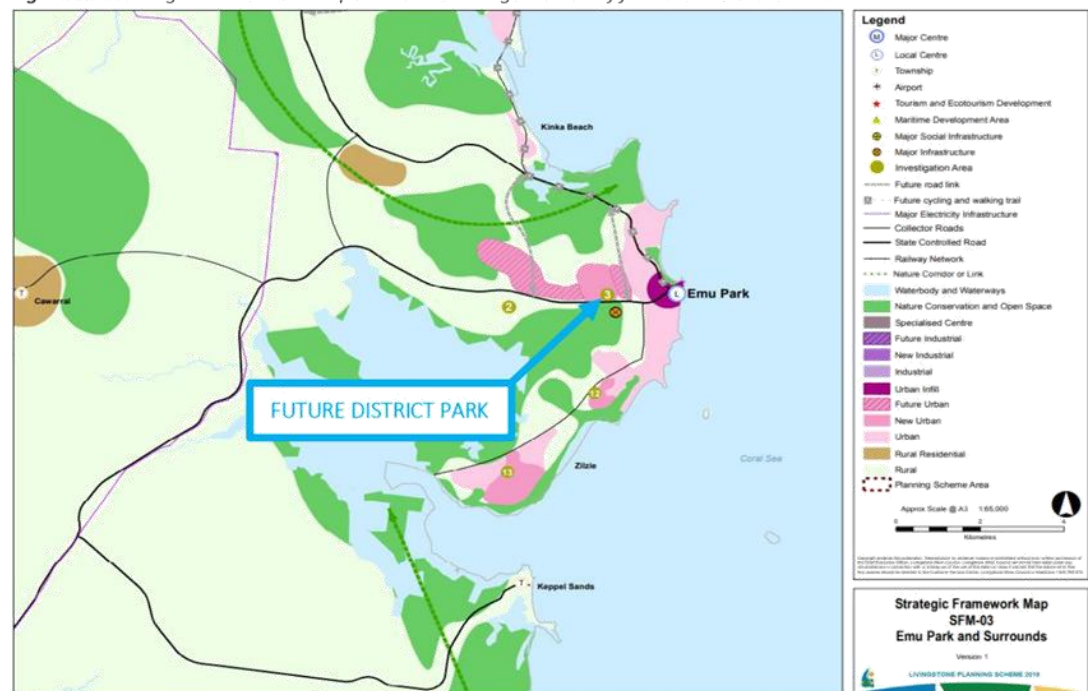
Mapping related to the Strategic framework network of centre is set out below:

Figure 11: Strategic Framework Map SFM-02 showing location of future neighbourhood centres



Source: Livingstone Planning Scheme, 2018

Figure 12: Strategic Framework Map SFM-03 showing location of future district centre in Emu Park



Source: Livingstone Planning Scheme, 2018

6.2.6 Land use strategies

A number of land use strategies in Section 3.3.9.2 of the Strategic framework identify how the Centres outcomes are implemented, as set out below.

- (1) Existing centres are included in the relevant centre zone.
- (2) Continued development of the Yeppoon major centre is encouraged via new development on a number of available vacant sites or via the re-use and redevelopment of existing buildings.
- (3) To help facilitate new development on the former railway site, the relocation of any existing historic buildings and structures within the site may be appropriate where it enhances opportunities to maximise the use of land for new development or where it can improve connectivity and the design of the local transport network.
- ...
- (5) A future district centre to service the southern end of the Capricorn Coast is identified in the vicinity of the Investigation Area Three shown on strategic framework map SFM-03 in the locality of Emu Park.

(S 3.3.9.2 Land use strategies)

6.3 Summary of the Strategic framework provisions relevant to centres

A summary of the Strategic framework provisions relevant to centres is outlined below.

Network of centres

- A. Role, function and scale appropriate in the context of their catchment area and surrounding setting
- B. Local employment, community facilities
- C. Access for local residential communities for essential goods and services.
- D. Expansion of existing centres into any adjoining residential zones does not occur within the life of the planning scheme.
- E. Centres only develop at locations and in a timeframe which ensure there is a sufficient population catchment area to support a viable centre, without significantly adversely affecting the viability of established centres.

Yeppoon

- A. Highest order centre
- B. Greatest concentration and mixture of business, community and entertainment activities
- C. The scale and intensity of development and the mixture and concentration of land uses attracts visitors in larger numbers and from a wider trade catchment area compared to that of other centres in the planning scheme area.
- D. Lively pedestrian friendly environments and 'main street feel'
- E. Support for new development occur on the former railway site on the northern side of James Street and strengthen main street character
- F. Accommodates most major growth in centre activities

Emu Park

- A. Intended to service the southern settlements of the planning scheme area in the future, once the catchment area is of a sufficient size that the traditional Emu Park centre's viability is not compromised.
- B. Second highest order centre in the hierarchy of centres, intended to service the southern settlements of the planning scheme

Local centres

A. Mix of land uses that service the convenience needs of smaller local trade catchment areas.

Neighbourhood centres

A. Low concentration and mixture of land uses which service the day to day convenience needs of residential areas

The development application material defines the proposed development as a Local Centre¹ servicing a trade catchment area of 19,580 residents at mid-2024² with an average household size of 2.5 persons³. This equates to a total number of household in the trade catchment area of 7,832.

Comparison of metrics from Section 3.2 of the strategic framework is outlined below:

Place and features	Description summary	Catchment or population (based on avg household size)	Location identified in the Strategic framework
Centres – major centre, district centre, local centre, neighbourhood centre and specialised centre			
Major centre	<p>The highest mixture and concentration of centre activities which cater for shopping, business, entertainment and community needs.</p> <p>The scale and intensity of development, the mixture and concentration of land uses and the role and function of the centre, attracts visitors in larger numbers and from a wider trade catchment area compared to that of other centres in the planning scheme area.</p>	<p>Highest order centre – intended to service whole of Yeppoon.</p> <p>Catchment population not specified</p>	Yeppoon
District centre	<p>A mixture of centre activities which cater for shopping, business, entertainment and community needs.</p> <p>The mixture and concentration of land uses is capable of servicing a trade catchment area of 5,000 to 8,000 households.</p>	12,500 to 20,000 persons (based on household size of 2.5)	Emu Park (future centre)

¹ 1.4 of the Economic Need and Impact Assessment, para 3.

² Executive Summary of the Economic Need and Impact Assessment, page 6.

³ Table 2.2 of the Economic Need and Impact Assessment

Local centre	<p>A mixture of centre activities primarily focussed on providing convenience goods and services for 'week to week' needs and community focussed activities.</p> <p>The size and scale of local centres and the mixture of land uses is capable of servicing a trade catchment area of between 3,000 to 5,000 households.</p> <p>Local centre:</p> <p>(a) locality of Emu Park.</p>	7,500 to 12,500 (based on average household size of 2.5)	Emu Park (current centre)
Neighbourhood centre	<p>A limited mixture of centre activities primarily focussed on providing convenience goods and services for 'day to day' needs.</p> <p>The size and scale of neighbourhood centres and the mixture of land uses is capable of servicing a trade catchment area of approximately 1,500 households.</p> <p>Neighbourhood centre:</p> <p>(a) locality of Taranganba;</p> <p>(b) locality of Taroomball (Keppel Bay Estate).</p>	Approx. 3,750	<p>A number of neighbourhood centre are identified on the new urban place Strategic plan map.</p> <p>(a) locality of Taranganba;</p> <p>(b) locality of Taroomball (Keppel Bay Estate).</p>

These outcomes are relevant for the assessment of the proposed development provided in **Section 7**.

6.4 Centre Zones

The subject land is not included in a Centre Zone. The Centre Zones identify the purpose and overall outcomes for centres. The Centre zone outcomes are relevant in the assessment of the application where they provide additional clarification about the role, intent and outcomes intended for each centre.

6.5 Emerging Community Zone

The subject land is included in the Emerging communities zone and a zoning map of the subject land is provided at **Figure 10** below. The purpose of the Emerging communities zone code is to:

- (1) *to provide for development on land that is considered to be generally suitable for urban activities;*
- (2) *to protect land in the zone from development which compromises or limits its ability to develop for urban activities when needed;*
- (3) *to provide for the timely, orderly and efficient conversion of non-urban land to land providing for urban activities;*
- (4) *to provide for the development of new well planned urban communities;*

- (5) to provide for the development of small scale and low intensity uses until such time as the land is needed for urban activities; and
- (6) to facilitate the achievement of the overall outcomes sought for the zone.

(S 6.5.2.3)

The subject land is located in the Emerging communities zone but is not included in a relevant precinct or centre in the strategic framework. The overall outcomes within the Emerging communities zone code relevantly provides in Section 6.5.2.3:

“(xvi) where involving a centre, the centre is provided in accordance with the hierarchy of centres and the investigation areas stated in the Strategic Framework;

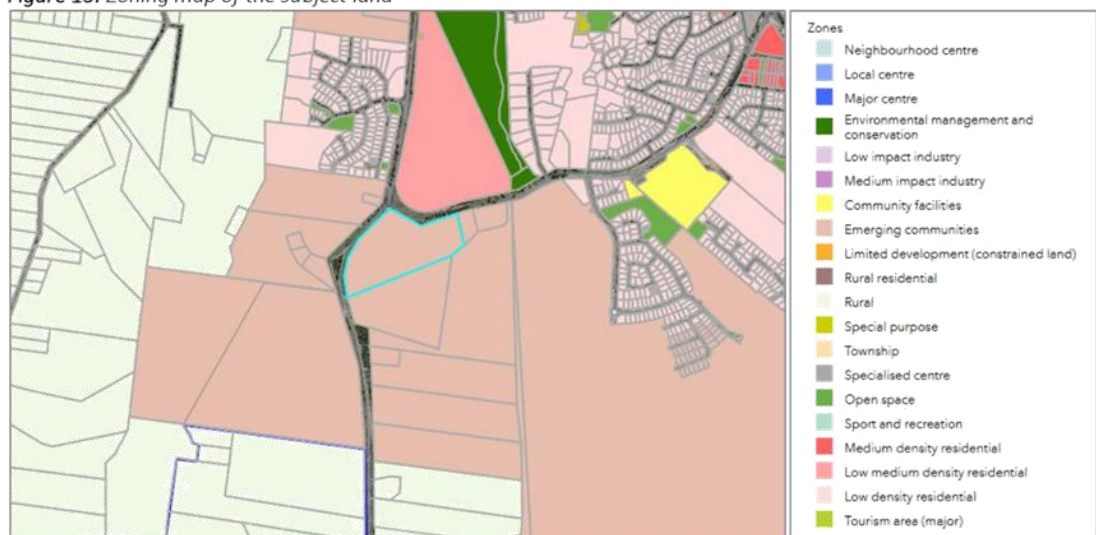
(S6.5.2.3)

Overall outcomes of the Emerging communities zone code relevant to the proposed development include:

- (1) **a demonstrated overriding community need is established prior to the land being developed for urban activities;**

A detailed assessment of the proposed development against these provisions is provided in Section 7.

Figure 13: Zoning map of the subject land



Source: Livingstone Planning Scheme, 2018

6.6 Reconfiguring a lot code

The proposed development includes a 1 into 2 lot subdivision to create a standalone parcel for a Food and drink outlet with the shopping centre (and future development not subject to the development application) contained over the balance land. An access easement is also provided. The purpose of the Reconfiguring a lot code is:

- (1) to facilitate the creation of a range of lot sizes which have an appropriate size, shape and slope, to accommodate the intended uses within each zone;
- (2) to facilitate the design of urban neighbourhoods which are compact, well connected with vehicle and pedestrian access and enable the most efficient use of land;
- (3) to facilitate the productive use of natural resources;

- (4) to protect the landscape character and ecological functions of the natural environment; and
- (5) to minimise risks to life and property, associated with hazards.

Where the underlying land uses are supported, the proposed reconfiguration of a lot is considered to provide an outcome generally consistent with this assessment benchmark. The proposed lots have an appropriate size and dimension to cater for the needs of the future development including the needs for private lots with suitable service and access arrangements. A key consideration of the subdivision is any future road widening upgrades along the frontage. This consideration has been discussed in detail under Section 7.

6.7 Overlays

The following overlays are relevant in the assessment of the proposed development:

Acid sulfate soils overlay

The subject land is identified under the ASS – potential assessment area and 20m AHD contour of the Acid sulfate soils overlay. The applicant has advised that an acid sulfate soils investigation report can be conditioned to be provided as part of the detailed design and construction phase of the development. This requirement can be appropriately conditioned where the development is supported.

Agricultural land classification overlay

The subject land is located within the Agricultural land classification overlay. Section 8.1 of the Planning Scheme identifies that an overlay code is not provided. However, considerations in relation agriculture are referred to in the assessment benchmarks contained within a zone code and or development code.

At a regional level, the subject land is not included as a Priority Agricultural Areas (PPA) and there are no mapped PAAs in proximity to the subject land. Notwithstanding, further discussions in terms of land use are provided in Section 7.

Biodiversity habitat vegetation overlay

The purpose of the Biodiversity overlay code is to *identify, protect, enhance and rehabilitate areas containing matters of environmental significance and the ecological processes and biodiversity values of terrestrial and aquatic ecosystems*. A biodiversity overlay map is included at **Figure 11** below.

An Ecological Assessment was prepared by Wolters Consulting Group, dated August 2024. Based upon this conclusion and the provided recommendations, considering ecological constraints, the assessment found the proposed development generally conforms to relevant national, state and local requirements.

Figure 14: Biodiversity Overlay mapping of the subject land



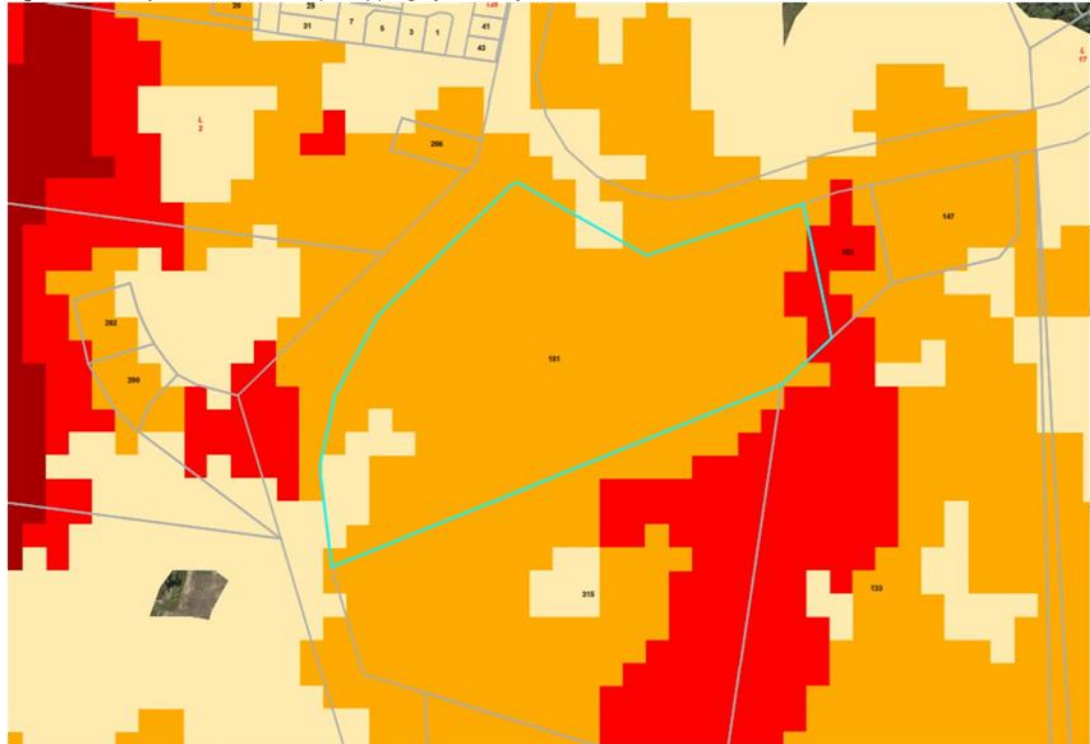
Source: Livingstone Planning Scheme, 2018

Bushfire hazard overlay

The purpose of the Bushfire hazard overlay is to *ensure that development in bushfire prone areas does not increase risk to life, property, community, economic activity and the environment during bushfire events*. An overlay map of the subject land is provided at **Figure 12**.

A Bushfire Hazard Assessment and Management Plan was prepared by Wolters Consulting Group, dated August 2024. The assessment identified that the proposal was able to meet required standards.

Figure 15: Bushfire Hazard Overlay Mapping of the Subject Land



Source: Livingstone Planning Scheme, 2018

Flood hazard overlay

The purpose of the Flood hazard overlay is to ensure that development in flood hazard areas avoids, or minimises and mitigates risk to life, property, community and the environment during floods, to an acceptable level. An overlay map of the subject land is provided at **Figure 13**.

A Hydraulic Impact and Stormwater Quantity Assessment was prepared by Biome Water and Environmental Consulting, dated July 2024. This report analyses the flood characteristics (pre and post development) to ensure the development does not result in increases in peak flows, flood levels of velocities external to the site that would cause adverse offsite impacts.

The results of this assessment found:

- Stormwater will be discharged to a lawful point
- Stormwater management for the catchment will not be compromised
- There should be no worsening in peak discharge, as a result of the proposed development that would result in actionable damage to downstream properties
- The building should not be subject to flooding during the defined flood event.

Figure 16: Biodiversity Overlay mapping of the subject land



Source: Livingstone Planning Scheme, 2018

Scenic amenity overlay

The purpose of the Scenic amenity overlay code is to ensure that development contributes to the protection of the significant scenic landscape features identified within the overlay area. An overlay map of the subject land is provided at Figure 14.

Figure 17: Scenic Amenity Overlay mapping of the subject land



Source: Livingstone Planning Scheme, 2018

7 Key Assessment Matters

7.1 Overview

7.1.1 Scope of peer review assessment

The key planning issues arising from the assessment of the proposal against the assessment benchmarks, and a summary of the assessment, is outlined below, and includes:

- Economic need
- Assessment of Planning need
- Assessment of the Location of the proposed Local Centre
- Assessment against Local Centre requirements
- Traffic
- Amenity and Scenic landscape considerations
- Assessment against codes.

7.1.2 Planning Methodology

The applicant in its application material has identified the proposed development as a Local Centre (page 6, Planning Report, Wolter Consulting Group, 2024, and Pages 5, 6, 10 Sequential site selection analysis, Wolter Consulting Group, July 2024) and is responding to a “overriding need” for a local centre (page 17, Planning Report, Wolter Consulting Group, 2024).

The Strategic Framework (and allocation of zones for existing centres) specifies and intends centres in the following locations⁴:

1. **Principal centre** – Rockhampton
2. **Major centres** – locality of Yeppoon (existing)
3. **District centres** – Emu Park (future)
4. **Local centres** – Emu Park (existing)
5. **Neighbourhood centres** – Taranganba (existing), Taroomball (Keppel Bay Estate) (future) Hidden Valley (future), Pacific Heights (future), Taroomball (future), Zilzie (Seaspray Estate) (future) Zilzie (Keppel Cove Estate) (future)
6. **Specialised centre** – Hidden Valley (existing) and Yeppoon (existing).

These locations are indicated on Strategic Framework Maps SFM-02 and SFM-03. The subject land is not identified in one of the planned centre locations and is therefore considered “out of centre” development. As a result the planning assessment has relied on the broader provisions and principles of the Livingstone Shire planning scheme to assess the proposed Local Centre.

The following methodology has been used as a way of stepping through the planning assessment of a proposed Local Centre in Livingstone Shire:

1. Assessment of economic need across the eastern part of Livingstone Shire (*Is there an economic need?*)

⁴ 3.3.9.1 – Centres – Strategic framework



2. Assessment of the capacity of existing centres and centre zoned land to accommodate new or extensions to centres (*Can the existing network of centres accommodate that need?*)
3. Assessment of impacts on existing centre(s) (*Is there an unacceptable adverse impact on centres as a result of the proposal?*)
4. Assessment of the site characteristics to determine whether it is an appropriate location for Local Centre? (*Is this an appropriate location for a Local Centre?*)
5. Assessment of technical issues (such as traffic and ecology) (*Can the proposal address technical issues that need to be resolved before a Local Centre can be approved?*)

In addition, land use Land use strategies (6) and (8) of the Centres Strategic Framework are considered relevant for the assessment of a new centre:

- (a) impacts on the local road network and any State-controlled roads;
- (b) impacts from the height, bulk and scale, and appearance of the buildings and structures (such as lighting, signage) of the centre;
- (c) integration of the centre into the surrounding urban neighbourhood; and
- (d) minimisation of potential amenity impacts on any scenic landscape features or scenic transport routes at or adjoining the site.

7.2 Economic Need

7.2.1 Summary of Economic need assessment peer review

An Economic need and impact assessment report has been prepared by Ethos Urban (dated 22 July 2024) and submitted with the development application. In addition Appendix H in the planning application contained a Sequential site selection analysis (dated July 2024) prepared by Wolter Consulting Group.

Norling consulting has provided a peer review of the Economic need and impact assessment report (by Ethos Urban dated 22 July 2024) (Norling Consulting, 2025). The peer review by Norling Consulting found that an economic need for a new Local Centre exists from 2028. The peer review's main findings relating to the Ethos Urban economic need report concludes that:

- (a) an appropriate methodology has been adopted
 - (b) the primary trade area is recommended to exclude Hidden Valley, but that this exclusion (currently 9% of the primary trade area and slightly higher in future years) is not considered material
 - (c) the secondary trade area extends too far to the south west into rural areas, reducing the secondary trade area by 25%. This was not considered critical in the finding of need for a Local Centre
 - (d) the food and drink outlet should have been included in the overall retail turnover and as a result increases in the impact on the current centre. This was not considered critical in the finding of need for a Local Centre.
- (pages 2 and 3, Norling Consulting, 2025)

The peer review identified that the proposed Local Centre was "well located" and able to serve market demand comprising Taroomball, Taranganba, Cooee Bay, Lammermoor, Rosslyn, Mulambin and Causeway Lake from 2028 onwards. (Page 3, Norling Consulting, 2025).

7.3 Assessment of Planning Need

7.3.1 Summary

The Sequential site selection analysis (dated July 2024) prepared by Wolter Consulting Group includes an assessment of six sites included in the Centres Zone or identified in the Strategic framework as a future centre. The Sequential site selection analysis (dated July 2024) seeks to establish whether there is suitably zoned land to accommodate the proposed development and in so doing addressing whether there is planning need for the proposed Local Centre.

7.3.2 Cedar Park Neighbourhood Centre

Cedar Park Neighbourhood Centre (existing), corner of Cedar Avenue and Swordfish Avenue, comprising an 8,952m² site, containing a total retail area of 1,800m² including a Foodworks (550m²). This site is a convenience type centre but with limited opportunity to expand given the site area and the shape of the site.

7.3.3 Yeppoon Major Centre

The Yeppoon major centre contains approximately 32,650m² of floor space (page 23 Sequential site selection analysis (dated July 2024) prepared by Wolter Consulting Group). This is a location with a land area of approximately 20 hectares, with mostly disaggregated land holdings and a wide variety of commercial uses. The northern side of James Street is identified as the only significant vacant land holding comprising 1.56 hectares. The land has been identified as not suitable for accommodating a full line supermarket as a result of:

- The local heritage listing of the site (relating to some of the buildings)
- The size and dimensions of the parcel
- The current development decision over the western part of the James Street vacant land holding (D-489-2022) for a mixed use commercial development which was refused by Council dated 7 August 2025 and is currently the subject of an appeal
- Limitations on future expansions of the site.

The lack of suitability of this site was confirmed by the Norling Consulting Peer Review Report. (2025).

7.3.4 Emu Park Local Centre

The Emu Park Local Centre comprises a series of specialist retail activities and a Drakes supermarket (2,250m²). This centre contains approximately 5 hectares of land and in a range of different land holdings.

7.3.5 Emu Park Expansion Area Investigation Area Three

The Emu Park expansion area (Investigation Area Three in the Strategic Framework) nominates a location for a future District Centre. It is subject to growth in its catchment area sufficient to support a new centre. The Emu Park future District Centre is approximately 17kms from the subject land and not considered proximate to provide for weekly shopping services to those residents in the Yeppoon locality.

7.3.6 Taroomball Neighbourhood Centre Investigation Area Six

Taroomball Neighbourhood Centre (Investigation Area Six in the Strategic Framework) is identified on a conceptual strategic framework map (SFM – 02). The indicative location is in an Emerging Community Zone in an area currently undergoing subdivision.

7.3.7 Findings from the Sequential site selection analysis

The Sequential site selection analysis (dated July 2024) has identified that there is no centre zoned land that appears to be available to accommodate a new local centre. This finding is supported by the Norling



Consulting Peer Review and confirmed by our desktop analysis. As a result there is planning need for the new local centre.

However the Sequential site selection analysis report (dated July 2024) contained a series of findings about the Yeppoon Major Centre which is considered at odds with the Livingstone planning scheme intent and the operation of the network of centres in Yeppoon. In particular, it is considered that, contrary to the reporting in the application, a new full line shopping centre would:

- (a) not lack convenience or utility in the major centre (page 24)
- (b) be consistent with the role and function of the Major Centre (page 24)
- (c) may be able to service the some of the convenience needs of smaller local trade catchment areas (page 24).

Major retail tenants in the Yeppoon major centre are identified as:

- Big W / Woolworths (4,150m²),
- Coles (2,500m²)
- IGA (1,200m²).

From a planning point of view it appears that two full line supermarkets in the Yeppoon Major Centre would create a larger capacity to meet increasing demand but that ownership, site size and current built form restricts this expansion opportunity within the major centre.

The only available site in the Yeppoon Major Centre area appears to be the vacant land north of James Street. However this parcel does not appear to have the land area or the dimensions to support a large format supermarket, and is constrained by the requirement to retain heritage structures associated with the former Yeppoon railway station. In addition it is acknowledged that an application (D-489-2022) for a mixed use commercial development was refused by Council dated 7 August 2025 and is currently the subject of an appeal.

7.3.8 Assessment of impacts on the network of centres including the Yeppoon Major Centre and the Proposed Emu Park District Centre

The Peer Review of the Economic Needs and Impact Assessment Report by Norling Consulting has identified that the *“trading impacts of the proposed development would be within the reasonable bounds of normal competition”* (page 2, Norling Consulting, 2025) and *“without causing undue impacts upon the existing or future centre network”* (page 3, Norling Consulting, 2025).

7.3.9 Assessment of impacts on neighbourhood centre investigation areas

The Peer Review of the Economic Needs and Impact Assessment Report by Norling Consulting has identified that the proposed Local Centre will not jeopardise the ability of future neighbourhood centres (Hidden Valley investigation area 4, Zilzie investigation area 12 and Zilzie investigation area 13) developing in the future.

7.4 Assessment of the location of the proposed Local Centre

The subject land's location is approximately 2.5km west of Lammermoor Beach in the developing location of Taroomball.

The site's location is on the south eastern corner of the Taranganba / Tanby Road intersection, which are major connector roads in the Livingstone Shire road network. The site is an accessible location on the road network and would meet the planning expectation for a convenient and accessible Local Centre location which is able to be connected to public transport and active transport in the future.



The proximity to the Yeppoon Major Centre on first view may seem close enough to warrant concerns that the proposal may adversely impact on the Yeppoon major centre. The proximity of the proposed Local Centre to other centres are:

- 3km to Yeppoon Central (part of Yeppoon Major Centre)
- 3.7km to Bay Plaza (Yeppoon Major Centre)
- 17.6km to Emu Park.

The peer review by Norling Consulting confirms that there is sufficient need for a Local Centre at this location and that impacts on existing and planned centres *“are within the reasonable bounds of competition”* (page 2, Norling Consulting, 2025).

7.5 Assessment against Local Centre requirements

7.5.1 Assessment against Local Centre requirements

Section 3.2 of the strategic framework, and the Centre (Local Centre) Zone sets out a range of requirements for assessment in Local Centres. Relevant criteria have been identified and assessment comments outlined below:

Livingstone planning scheme requirement	Assessment
<p><i>“A mixture of centre activities primarily focussed on providing convenience goods and services for ‘week to week’ needs and community focussed activities.</i></p> <p><i>The size and scale of local centres and the mixture of land uses is capable of servicing a trade catchment area of between 3,000 to 5,000 households. “</i></p> <p>(Section 3.2 of the strategic framework)</p>	<p>The Peer Review by Norling Consulting confirmed that the proposed Local Centre would service approximately 10,000 people, which would equate to approximately 4,000 households.</p>
The proposal contains access and convenience for local services	The proposal is located on the junction of two major roads and is located proximate to new growth areas which can be serviced by the proposed Local Centre.
Provide for the development of Emu Park (Overall outcomes, PO1)	<p>The proposal is approximately 17km from Emu Park.</p> <p>The Economic Need and Planning Assessment Peer Review identifies that there is an acceptable level of impact on the future Emu Park District Centre.</p>
Provide for places to provide for a mixture of uses from the centre activities group (Overall outcomes)	The proposal includes a supermarket and a mix of specialty stores, and a food and drink outlet.
Manage impacts on sensitive land uses (Overall outcomes)	The proposal is not located in close proximity to sensitive uses.

	An ecological assessment is required against the requirements of the planning scheme.
Appropriate height and bulk of buildings in relation to local character, amenity, creating nuisance, privacy (Overall outcomes, PO1, PO2, PO4)	The proposed buildings are single storey in height and appropriate for a local centre.
Proposal does not undermine viability, role or function of a district centre or major centre (OO 12, PO6)	The Economic Need and Planning Assessment Peer Review identifies that there is an acceptable level of impact on the network of centres.
Centres only develop at locations and in a timeframe which ensure there is a sufficient population catchment area to support a viable centre, without significantly adversely affecting the viability of established centres.	The Norling Consulting report identifies that the need for a new Local Centre exists from 2028.
Lively pedestrian friendly environments and 'main street feel' in Yeppoon Major Centre	The Economic Need and Planning Assessment Peer Review identifies that there is an acceptable level of impact on the network of centres.
Support for new development occur on the former railway site on the northern side of James Street and strengthen main street character	A full line supermarket is unlikely to be able to locate at this site given its site size, dimensions and heritage uses. An application for mixed use development is currently being assessed by Council.
Yeppoon major centre accommodates most major growth in centre activities	The applicant has identified that there is no capacity on current land and current ownership patterns to locate a new full line supermarket within the Yeppoon major centre.
Impacts on neighbourhood centres or neighbourhood centre investigation areas	The Economic Need and Planning Assessment Peer Review identifies that there is an acceptable level of impact on the network of centres.

7.5.2 Site characteristics

The site contains vegetation and a waterway which is to be assessed against the Livingstone Shire planning scheme and State mapping requirements.

The land is included in the Emerging Community Zone in a larger area identified for future development. As a result there is an opportunity to ensure the proposed development, and future development, are properly integrated with the site to ensure appropriate vehicle, active transport and public transport linkages.

A greater level of detail in the structure planning for the area is recommended to ensure strong connections within the local area are made to the local centre.

7.5.3 Other Locational Criteria

The subject land is identified in the Emerging community zone which is land generally suitable for urban activities⁵ following detailed investigations demonstrated overriding community need to convert the land from non-urban to urban⁶. The Emerging community zone code includes overall outcomes relevant to location of centre. Overall outcome (9) states:

“When there is a demonstrated overriding community need established for the land to be developed for urban activities, development occurs only in the following circumstances:

- (a) *the development is undertaken in accordance with a structure plan that has been approved by Council for the site;*
- (b) *the Council approved structure plan for development of the site provides a framework for the coordinated provision and layout of land use and infrastructure and it includes specific details in relation to the planned development yield for the site; and*
- (c) *the Council approved structure plan for development of the site and surrounding area provides for the achievement of the following outcomes:*
 - (xvi) *where involving a centre, the centre is provided in accordance with the hierarchy of centres and the investigation areas stated in the Strategic Framework;”*

A more detailed structure plan has been provided by the applicant in the response to the Council’s information request dated 27 August 2024.

7.6 Traffic

7.6.1 Impacts on the local road network and any State-controlled roads

The applicant submitted a Traffic Impact Assessment dated 26 June 2024 and a subsequent traffic assessment dated 23 October 2024. This assessment provides an analysis of the intersection performance and impacts of the development on the road network.

The assessment identifies that the road network surrounding the site would not operate satisfactorily in 2027 (proposed opening year of the proposed development) and that upgrades would be required to the intersection (even without the proposed development)⁷. The assessment identified planned upgrades to the intersection being jointly delivered by Council and the State Government to address existing capacity issues. The planned upgrades are provided at **Figure 15**.

Based on a review of the SIDRA results of the Tanby Road / Taranganba Road Intersection and the western access (3), both the intersection / access would operate satisfactorily with the proposed development in the 10-year design horizon once upgrades were provided. In addition, the queues of the Tanby Road / Taranganba Road Intersection and the western access would not affect the operating performance of the adjacent intersections. Accordingly, the proposed site access would have no adverse impacts on safety and operational efficiency of the Tanby Road / Taranganba Road Intersection once planned upgrades have been delivered.

SARA has provided a changed referral agency response dated 25 August 2025 approving the development subject to conditions relating to:

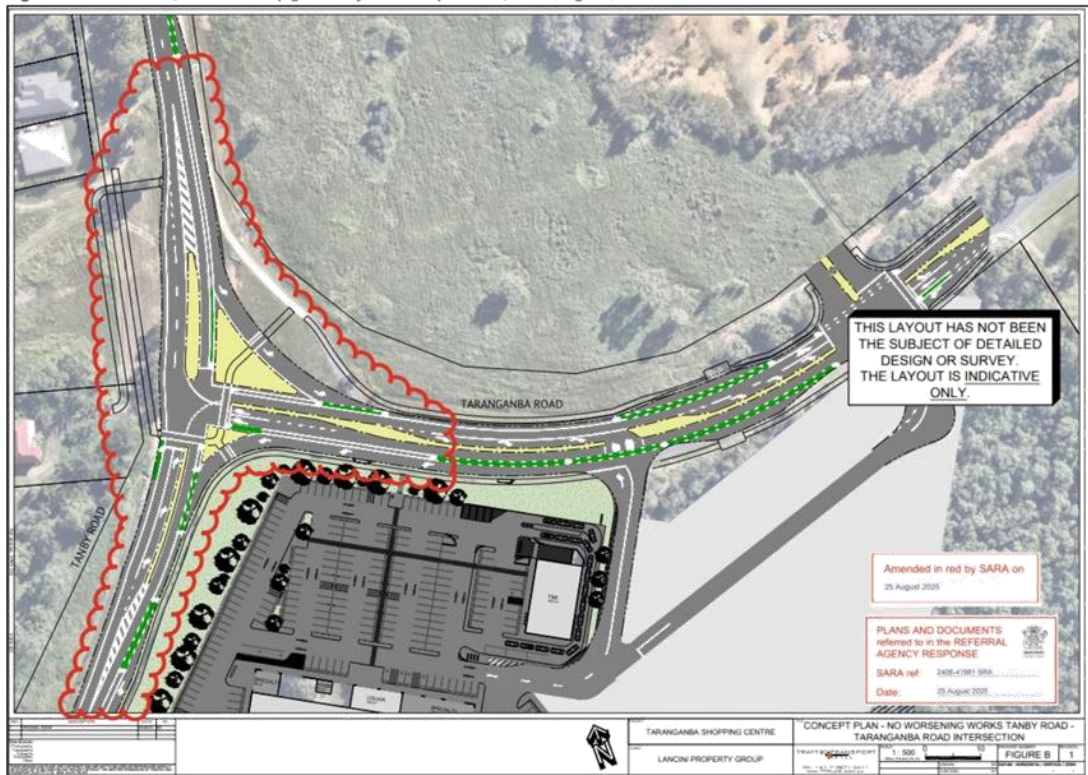
⁵ 6.5.2.2 – Purpose (1) of the Emerging communities zone code

⁶ 6.5.2.2 – Overall outcome (1) of the Emerging communities zone code

⁷ Page 5 of TTPlus’ Response to SARA’s Information Request dated 23 October 2024

- The proposed development must be carried out generally in accordance with the development plan
- Stormwater management must not result in worsening to the operating performance of the state controlled road
- Permitted road access to Tanby Road in accordance with DTMRs Decision Notice and the development plan
- Construction of the road works in accordance with the relevant requirements and conditions
- Signage in accordance with the listed conditions.

Figure 18: Council / DTMR's upgrades for Tanby Road / Taranganba Road intersection



Source: Traffic Transport Plus, 2025

7.6.2 Impacts from the height, bulk and scale, and appearance of the buildings and structures

The proposed development is single storey up to 12.5m in height. The building is separated from the property boundaries with landscape buffers along the road frontages.

The design of the proposed development contains an acceptable architectural response for the proposed Local Centre including:

- Integration of landscape areas within the design
- Changes in roof form to create architectural interest and articulation
- Use of painted concrete to create interest to blank walls
- Pedestrian pathways linking external streets and internally between parking areas and the shopping centre



- 'front facing' shop fronts providing clear entry points and presentation to the external car park area and street.

7.6.3 Integration of the centre into the surrounding urban neighbourhood

The applicant has submitted a structure plan (drawing no. 24-0100P-DA01, Version B dated 19 July 2024) to contextualise the site with its surroundings. The structure plan identifies a number of recent developments approved in the immediate area under construction or planned for construction, including:

- Relocatable home park (286 dwellings) directly north of the subject land (Council reference D-364-2022)
- Relocatable home park (284 dwellings) east of the subject land (Council reference D-369-2023).
- Residential subdivision (74 lots) directly west of the subject land (Council reference unknown).
- Residential subdivision (39 lots) directly west of the subject land (Council reference D-11-2024).

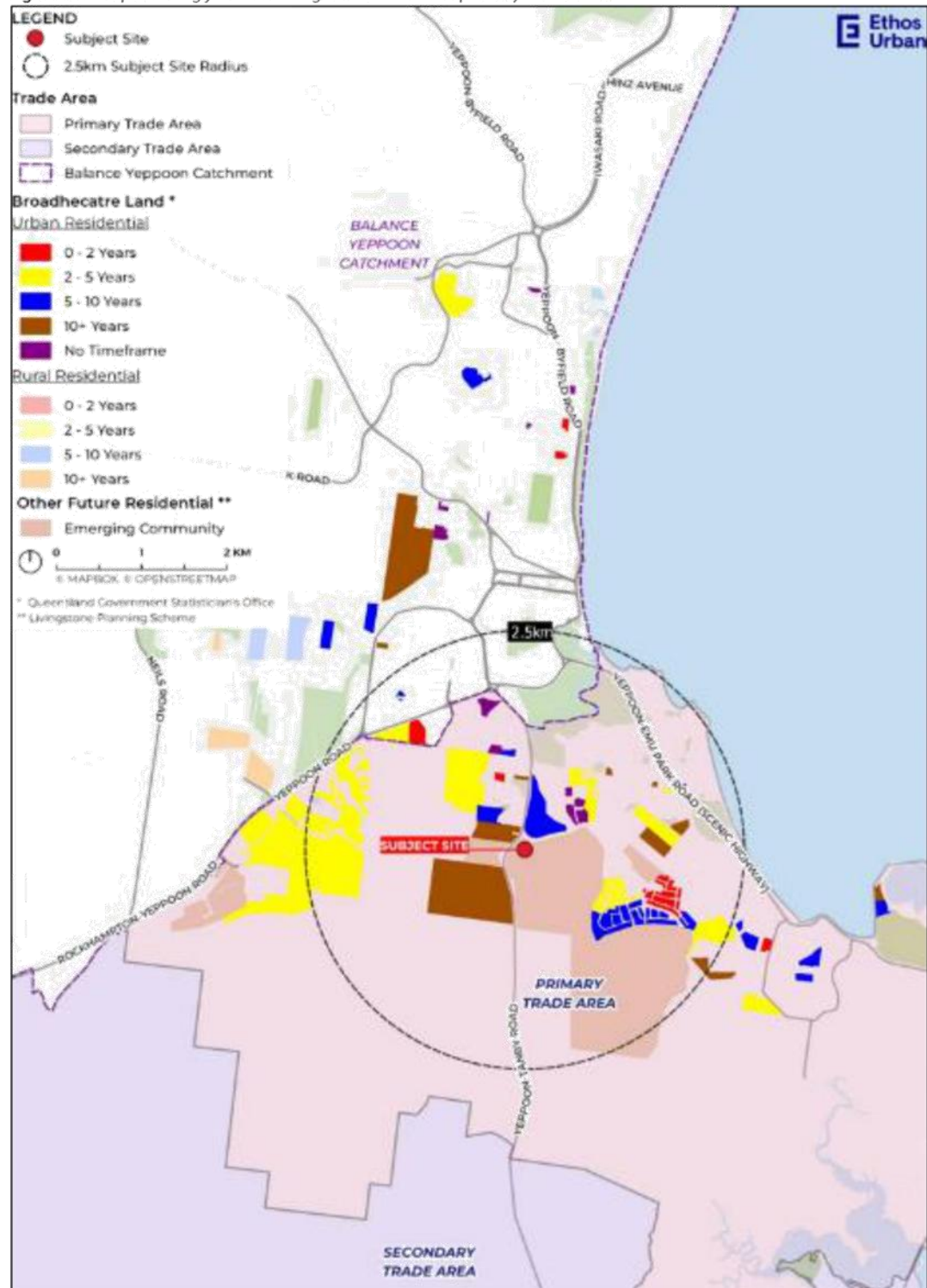
The key estates underway and proposed within a 2.5km radius from the Subject Site, include⁸:

- Land lease village (targeting residents over 50 years) at 4 Tanby Road, Taroomball
- Keppel Developments land lease village (targeting residents over 55 years), Taroomball
- Nautica Breeze Estate, Yeppoon
- Seahaven Estate, Taroomball
- Shoals Estate, Lammermoor

The Economic Need and Impact Assessment provides a map of these estates as they relate to the primary trade area of the subject land (refer to **Figure 18**).

⁸ Section 2.2 of the Economic Need and Impact Assessment dated 22 July 2024

Figure 19: Map showing future urban growth within the primary trade area



Source: Section 2.2 of the Economic Need and Impact Assessment dated 22 July 2024

7.7 Scenic Amenity, Landscaping and Ecological Considerations

7.7.1 Minimisation of potential amenity impacts on any scenic landscape features or scenic transport routes

According to the application material, approximately 5.7ha of existing native vegetation mapped in the Biodiversity overlay and Scenic amenity overlay will be removed as a result of the proposed development⁹. The applicant provides the following in response to matters relating to landscape features or scenic amenity outcomes:

- 3.1ha of native vegetation will be planted post construction to create a naturalised drainage channel¹⁰.
- An operational works permit to clear nature vegetation under the *Vegetation Management Act 1999* has been submitted¹¹.
- A Rehabilitation Management Plan is provided with this plan aimed to replicate ecological communities as closely as possible¹².
- A 10m wide landscape buffer is provided to Tanby Road (excluding access).
- A 5m wide landscape buffer is provided to Taranganba Street (excluding access).
- Some additional landscaping (3 x share trees along Tanby Road) and a 5m wide landscape strip along one of the Taranganba Street access points is provided on the landscape concept plan.
- The standalone drive-through food and drink facility is setback 5m from Taranganba Street. This building is single storey structure (~5.5m high) on an elevated pad with ~3.3m high retaining walls along the road frontage.

Given the prominent corner setting of the site, it is recommended that the following be achieved to ensure a suitable development outcome:

- A copy of the rehabilitation management plan be submitted to Council demonstrating extent of rehabilitation across the site.
- A copy of the operational work application submitted under the *Vegetation Management Act 1999* be provided to Council.
- Additional opportunities be investigated for substantial landscaping consistent with the prominent corner setting.
- A 10m wide densely landscaped buffer (excluding access) be conditioned along the Tanby Road frontage. This landscape buffer is to be free from retaining walls or other structures.
- A 5m wide (or greater) densely landscaped buffer (excluding access) be conditioned along the Taranganba Street frontage. This landscape buffer is to be free from retaining walls or other structures.
- A 3m wide landscape buffer be provided along both sides of the accessways (all three accessways be provided with this treatment).
- The applicant confirms the extent of impacts any future road upgrades will have on road reserves or landscape outcomes along the frontage.

⁹ Page 2 of "Response to Vegetation Matters" dated 17 October 2024

¹⁰ Page 2 of "Response to Vegetation Matters" dated 17 October 2024

¹¹ Section 3.2, Table D of the Environmental Management Plan dated October 2024

¹² Page 55 of the Ecological Assessment dated August 2024



- Additional street tree plantings be provided by the applicant within the road reserve to an appropriate standard.
- Additional street tree plantings be provided throughout open carparking areas to improve the visual impacts of this carparking area when viewed from the road network.
- The retaining wall heights along Taranganba Street be confirmed through revised section drawings at a more appropriate scale.

The above combination of outcomes is considered to improve the overall amenity impacts for the proposed development consistent with the Scenic amenity overlay code.

7.8 Assessment against codes and other assessment matters

A peer review of the assessment against the Reconfiguration of a Lot Code, Emerging Community zone code, Local centre zone code, Development works code and General development code has been completed.

An assessment against the relevant codes demonstrates that the proposal complies with the various requirements of the codes with solutions outside the acceptable outcomes able to be justified against the performance outcomes and overall outcomes. A summary of the key assessments for each code is provided below:

Local Centre Code

The Local Centre Zone Code is considered an appropriate assessment benchmark considering the intent of the proposal as a Local Centre. The assessment against the outcomes for assessable development demonstrates that the proposal complies with the Local Centre Zone Code. The proposal meets outcomes with the Local Centre Zone code including expected layout and built form outcomes, residential amenity requirements, access requirements, servicing and plant, and appearance and relationship to the street.

Emerging Community zone code

The development is considered to comply with the Emerging Community Zone Code as:

- there is an overriding community need for the proposed development
- the proposal will service existing and expected growth in emerging urban areas
- the development will provide a convenient location to access local goods and services and contribute to the growth of Emerging community zoned areas.

The applicant has demonstrated this overriding need, which currently cannot be accommodated in an area zoned for centres due to current ownership and approval-related impediments; it is separated sufficiently from existing rural land further to the west and south; provides a local centre to service the surrounding area; and is for a suitable urban purpose.

The development has other alternative outcomes from the acceptable outcomes due to the nature of the development, which are able to comply with the performance outcomes and purpose of the code. This is something that can ordinarily be anticipated and is a primary contributing factor for the application being for an urban activity within the Emerging community zone.

Any solutions not meeting or only partially meeting the performance outcomes or overall outcomes are considered in light of the assessment under the Strategic Framework and that there are sufficient planning grounds and relevant matters to support a departure from these outcomes.

Acid sulphate soils code



The subject land is identified under the Acid sulfate soils – potential assessment area and 20m AHD contour of the Acid sulfate soils overlay. The applicant has advised that an acid sulfate soils investigation report can be conditioned to be provided as part of the detailed design and construction phase of the development. This requirement can be appropriately conditioned.

Biodiversity habitat overlay code

The development is supported by an ecology assessment demonstrating the retention of the mapped waterway with its associated vegetation. Approximately 5.7 hectares of vegetation is proposed to be removed (with 2.5 hectares located within the 'MLES – Habitat and Vegetation' area of the Biodiversity habitat overlay), and approximately 3.1 hectares of this vegetation is proposed to be rehabilitated post-completion of the earthworks. An assessment against this overlay code was included in the ecological assessment.

Bushfire hazard overlay code

The proposal complies with the various requirements of the Bushfire hazard overlay code in that it provides for appropriate separation between the proposed development footprint and the mapped hazardous vegetation located to the south of the subject site. The proposed access points for the development are considered suitable to provide appropriate emergency services access and evacuation needs.

Flood hazard overlay code

A hydraulic impact and stormwater quantity assessment was prepared in support of the development and analysed the flood characteristics (pre and post development) to ensure the development does not result in increases in peak flows, flood levels or velocities external to the site that would cause adverse offsite impacts. The results of this assessment found:

- Stormwater will be discharged to a lawful point
- Stormwater management for the catchment will not be compromised
- There should be no worsening in peak discharge, as a result of the proposed development that would result in actionable damage to downstream properties
- The building should not be subject to flooding during the defined flood event.

Scenic amenity overlay code

A landscape concept plan has been prepared in support of the development. The proposal includes landscaping along the road frontages to Tanby and Taranganba Roads, particularly along Tanby Road to screen the development and retain the existing landscape character. The shopping centre provides an attractive landmark and focus for the newly emerging urban areas of Taroomball and is reasonably expected in urban landscapes.

General development code

The proposed development has demonstrated compliance with the requirements of the General development code. There are matters which will need to be addressed in more detail as part of subsequent operational works application which are included in the conditions of development.

Development works code

The proposed development has demonstrated compliance with the requirements of the General development code. There are matters which will need to be addressed in more detail as part of subsequent operational works applications which are included in the conditions of development.

Reconfiguration of a lot code

The proposed reconfiguration of a lot is to facilitate a separate lot and access easement for the food and drink outlet proposed as part of the shopping centre. The reconfiguration of a lot is considered to provide an outcome generally consistent with this assessment benchmark. The proposed lots have an appropriate size and dimension to cater for the needs of the future development including the needs for private lots with suitable service and access arrangements.

7.9 Consideration of Submissions

The development application was subject to impact assessment and was publicly notified between 4 November 2024 to 25 November 2024. A total of 5 submissions were received for the proposed development. Out of these 5 submissions:

- 1 submission was not properly made¹³;
- 1 submission was withdrawn; and
- 3 submissions opposed the development.

The following is a summary of the issues raised in the submissions lodged, with Council officer comments:

Issue	Comment
Traffic management – Tanby and Taranganba Roads experience congestion. Concerns have been raised about the impacts of the proposed shopping centre on the road network, congestion and access arrangements.	The applicant has submitted Traffic impact assessment reports. Traffic access and management has been assessed by Council and the Department of Transport and Main Roads. The Department of Transport and Main Roads has provided conditions of development to apply to the development.
Stormwater management, including stormwater quality	A stormwater management plan has been provided by the applicant to manage stormwater runoff. Conditions require further detailed operational works approvals to be submitted to address stormwater management.
Amenity concerns to surrounding residences	The proposal is appropriately located on the major road network to provide a convenient location for a new shopping centre. Noise and lighting aspects can be managed to achieve required standards at sensitive receptors.
Infrastructure pressures and constraints	Conditions of development will apply which will require that the development is provided with appropriate urban services.
Need for the shopping centre including: Incorrect definition of the trade area Adverse impacts on existing and planned centres	The applicant's economic study demonstrates need for the shopping centre taking account of the growth in Livingstone Shire. The Livingstone Shire planning scheme does not envisage a Local Centre at this location but the need assessment has indicated a need for an additional local centre

¹³ Schedule 2, Definitions, *Planning Act 2016*

Adverse impacts on the Yeppoon major centre	and the proposed location is considered appropriate from a planning point of view to provide convenient, accessible and local shopping and services to the existing and planned urban growth.
Conflicts with the planning scheme including the Strategic framework, in relation to the centres hierarchy,	<p>The Yeppoon Major centre is not suitable for accommodating a new full line shopping centre.</p> <p>There is no appropriately located centre zoned land that is considered suitable to accommodate a new local centre.</p> <p>Trading impacts on established centres are considered to be within the bounds of normal competition.</p>
Insufficient relevant matters to support the approval of the proposal	Relevant matters support the approval of the proposed development.
Insufficient car parking has been proposed	Car parking is considered to be provided at appropriate levels to meet the needs of the proposed shopping centre.
Significant impacts on flora and fauna	The applicant has submitted appropriate flora and fauna studies to demonstrate that any impacts are appropriately managed. The relevant planning scheme codes are able to be met by the proposed development.
The proposal has not provided a structure plan	The proposal is considered to provide an appropriate location in the local area to provide a convenient and accessible location, and to integrate with future public transport and local road networks. A structure plan has been provided by the applicant to demonstrate how the proposal integrates with surrounding development.

8 Conclusion

8.1 Summary and Recommendations

This report has been prepared by Gaskell Planning Consultants on behalf of the Livingstone Shire Council to conduct an independent assessment of a development application for a development application submitted over land located at 181 Taranganba Road, Taroomball QLD 4703 and described as Lot 3 on RP617327. Council's reference for the development application is D-246-2024.

The development application involves a new shopping centre with a full-line supermarket (3,800m²) shops (570m²) and a food and drink outlet with drive through facility (450m²). The proposal involves the State Assessment and Referral Agency for matters relating to the State-controlled road (Tanby Road) and was subject to impact assessment. Submitters were received during the public notification period.

This independent assessment of the proposed development is an objective review, analysing all aspects of the application, including the proposed changes (as part of the response to Council's information request and Further advice correspondence), based on the available facts and circumstances. This ensures a comprehensive evaluation against the criteria outlined in the *Planning Act 2016* ('Planning Act').

The independent assessment has found the following:

1. An independent economic need peer review of the applicant's Economic need report by Norling Consulting identified that economic need for the proposed Local Centre exists from 2028. The findings confirmed that the trading impact on existing centres was within the bounds of normal competition.
2. There is no Centre zoned land available to accommodate the proposed Local Centre. Land on the northern side of James Street, Yeppoon, within the Yeppoon District Centre, is considered not to contain the right site area or dimensions to support a Local Centre, includes heritage items, and is currently the subject of a development application. There is considered to be a planning need for the proposed centre.
3. The land is reasonably located in an area where new residential growth is planned and is occurring.
4. The land is well located on the corner of Tanby Road and Taranganba Road providing an accessible location for a new Local Centre. The land is expected to be able to be serviced by public transport in the future.
5. Traffic aspects for the proposed development are required to be resolved to the satisfaction of the Department of Transport and Main Roads and Council.
6. Clearing of vegetation needs to meet Council's requirements for the development to proceed.
7. The proposal is considered to follow good planning principles that support:
 - a. Convenience and efficiency for local residents to access weekly shopping and services
 - b. Access to an existing and growing residential community in the Taroomball locality and within a broader catchment area
8. The proposal is considered to meet the requirements of the Livingstone Shire planning scheme for a Local Centre.
9. The proposed Local Centre is recommended for approval subject to reasonable and relevant conditions.



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**13.2 - DEVELOPMENT APPLICATION
D-246-2024 FOR A DEVELOPMENT
PERMIT FOR A MATERIAL CHANGE
OF USE FOR A SHOPPING CENTRE,
RECONFIGURING A LOT (ONE LOT
INTO TWO LOTS AND ACCESS
EASEMENT), AND OPERATIONAL
WORKS FOR NATIVE VEGETATION
CLEARING**

Economic Need Peer Review

Meeting Date: 16 September 2025

Attachment No: 6

Norling Consulting^{Pty Ltd}

Business & Property Economics

Our Ref: 24037/100125.JN

10 January 2025

Livingstone Shire Council
C/- Mr John Gaskell
Director
Gaskell Planning Consultants
PO Box 8103
WOOLLOONGABBA QLD 4102

Email: john@jgplan.com.au

Dear John,

RE: PEER REVIEW – ECONOMIC NEED AND IMPACT ASSESSMENT – TAROOMBALL

Following recent correspondences, I provide this Peer Review of an Economic Need and Impact Assessment supporting a Development Application for a Shopping Centre at 181 Taranganba Road, Taroomball in the Livingstone Shire.

We do not have a conflict of interest and are able to assist you on this matter.

Background

The 10.89ha Subject Site is located at 181 Taranganba Road, Taroomball, 3.0km south of the Yeppoon Central Major Centre and 3.7km south of the Yeppoon (Bay Plaza) Major Centre. It is described as Lot 3 on RP617327. Whilst currently located at the southwestern edge of urban residential development to the south of Yeppoon, it is an accessible location at the intersection of Tanby and Taranganba Roads, with the Livingstone Planning Scheme 2018 indicating that urban residential development is to occur to the west and south of the Subject Site in the future (Emerging Communities zone).

Council has received Development Permit Applications for Material Change of Use, Reconfiguring of a Lot and Operational Work Involving Native Vegetation Clearing. Of relevance to this Peer Review is the Material Change of Use Application for a Shopping Centre. The Application claims to be responding to an existing overriding need in southern Yeppoon by providing a Local Centre that aligns with the Scheme's centre hierarchy, is located in the main growth corridor, provides improved community access to services and facilitates local employment opportunities.

Amended plans provide for a Shopping Centre located at the corner of Tanby and Taranganba Roads, with the balance of the Subject Site to accommodate a mixture of future development and environmental outcomes. The 4,820m² Gross Lettable Area (GLA) Shopping Centre is to be anchored by a 3,800m² full-line supermarket, 570m² of supporting Shops and a 450m² Food and Drink Outlet with drive-through facilities.

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The Subject Site is located within the Emerging Communities zone where the Applications are Impact Assessable.

Interestingly, the Application identifies that the Applicant is also the owner and operator of Yeppoon Central, the closest shopping centre to the Subject Site that provides a full-line (Woolworths) supermarket. The Submitter owns Bay Plaza, the next closest shopping centre anchored by a small full-line (Coles) supermarket.

The Applications have been accompanied by an Economic Need and Impact Assessment (ENIA) prepared by Ethos Urban in July 2024 and a Sequential Site Selection Analysis (SSSA) prepared by Wolter Consulting Group in July 2024. Council also received a Submission from RAM Australia that included a letter addressing need and impact issues from Think Economics dated November 2024. Council has requested an independent Peer Review of these documents.

It is noted that the Submission letter claimed that the proposed anchor tenant would be Woolworths.

Economic Need and Impact Assessment

The ENIA concluded that the Proposed Development would result in a net community benefit in economic terms. This conclusion is based upon the following main findings:

- (a) The Shopping Centre would be supportable by market demand;
- (b) The Subject Site is well located to serve the needs of a growing local community;
- (c) There is an undersupply of retail floorspace in the region; and
- (d) Potential trading impacts of the Proposed Development would be within the reasonable bounds of normal competition.

It is my view that the ENIA has generally applied an appropriate methodology. It has described the Proposed Development and region, reviewed relevant planning provisions, defined a Trade Area, examined competition, assessed demand and need, considered economic benefits, assessed economic impacts and reached overall conclusions.

The ENIA has not assessed alternative sites, nor reached a conclusion about planning need. However, this weakness has been overcome by the Sequential Site Selection Analysis undertaken by Wolter Consulting Group (reviewed below).

The Needs Analysis has generally adopted reasonable assumptions, with the following issues noted:

- (a) The Primary Trade Area has been defined to include Hidden Valley, which is actually located closer to the Yeppoon Major Centres than to the Subject Site (by road). I would therefore have excluded that suburb from the Primary Trade Area. However, with that suburb comprising only 9% of the Primary Trade Area's 2021 population and a slightly higher proportion in later years, this difference is not considered material;

- (b) The Secondary Trade Area extends too far to the southwest into rural areas that are considered remote from Taroomball, particularly as the Proposed Development is to operate as only a Local Centre. I would have limited the Secondary Trade Area to the suburbs of Tanby, Kinka Beach, Emu Park, Zilzie and Coorooman, which would have reduced the 2021 population of the Secondary Trade Area from 8,730 persons to 6,520 persons (a reduction of 25%, which is considered significant, but not to the extent that it materially affects the conclusions given the relatively high populations remaining in the Primary and Secondary Trade Areas);
- (c) The population projections are accepted (being consistent with recent population growth and Queensland Government Statistician's Office medium series projections), subject to the definitional issues raised above;
- (d) The reference to the Proposed Development being developed in late 2017 (page 32) is assumed to be a typographical error, with 2027 being intended; and
- (e) The ENIA has ignored the sales potential of the pad site (the proposed Food and Drink Outlet of 450m² - page 39) and the consequential impacts of the pad site upon the centre network (Table 6.2). With Food and Drink Outlets forming an integral part of the retail expenditure potential and competitive retail network, the ENIA has understated the potential retail turnover of the Proposed Development and its consequent impact upon the centre network. However, with the proposed Food and Drink Outlet likely to obtain an annual turnover in the order of \$4-5m, this difference is not considered to materially impact the conclusions.

With respect to the main conclusions reached by the ENIA, I am in agreement with:

- (a) The Shopping Centre would be supportable by market demand by 2028;
- (b) The Subject Site is well located to serve the needs of the growing local community comprising Taroomball, Taranganba, Cooe Bay, Lammermoor, Rosslyn, Mulambin and Causeway Lake;
- (c) There is a significant undersupply of retail floorspace in the local community and an undersupply in the broader region; and
- (d) Potential trading impacts of the Proposed Development are not regarded as significant, being ameliorated by the present shortfall of retail floorspace, strong population growth and a proposed delay of commencement until 2028.

It is considered relevant that the Applicant also owns the closest full-line supermarket-anchored shopping centre to the Proposed Development and that that shopping centre is expected to receive the highest percentage economic impact.

Sequential Site Selection Analysis

The Sequential Site Selection Analysis (SSSA) concluded that there is a planning need for the proposed Local Centre to locate on the Subject Site due to:

- (a) The Subject Site being appropriately located to satisfy the need identified by the ENIA;
- (b) The Proposed Development cannot be located on appropriately zoned land, including competitive centres; and
- (c) The identified latent unsatisfied demand can be satisfied by the Subject Site without causing undue impacts upon the existing or future centre network.

The SSSA has generally adopted an appropriate methodology by defining the area to be served by the Proposed Development, reviewing the ability of the Subject Site to satisfy identified demand, identifying the ability of the existing and designated centre network to accommodate the Proposed Development and reaching a conclusion as to planning need.

I consider that the SSSA has provided much more detail than is necessary, although this should not be viewed as a criticism.

I consider it sufficient to state that there is a planning need for the Proposed Development to locate on the Subject Site due to the following reasons:

- (a) The community and economic need demonstrated by the ENIA;
- (b) The Subject Site being well located at the intersection of two major roads to conveniently serve Yeppoon's southern growth corridor in an accessible location;
- (c) There being only one vacant site within the Major or Local Centre zoned lands that could potentially accommodate a full-line supermarket, the 1.56ha site located at 33 James Street, Yeppoon. This site is probably too narrow and small to accommodate a full-line supermarket, supporting specialty stores and necessary car parking in a viable manner and the owner has significantly progressed with a mixed use development application (as yet undecided) that does not include a full-line supermarket. Consequently, Centre zoned lands are unable to accommodate the Proposed Development;
- (d) The Livingstone Planning Scheme 2018 provides that Local Centres are to form part of the Shire's competitive centre network (Table 3.2.1.1) and that the criteria that are established in 3.3.9.1(3) are satisfied in this instance (ENIA); and
- (e) The Subject Site is proximate to an Investigation Area that has been identified for a smaller Neighbourhood Centre, which would not provide the range and depth of retail facilities needed by Yeppoon's southern growth corridor.

Think Economics Contribution to the Submission

The Think Economics Contribution to the Submission (Submission) concludes that the ENIA has not adequately demonstrated sufficient community, economic or planning need for the Proposed Development on the Subject Site due to:

- (a) The Proposed Development and defined Trade Area do not conform to the possible Neighbourhood Centre identified by the Scheme in the vicinity of the Subject Site;
- (b) The Proposed Development conflicts with the centre hierarchy established by the Scheme and jeopardises the intent for existing and planned centres;
- (c) The scale of the proposed full-line supermarket is too large in comparison to existing full-line supermarkets;
- (d) Hidden Valley should be excluded from the Trade Area, significantly impacting the quantum and timing of retail demand; and
- (e) A smaller (not full-line) supermarket and a more extensive range of specialty stores would provide a better outcome for the local community.

Each of these issues are dealt with below, using the same numbering system:

- (a) The Proposed Development squarely sits within the Local Centre definition established in Table 3.2.1.1 of the Scheme, which has been identified by the Scheme as forming part of the centre hierarchy in the Shire. The Primary Trade Area defined by the ENIA (as adjusted by the removal of Hidden Valley) appropriately reflects the role of the proposed Local Centre and is sufficient to support a Local Centre. The Scheme's identification of a nearby possible Neighbourhood Centre should not artificially constrain an analysis in circumstances where an Applicant and a retail expert consider that a Local Centre is warranted.
- (b) The proposed Local Centre does not conflict with the centre hierarchy established by the Scheme. It forms an essential part of the hierarchy, which has been defined to comprise Major, District, Local, Neighbourhood and Specialised Centres. The ENIA has demonstrated that the proposed Local Centre can be established without jeopardising the existing Major, Local and Neighbourhood Centres. It has also indicated that future growth can support the development of a District Centre at Emu Park at some time in the future. Whilst the ENIA did not specifically mention other possible Centres, it is my view that the proposed Local Centre does not jeopardise the ability of Neighbourhood Centres developing at some time in the future at Hidden Valley (#4), Zilzie (#12) and Zilzie (#13).
- (c) The proposed full-line supermarket would be significantly larger than the Coles at Bay Plaza and slightly smaller than the Woolworths at Yeppoon Central. However, it is my view that the emerging community in Yeppoon's southern growth corridor should not be prevented from being served by a modern full-line supermarket simply because a competitive Coles supermarket is operating from premises that were initially constructed on a constrained site in 1978 to accommodate a Bi-Lo discount supermarket operator.
- (d) I agree that the Primary Trade Area should not include Hidden Valley. I disagree that this difference is material due to the population of this suburb comprising only 9% of the 2021 population and that the 2029 population of the Primary Trade Area (minus Hidden Valley) is likely to be almost 10,000 persons.
- (e) Whilst there may be some logic to the view that the size of full-line supermarkets in Local Centres should be smaller than those in the larger Major Centres, the fact is that the size of full-line supermarkets is more likely to reflect the standard module of the operator at the time of construction and those standard modules have changed considerably over time. There may also be merit in the Subject Site providing a wider range of specialty stores to better serve the local community. However, the Council is tasked on this occasion with assessing the Application as it has been lodged, not in accordance with a different development proposed by a competitor.

With the exception of the removal of Hidden Valley suburb from the Primary Trade Area, I do not consider that the points raised by the Submission have merit.

Analysis

Livingstone Shire had an estimated 2024 population of 42,700 persons (deriving a strong annual growth of 2.2% since 2001) and is projected to increase to 63,000 persons by 2046 (at 1.8% per annum - Queensland Government Statistician's Office [QGSO] medium series projections).

The urban area of Yeppoon (Yeppoon SA2, including Pacific Heights, Hidden Valley and Causeway Lake) had an estimated 2024 population of 22,100 persons (deriving a very strong annual growth of 2.6% since 2001) and is projected to increase to 35,100 persons by 2046 (at 2.1% per annum - QGSO medium series projections).

It is therefore clear that Livingstone Shire is projected to continue to record relatively strong population growth and that growth will continue to be concentrated within the urban area of Yeppoon. There is sufficient demand to support more than two full-line supermarkets at the present time, with demand projected to support four full-line supermarkets by 2046.

Within the Yeppoon SA2, the Livingstone Planning Scheme 2018 Strategic Framework provides for a Major Centre at Yeppoon and two Neighbourhood Centres (Taranganba [Cedar Park Shopping Centre on Neighbourhood Centre zoned land] and Taroomball [no centre or Centre zoned land]) (3.2.1). The Strategic Framework also provides for District Centres serving (equivalent) populations of 13,000 to 20,000 persons and Local Centres serving (equivalent) populations of 8,000 to 13,000 persons (3.2.1).

The Strategic Framework further provides that Local (and other) Centres *"only develop at locations and in a timeframe which ensure (sic) there is a sufficient population catchment area to support a viable centre, without significantly adversely affecting the viability of established centres"* (3.3.9(3)).

It is my view that the ENIA (supported by the SSSA) has demonstrated the need for an additional full-line supermarket as part of a Local Centre to service the southern growth corridor of the Yeppoon SA2 and that the Subject Site is a suitable site to improve the convenience and accessibility of retail facilities to this growing population.

However, it is also noted that the Scheme places significant emphasis upon the primacy of the Yeppoon Major Centre in the centre hierarchy. The Scheme provides for only a single possible site within the Major or Neighbourhood Centre zoned lands to accommodate such a full-line supermarket – the 1.56ha site at 33 James Street, Yeppoon. As mentioned above, this site is probably too narrow and small and the owner has significantly progressed with an application (as yet undecided) that does not include a full-line supermarket. It is also not well located to conveniently serve Yeppoon's southern growth corridor in an accessible location. Consequently, Centre zoned lands are unable to accommodate the Proposed Development.

There is therefore a strong level of community, economic and planning need for the Proposed Development to locate on the Subject Site by about 2028 as demonstrated by the ENIA and SSSA.

It is also my opinion that the Proposed Development could be established at a viable level without significantly adversely impacting the viability of the established and designated centre hierarchy.

Conclusion

It is my view that the ENIA and SSSA can be relied upon by Council in the assessment of this Application. There is a strong level of community, economic and planning need for the Proposed Development to locate on the Subject Site by about 2028 and the proposed Local Centre could be established at a viable level without significantly adversely impacting the viability of the established and designated centre hierarchy.

The Submission does not raise issues of significance to sufficiently undermine the ENIA or SSSA.

I trust that this letter sufficiently addresses the required matters. Please do not hesitate to contact me should you have any queries regarding this advice.

Yours faithfully
Norling Consulting Pty Ltd



Jon Norling
Director

c.c. Mr Greg Abbotts
Manager Development and Environment, Communities
Livingstone Shire Council
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13.3 DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS AND ACCESS EASEMENT) - D-4-2020 - 379 LIMESTONE CREEK ROAD, ADELAIDE PARK**File No:** D-4-2020**Attachments:**

1. Locality Plan
2. Proposal Plan
3. Overlay Plans
4. Code Assessment
5. Statement of Reasons

Responsible Officer: Greg Abbotts - Manager Development and Environment
Andrea Ellis - Acting General Manager Communities
Alastair Dawson - Interim Chief Executive Officer**Author:** Gretta Cowie - Planning Officer**SUMMARY**

Pursuant to section 60(2)(d), an assessment manager may refuse the application only if compliance cannot be achieved by imposing development conditions.

The assessment of this application concludes that the proposed development conflicts with the purpose and overall outcomes of Council's Strategic Framework and relevant codes under the Planning Scheme. The lot layout results in lot sizes which do not respond to natural hazards of flood and bushfire risk and further compromise the protection of natural environmental values over the site and on surrounding land. In this instance there are not sufficient reasons available to support an alternative favourable consideration of the development.

The assessment summary and pursuant to section 62 (2) of the *Planning Act 2016*, the reasons for refusal are based on findings on material questions of fact and must be included in the reasons accompanying the decision notice and are detailed the recommendation.

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (one lot into two lots and access easement), made by S. Stafford and S. Willoughby, C/- Capricorn Survey Group (CQ) Pty Ltd, over Lot 15 on RP617316, and located at 379 Limestone Creek Road, Adelaide Park, Council resolves to Refuse the application given the following reasons:

1. The proposal compromises the Settlement pattern and Natural environment and hazards themes of the Strategic Framework under the *Livingstone Planning Scheme 2018* as;
 - 1.1 Subdivision of the land will adversely affect the protection of values and features identified within biodiversity overlay areas within a Rural place, through vegetation clearing and fragmentation of habitats.
 - 1.2 The proposed layout results in the creation of a smaller rural residential lot, without demonstrated need within the Capricorn Coast Rural Precinct, which is inconsistent with the land use pattern of the locality.
 - 1.3 The proposal directly increases the severity of natural hazards over the site through the creation of an additional rear lot within the Bushfire hazard area, which will increase the potential for unacceptable risks to human life and property, which cannot be avoided, and places unduly burden on disaster management capabilities.
 - 1.4 The subdivision results in development within a bushfire hazard area, which will compromise environmental values of the site and surrounding land due to the

ability for future accepted clearing for fire management lines, and firebreaks for future infrastructure.

2. The proposal fails to satisfy the overall outcomes of the Reconfiguring a Lot Code under the *Livingstone Planning Scheme 2018* as:
 - 2.1 the proposal does not appropriately consider natural hazards over the site as the proposed lot layout includes proposed Lot 2 as a rear lot with a building location envelope, setback a substantial distance from the road and therefore subject to unacceptable risk from bushfire. Large areas of proposed Lot 2 are affected by Q100 flooding limiting development potential of the site.
 - 2.2 The lot layout will result in adverse impacts on vegetation, ecological values and ecosystems over the site from vegetation clearing necessary for the creation of Lot 2, including a building location envelope for future development, vehicular access, and firebreaks.
 - 2.3 The proposal resulting in proposed Lot 1 being a smaller rural residential lot is not consistent with the land use pattern of the locality, and the proposed access easement in favour of proposed Lot 2 is not conducive to the lots narrow configuration and amenity of the existing Dwelling house.
3. The proposal fails to satisfy the overall outcomes of the Development Works Code under the *Livingstone Planning Scheme 2018* as;
 - 3.1 The subdivision will adversely affect the natural environmental values of the site and surrounds and does not minimise risk to human life, health and safety, and property.
4. The proposal fails to satisfy the overall outcomes of the Biodiversity Overlay Code under the *Livingstone Planning Scheme 2018* as;
 - 4.1 The proposal will have significant adverse impact on matters of environmental significance and nature corridors through the loss, disturbance and fragmentation of vegetation and habitats over the site, resulting from the lot boundaries and associated fencing, building location envelope, easements and bushfire mitigation measures of the subdivision.
5. The proposal fails to satisfy the overall outcomes of the Bushfire Hazard Overlay Code under the *Livingstone Planning Scheme 2018* as:
 - 5.1 The lot layout creates an additional lot with a building location envelope within a medium bushfire hazard risk area which will pose a risk to personal safety and property, and bushfire mitigation measures unable to minimise and mitigate the risk to acceptable levels;
 - 5.2 The development will result in the required clearing of matters of local environmental significance on the site and adjoining land to achieve bushfire hazard minimisation and mitigate risk to a tolerable level;
 - 5.3 The development will result in the required clearing of matters of State environmental significance to achieve bushfire hazard minimisation;
 - 5.4 The layout does not provide safe entry and exit access requirements for residents during bushfire events, with the single access proposed being vulnerable to fire attack and severance due to its substantial length, distance from the road and being adjacent to hazardous vegetation. Alternative access routes proposed by the Bushfire Management Plan are inappropriate and unable to be conditioned, relying on informal access through adjoining properties which do not form part of this application;
 - 5.5 The development provides an unacceptable burden on disaster management response and recovery capacity and capabilities, as the subdivision results in a lot with constrained access arrangements which will compromise the efficient

operation of fire fighters during bushfire events in the protection of personal safety and property for the future land use of proposed Lot 2;

On balance, the application should be refused because the development does not comply with the purpose of above aspects of the assessment benchmarks and compliance is unable to be reasonably or relevantly conditioned.

BACKGROUND

Pre-development advice was not sought or provided for this application prior to lodgement.

A Planning Compliance Customer Request was initiated over the subject site, with regard to unapproved clearing having been undertaken following the 2019 Bushfire event.

COMMENTARY

PROPOSAL

The proposal is for the creation of two (2) allotments with the following site areas and road frontages:

Lot	Site Area (hectares)	Road frontage (metres) to Limestone Creek Road
1	4.441 hectares with access easement 20 metres wide and 639.51 metres long	70 metres
2	25.3 hectares	No road frontage

The proposed access easement over proposed Lot 1 measuring twenty (20) metres wide and 639.51 metres in long, will provide vehicular access to both proposed lots from Limestone Creek Road. Although proposed Lot 2 has frontage to Corduroy Creek Road, the road reserve is unformed and access is impractical due to land constraints.

The existing Dwelling house within proposed Lot 1 will be retained and will utilise the existing access point from Limestone Creek Road (subject to Department of Main Roads conditions). A building location envelope is proposed within Lot 2, located in the north-western corner.

SITE AND LOCALITY

The subject site has the highest topography closest to the road frontage within Limestone Creek Road, and gradually slopes downward toward the Corduroy Creek Road frontage at the southern area of the site. In the vicinity of the north western part of proposed Lot 1 there is a gully/waterway which traverses approximately half the length of the lot and runs adjacent to the western boundary before traversing west to the adjoining property.

An established Dwelling house and ancillary sheds are located approximately 115 metres from Limestone Creek Road. Vegetation is scattered around the Dwelling house with more mature and intact vegetation present further to the south toward the rear of the site. Accordingly, proposed Lot 2 is heavily vegetated with the exception of an existing cleared area which is identified by the proposal plan as being the building location envelope for a future residential use. The vegetation across the site is mapped as having biodiversity values of local and State significance.

The site is located outside the Priority Infrastructure Area and is not connected to Council's reticulated water or sewer networks. The existing Dwelling house within proposed Lot 1 will retain its existing on-site services wholly within its lot boundaries.

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 15 on RP617316 379 Limestone Creek Road, Adelaide Park	B-372-2005 – Building approval for a shed and awning, approved with conditions on 9 March 2005
Applications/development permits on adjoining properties	
Lot 2 on SP 274434 389 Limestone Creek Road, Adelaide Park (to the west)	D-38-2014 – Development Permit for Reconfiguring a Lot (one lot into two lots), approved with conditions on 12 June 2014 D-203-2014 –Development Permit for Operational Works for Road Works, Earth Works and Access Works, approved with conditions on 6 November 2014 B-607-2020 - Building approval for Reroof Dwelling, approved with conditions on 3 July 2020
Lot 1 on RP614677 377 Limestone Creek Road, Adelaide Park (to the east)	461-2005-YDOM – Building approval for a Shed, approved with conditions on 12 April 2005 B-1727-2020 – Building approval for Reroof Dwelling x 2 Sheds, approved with conditions on 26 October 2020
Lot 2 on RP848934 361 Limestone Creek Road, Adelaide Park (to the east)	Nil on record
Lot 2 on RP610061 337 Limestone Creek Road, Adelaide Park (to the east)	Nil on record

ASSESSMENT INCLUDING BENCHMARKS AND RELEVANT MATTERS

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

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

Benchmarks applying for the development	Benchmark reference
Strategic Framework – <ul style="list-style-type: none"> Settlement pattern theme (Rural places) Natural environment and hazards (Areas of ecological significance and natural hazards and climate change) Rural zone code Bushfire hazard overlay code Biodiversity overlay code Development works code	<i>Livingstone Planning Scheme 2018</i> , Version 3 in effect 15 February 2021
Part E: State interest policies and assessment benchmarks	<i>State Planning Policy</i> , July 2017
Relevant matters considered	
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
The Local Government Infrastructure Plan	In respect of trunk infrastructure provisions and charging for development.

Internal advice and assessment

Infrastructure Operations Unit – 17 January 2020

Development Engineering Officers support the proposal subject to conditions regarding internal access, and property notes for recommended habitable floor level heights for future uses on proposed Lot 2.

An assessment reveals that the majority of proposed Lot 2 is affected by Q100 creek flooding and whilst the building location envelope is proposed in an unaffected area, affected flood areas are within close vicinity.

Natural Resource Management – 3 February 2022

Natural Resource Management Officers do not support the proposal as the site forms part of a large tract of land mapped as having high biodiversity value for matters of local and State environmental significance and have provided comment below;

Under Council's planning scheme, large areas of the site are mapped as Biodiversity-Habitat and Vegetation, and a local Biodiversity Corridor is also identified over the land which further recognises the importance of the habitat as a wildlife linkage between the hills and the lowlands (water sources) and wetlands and waterways which are mapped over the site.

The site also contains State identified Of Concern Remnant Vegetation at the rear of the property associated with creeks and floodplain wetlands with Corduroy Creek which runs through the rear of the lot. Least Concern is remnant vegetation mapped at the front of the site and there is also a riparian vegetation type over the site.

The extensive vegetation in the area presents a significant bushfire risk, and the bushfire management plan provided with the application has deficiencies with only one formal access to the proposed building envelope location for proposed Lot 2, and it is vulnerable to fire attack due to the length of the access adjacent to hazardous vegetation. A maintained access driveway and bushfire mitigation clearing around the proposed house site will create

fragmentation of the habitat areas over the land, severing links to larger tracts of bushland on adjacent land including land protected by a covenant on the land to the west of the site. Alternative escape routes are not formalised and all routes are exposed to significant risk in the event of a wildfire.

There is evidence clearing has been undertaken on the land after the bushfire and the waterway at the front of the property has been impacted by the bushfire and post fire clearing. The native vegetation along the waterway needs to regrow to restore the wildlife corridor and waterway health as it is an important link to the vegetation to the south along Corduroy Creek. The Of Concern vegetation in this area corresponds to lower areas with poor drainage (seasonal wetlands) and are high priority to protect from clearing to maintain corridors of vegetation to link to adjacent habitats.

Public and Environmental Health – Memo dated 13 January 2020

Officers have no comments or conditions on the development.

External referral

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning as a concurrence agency given the proposal involves clearing of native vegetation in accordance with Part 3, Division 4, Table 2, Item 1 of Schedule 10; and because the site is located within 25 metres of a State controlled road in accordance with Part 9, Division 4, Subdivision 2, Table 1, Item 1 of the *Planning Regulation 2017*.

The Department assessed the application and requested further information on 12 October 2020. Following a response to the information request, the Department provided conditions on 30 November 2021 in relation to the above triggers. The applicant made subsequent representations and the Department provided an amended response with conditions on 13 December 2021.

Notably, the Department of Transport and Main Roads provided conditions on 7 October 2020 pertaining to permitted road access location in accordance with Section 62A(1) and (2) of the Transport Infrastructure Act 1994.

Information request

An information request was issued by council on 4 February 2021 which included (but was not limited to) the following requirements;

- bushfire hazard assessment report and management plan
- ecological assessment report; and
- amended reconfiguring a lot plan which includes a building location envelope.

The applicant provided a response (in full) on 12 October 2021, after several extensions by agreement to the information request response period.

Communication

Previous assessing officer Tracy Jones spoke with the landowners on numerous occasions in relation to proposed changes to the plan, in particular the access and addition evacuation accessways. An amended sketch was received on 29 August 2023 where the proposed access easement was to be located in the adjoining property to the east. Consent was not received to include the additional lot therefore no action was taken by officers.

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 proposal does not involve buildings either attached or detached.

Water quality: Not applicable as the development is not for an urban purpose.

Natural hazards, risk and resilience: Applicable as the subject site is identified as flood and bushfire prone. Notably, the site is not mapped as flood prone under Council's planning scheme however Council identifies the site is flood affected by Q100 creek flooding from Corduroy Creek to the south.

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.	<p>Does not comply</p> <p>The subject site is partially mapped as being within the medium potential bushfire intensity and potential impact buffer areas.</p> <p>A bushfire assessment and management plan has been prepared for the site, which includes a number of recommendations in relation to setbacks to hazardous vegetation and access.</p> <p>For future development to achieve a BAL-12.5, setbacks of 33 metres (being 1.5 times the height of vegetation – 22 metres) are required. The setback cannot be achieved as the proposed siting of the building envelope for proposed Lot 2 results in the inner and outer bushfire protection zones extending outside of the lot boundaries.</p> <p>Appropriate access design and construction requirements for proposed Lot 2 to Limestone Creek Road can be provided. However, alternative access and evacuation routes which are recommended given the substantial length of the driveway access are not achievable, as they do not provide direct access to a public road or public area without requiring informal access through private land, of which consents do not accompany this development application.</p> <p>The site does not have access to reticulated water supply, and on-site water storage will be required to manage domestic and bushfire supply for future residential use. Future residential use of the site is unlikely to involve the storage and release of hazardous materials.</p> <p>The southern areas of the site are flood affected. The majority of proposed Lot 2 is affected by Q100 creek flooding from the south. The risk to people and property is able to be mitigated by the proposed building location envelope being located in the most northern corner of the lot, being the only area unaffected by the flood hazard. Furthermore, flood free access is able to be</p>
Development supports and does not hinder disaster management response or recovery capacity and capabilities.	
Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.	
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.	
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.	

	provided to proposed Lot 2 with access being from Limestone Creek Road in the north.
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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:

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

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

- (i) Settlement pattern;
- (ii) Natural environment and hazards

3.3 Settlement pattern theme:

3.3.5 Rural places

Rural places containing important features identified by scenic amenity overlays or biodiversity areas overlays are protected from development which could adversely affect the values associated with the overlay features.

Development in rural places does not result in fragmentation of land which is suitable for primary production by virtue of the following:

- *being identified as agricultural land Class A or Class B; or*
- *being identified as rural land needing retention in larger lot sizes; or*
- *being identified as having known minerals or other natural resources.*

A range of lot sizes in rural places is identified based on the capabilities of the land for primary production, with rural places predominantly being retained in larger lots except for the Capricorn Coast Rural Precinct, where minimum lot sizes of ten (10) hectares or greater are provided for.

- *In the Capricorn Coast Rural Precinct, relatively low impact rural activities involved in primary production remain as the preferred and dominant land use.*
- *The development of small rural residential lots does not occur unless there is a demonstrated need for an additional supply of lots only where located adjacent to the townships of Cawarral, Mount Chalmers, or The Caves.*

3.4 Natural environment and hazards

3.4.2 Areas of ecological significance

A network of nature conservation and open space places, waterways, water bodies and nature corridors or links are identified for protection within the planning scheme area.

Nature corridors or links are maintained and where appropriate, rehabilitated and expanded to support:

- *the natural movement and proliferation of native species;*
- *ecological responses to climate change;*
- *the maintenance of large scale migratory lifecycle processes; and*
- *connectivity between significant habitat areas and areas of remnant vegetation.*

Development avoids causing adverse impacts on areas containing matters of environmental significance and protects these areas from encroachment by development and human activity and the negative impacts of both (including but not limited to pollution, species or habitat loss, soil degradation due to clearing, erosion and contamination, acidification, salinity, waste disposal and modification to natural processes).

Corridors and associated buffers have dimensions which suitably provide for:

- *movement of native fauna;*
- *viable habitat areas;*
- *minimisation of edge effects;*
- *maintenance of the hydrological functions of waterways or wetlands;*
- *appropriate access for sustainable recreation; and*
- *any additional maintenance and bushfire setback functions to be located outside the areas required for ecological purposes.*

Fragmentation of existing habitat areas is minimised, particularly where it impacts on the future health of populations of native fauna and flora species.

3.4.3 Natural hazards and climate change

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.

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:

1. *does not compromise environmental values; and*
2. *does not unduly burden disaster management response or recovery capacity and capabilities.*

The potential exacerbation of adverse natural hazard impacts on development due to climate change is considered in the location and design of development.

Development maximises resilience to natural hazards.

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.

Development in bushfire hazard areas is avoided where conservation and landscape protection constraints preclude necessary risk-reduction measures, including clearing and provision of adequate access.

The site is located within a Rural Place on Strategic Framework Map SFM-02 which includes broad locations for preferred rural activities over a range of lot sizes.

Despite the northern area of the site being identified as agricultural land, the capabilities of the site for primary production are limited by the narrow width of the lot, the location of an established Dwelling house onsite and large areas of established vegetation across the site.

The proposed subdivision results in proposed Lot 1 being below the minimum lot size of ten (10) hectares for the Capricorn Coast Rural Precinct and smaller sized lots are not consistent with the surrounding established land use pattern.

Furthermore, the subject site contains large areas of important features of local and State environmental significance including vegetation, habitats, corridors, waterways and wetlands identified by the Biodiversity Overlay, which are compromised by the lot layout. The proposed easements for driveway access and proposed building envelope area for proposed Lot 2 fragments areas of environmental significance and compromises its values due to the necessity for future cleared maintenance of these areas to achieve setbacks to infrastructure and provide for alternative access routes as strategies to manage bushfire hazard. The access driveway is located within proximity to the waterway with minimal buffer and there is the potential for edge effects and impact on ecological function.

The lot layout has poor consideration of flooding impacts from Corduroy Creek and in this regard, a large area of proposed Lot 2 is affected, with the only unconstrained area of the lot being limited to the proposed building location envelope in the north western corner.

Proposed Lot 2 is a rear lot which is substantially setback from Limestone Creek Road and surrounded by potentially hazardous vegetation, such that the lot layout is likely to result in unacceptable risk to people or property. Strategies to minimise and mitigate risk are unable to be realistically achieved without compromising environmental values of the land.

Code assessment

An assessment against the relevant codes (refer code assessment attachment) demonstrates that the proposal complies with the various requirements of the codes with deviations able to be justified against the performance outcomes and overall outcomes. A summary of the key assessments for each code is provided below:

Reconfiguring a Lot Code

The proposed subdivision for one (1) lot into two (2) lots, with proposed Lot 1 being 4.441 hectares in size, is not consistent with the minimum lot size of ten (10) hectares for the Rural zone and Capricorn Coast Rural Precinct. An assessment against the benchmarks of the code demonstrates that the proposal complies with some requirements, however there are several aspects of the proposal which do not meet the performance outcomes and overall outcomes of the code.

Although a structure plan has not been prepared for the site, there will be no further demands on Council infrastructure, with onsite services able to be accommodated within the building location envelope of proposed Lot 2, however, this not without compromising biodiversity values of the site.

The lot design and layout is considered inappropriate and does not consider the natural hazards of the site. Proposed Lot 2 is a rear lot with a building location envelope that is substantially setback from the road. Access is restricted through an easement which runs adjacent to the existing Dwelling house on proposed Lot 1, compromising the amenity and privacy of residents environmental values of the site. Proposed Lot 2 is severely constrained

by natural hazards with the lot mapped as bushfire risk and large areas of the lot affected by Q00 flooding. Although the building location envelope is identified in an area unconstrained by flooding, the safety of people and property will still be at risk as bushfire management cannot be appropriately managed or mitigated.

As the site is mapped for its environmental significance, the lot layout also has adverse impacts on vegetation, ecological values and ecosystems from the extent of clearing to create bushfire compliant accesses, building location envelope and other necessary clearing to meet bushfire requirements.

Although the subdivision deviates from the ten (10) hectare minimum lot size for the rural zone, the rural viability of the land is already compromised by narrow configuration of the lot and other overlay constraints over the land. Despite this, smaller sized rural residential lots is inconsistent with the general land use pattern in the area, which encompasses larger sized lots, with the few smaller sized lots being created historically under preceding planning schemes. The proposed subdivision therefore does not meet the overall outcomes of the Reconfiguring a lot code.

Development Works Code

An assessment against the code demonstrates that the proposal complies or can be conditioned to comply with a number of acceptable outcomes of the Development works code, however the proposal does not meet performance outcome PO6 or the overall outcomes of the code, as the subdivision results in significant adverse impacts from the clearing of native vegetation.

The lot layout will result in significant adverse impacts on the natural environmental values of the site and surrounds from the clearing of large tracts of native vegetation on the subject site, which are considered to be habitats and viable biodiversity corridors. These natural environmental values will be compromised to achieve the access, building location envelope and bushfire mitigation for proposed Lot 2. Further bushfire management strategies for setbacks to hazardous vegetation and alternative access are not able to be achieved thus resulting in risk to human life, health and safety and property. The proposed subdivision therefore does not meet the overall outcomes of the Development works code.

Biodiversity Overlay Code

Almost the entire site is mapped as environmental significance for vegetation and habitats, and contains waterways and an identified biodiversity corridor. These important areas form part of larger mapped areas over adjoining land and the broader locality. An assessment against the code demonstrates the proposal does not comply with the performance outcomes and overall outcomes of the Biodiversity overlay code as creating new lots, building envelopes and access easements, will directly impact on and compromise the ecological function of areas of environmental significance, resulting in the loss and fragmentation of vegetation and habitats over the site and adjoining land.

Bushfire Hazard Overlay Code

The subject site is mapped as medium potential bushfire hazard and potential impact buffer. Assessment of the proposal demonstrates that various requirements of the Bushfire hazard overlay code cannot be satisfied despite a bushfire hazard assessment and management plan being provided for the development.

The identified setbacks to hazardous vegetation for future development cannot be achieved to meet a Bushfire Attack Level 12.5 due to the proposed siting of building location also having to address flooding constraints over the lot. With fire protection zones having to extend beyond lot boundaries, with lots not subject to this application, the bushfire risk to people and property cannot be satisfactorily met.

Furthermore, the access driveway to proposed Lot 2 is in excess of 600 metres and is adjacent to existing vegetation on site and on large tracts of vegetation on adjoining land. The recommendations of the bushfire management plan to incorporate alternative safe and efficient evacuation routes to adjoining freehold land cannot be achieved without requiring

easements over adjoining land and these adjoining land parcels are not subject of this application.

Whilst the site does not have access to reticulated water supply, on-site water storage to address domestic and bushfire supply requirements can be provided as part of building requirements. The proposal does not meet the overall outcomes for the code.

Flood hazard

Although the site is not mapped as flood hazard overlay under the Planning Scheme, Council has data which demonstrates the site is affected by Q100 creek flooding from Corduroy Creek. The extent of flooding within the subject site affects the majority of proposed Lot 2, with limited area in the north / north west corner being unconstrained. The proposed building location envelope is located within the identified flood free area, but is proximal to the affected area.

PUBLIC NOTIFICATION

The proposal was the subject of public notification between 18 October 2021 and 10 November 2021, 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.4) LSC 2019*. The details and breakdown of the charges are outlined below:

Charge area:	The subject site is located outside the priority infrastructure area
Calculation:	<p>There is future stormwater trunk infrastructure (D-53) identified within the related catchment. Hence, infrastructure charges for stormwater are applicable for this development.</p> <p>The charge is calculated in accordance with Table 4 - Minimum infrastructure charge for Reconfiguring a Lot partly outside or entirely outside the Priority Infrastructure Area, as follows:</p> <ol style="list-style-type: none"> 1. Two (2) lots at \$15,250.00 per lot. 2. Less a credit of \$15,250.00.
Credit:	<p>The above calculation takes into account a credit of \$15,250.00 for the existing allotment pursuant to Part 4.0 of Council's <i>Adopted infrastructure Charges Resolution (No. 4) LSC 2019</i>. The credit is calculated as follows:</p> <ul style="list-style-type: none"> • one existing lot at \$15,250.00 per lot.
Offset:	No offsets are applicable to the development.
Networks Covered:	<p>Apportionment of charges over the following networks:</p> <ul style="list-style-type: none"> • Transport • Parks & Community Facilities • Stormwater

Should the proposal be supported, a total contribution of **\$15,250.00** is payable and must be reflected in an Infrastructure Charges Notice for the development.

PREVIOUS DECISIONS

It is noted that Council has previously approved a development application for Reconfiguring a Lot within the vicinity of the subject site which satisfied the requirements under the former

Livingstone Shire Planning Scheme 2005, in respect to the minimum lot size and overlays. The decision is as follows;

- Development Permit D-38-2014 for Reconfiguring a Lot (one lot into two lots)

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

ACCESS AND INCLUSION

There are no access and inclusion implications associated with the consideration of this application.

ENGAGEMENT AND CONSULTATION

The application was publicly notified between 18 October 2021 to 10 November 2021 and nil submissions were received.

HUMAN RIGHTS IMPLICATIONS

There are no identified human rights implications associated with this development application.

BUDGET IMPLICATIONS

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

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

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

STAFFING IMPLICATIONS

No staffing implications have been identified in the assessment.

RISK ASSESSMENT

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

CORPORATE PLAN REFERENCE

Vibrant Culture and Healthy Community

Community Plan Outcome - 3.1 Deliver strategic land use, infrastructure planning and urban design activities that support growth, liveability, and sustainability

The decision will be made in accordance with the *Livingstone Planning Scheme 2018* and relevant legislation, with consideration of the submissions received, to ensure that development is consistent with current best practice and community expectations

CONCLUSION

Having regard to the above assessment the proposed development, being for the reconfiguration of one lot into two lots, cannot be considered to meet the relevant benchmarks of the Planning Scheme including the Strategic Plan and relevant codes, as the subdivision proposal for the land does not appropriately consider the environmental values, hazards and constraints, in terms of locally significant vegetation, habitats and corridors, bushfire and flooding.

Accordingly, the proposal cannot be supported through reasonable and relevant conditions and is recommended for refusal.

The lot layout results in proposed Lot 1 being below the minimum lot size for the Capricorn Coast Rural Precinct and impacting on environmental values for the site and surrounding land. Reduction of the impact to environmental values cannot be reasonably conditioned due to the lot layout and requirement of clearing widths for suitable and safe access.

Proposed Lot 2 has a building location envelope which places people and property at a bushfire risk that cannot be minimised or mitigated, due to its siting on the lot, required fire protection zones, and distance from the road without feasible alternative routes. An alternate evacuation route to reduce risk from bushfire cannot be conditioned as access can only be lawfully obtained through lots party to the application.

Further, new lot boundaries, building location envelope and access easements will impact on locally significant areas resulting in the loss and fragmentation of vegetation and habitats, corridors and impact on waterways. Minimisation of the impact to environmental values cannot be reasonably conditioned due to the requirement of extensive clearing for bushfire hazard mitigation and management.

**13.3 - DEVELOPMENT APPLICATION
FOR RECONFIGURING A LOT (ONE
LOT INTO TWO LOTS AND ACCESS
EASEMENT) - D-4-2020 - 379
LIMESTONE CREEK ROAD, ADELAIDE
PARK**

Locality Plan

Meeting Date: 16 September 2025

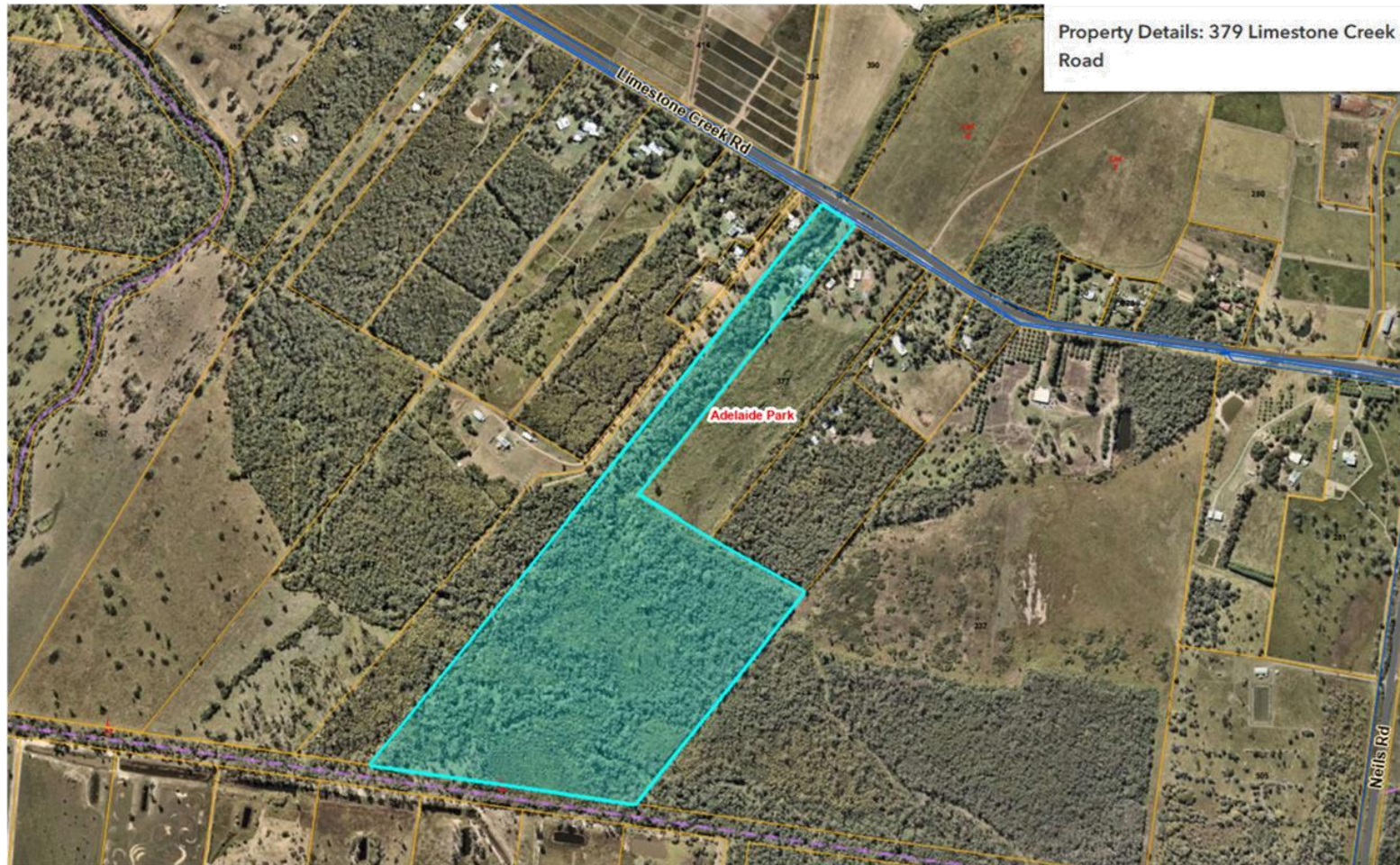
Attachment No: 1

LOCALITY PLAN



Development Permit D-4-2020 for Reconfiguring a Lot (one lot into two lots and access and services easement)

LOCALITY PLAN



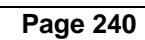
Development Permit D-4-2020 for Reconfiguring a Lot (one lot into two lots and access and services easement)

**13.3 - DEVELOPMENT APPLICATION FOR
RECONFIGURING A LOT (ONE LOT INTO
TWO LOTS AND ACCESS EASEMENT) - D-4-
2020 - 379 LIMESTONE CREEK ROAD,
ADELAIDE PARK**

Proposal Plan

Meeting Date: 16 September 2025

Attachment No: 2



**13.3 - DEVELOPMENT APPLICATION
FOR RECONFIGURING A LOT (ONE
LOT INTO TWO LOTS AND ACCESS
EASEMENT) - D-4-2020 - 379
LIMESTONE CREEK ROAD, ADELAIDE
PARK**

Overlay Plans

Meeting Date: 16 September 2025

Attachment No: 3

Agricultural Land Classification Overlay



Biodiversity Overlay – Habitat and Vegetation



Biodiversity Overlay – Wetlands and Waterways



Biodiversity Overlay – Stream Order



Bushfire Hazard Overlay



**13.3 - DEVELOPMENT APPLICATION FOR
RECONFIGURING A LOT (ONE LOT INTO
TWO LOTS AND ACCESS EASEMENT) - D-4-
2020 - 379 LIMESTONE CREEK ROAD,
ADELAIDE PARK**

Code Assessment

Meeting Date: 16 September 2025

Attachment No: 4



Code Assessment

Reconfiguring a Lot code

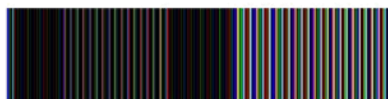
Table 9.3.3.4.1 — Outcomes for assessable development

Performance outcomes	Assessment Response																						
Lot design – general																							
<p>PO5</p> <p>Development included in the table below requires the preparation of a structure plan to accompany the development application.</p>	<p>Does not comply</p> <p>The proposal is for two allotments within the Rural zone. A structure plan has not been requested as the development will be serviced by an existing road, and all existing on-site services will be wholly contained within the lot it serves. Any future use of Lots 1 and 2 will require a rural standard of service (on-site water and sewer) applicable at the time of establishment of the use.</p>																						
<table><tr><th>Zone</th><th>Proposed additional lots in the stage/ development</th><th>Small structure plan</th><th>Large structure plan</th></tr><tr><td rowspan="2">All residential category zones</td><td>7 – 15</td><td>✓</td><td></td></tr><tr><td>16 or more</td><td></td><td>✓</td></tr><tr><td rowspan="2">All centres category zones and all industrial category zones</td><td>5 - 10</td><td>✓</td><td></td></tr><tr><td>11 or more</td><td></td><td>✓</td></tr><tr><td>All other zones where reconfiguring a lot requires impact assessment</td><td>1 or more</td><td></td><td>✓</td></tr></table>		Zone	Proposed additional lots in the stage/ development	Small structure plan	Large structure plan	All residential category zones	7 – 15	✓		16 or more		✓	All centres category zones and all industrial category zones	5 - 10	✓		11 or more		✓	All other zones where reconfiguring a lot requires impact assessment	1 or more		✓
Zone	Proposed additional lots in the stage/ development	Small structure plan	Large structure plan																				
All residential category zones	7 – 15	✓																					
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All centres category zones and all industrial category zones	5 - 10	✓																					
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All other zones where reconfiguring a lot requires impact assessment	1 or more		✓																				
<p>PO6</p> <p>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.</p>	<p>Does not comply</p> <p>The proposal is for two allotments within the Rural zone. A structure plan has not been requested as the development will be serviced by an existing road, and all existing on-site services will be wholly contained within the lot it serves. Any future use of Lots 1 and 2 will require a rural standard of service (on-site water and sewer) applicable at the time of establishment of the use.</p>																						
<p>PO7</p> <p>Lot design is well integrated with the surrounding locality, having regard to:</p> <p>(a) roads, streets, pedestrian and cycle networks;</p> <p>(b) utility installations and other infrastructure networks;</p> <p>(c) open space networks, significant vegetation and habitat areas, waterways and wetlands, and valued biodiversity corridors;</p> <p>(d) connections to centres and employment areas;</p> <p>(e) surrounding landscaping and streetscape treatments; and</p> <p>(f) the interface with established land uses.</p>	<p>Complies in part / Does not comply</p> <p>The proposed lots have access to Limestone Creek Road, with the Department providing a response with conditions for their jurisdiction for state controlled roads.</p> <p>The existing lot is serviced by electricity networks and an additional lot would require connection and would be a condition of an approval.</p> <p>The proposed two lot subdivision does not appropriately consider the environmental values of the site, as a large area of the site is vegetated and mapped under the Biodiversity Overlay. The proposed easement to provide an access driveway to proposed Lot 2 traverses through the significant vegetation, and furthermore the proposed building envelope location for proposed Lot 2 is within and proximal to mapped</p>																						



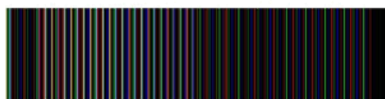
Code Assessment

Performance outcomes	Assessment Response
	<p>biodiversity corridors and vegetation identified for protection.</p> <p>The site is within five kilometres from the centre of Yeppoon township, and has access to a state controlled road which connects with the local road networks.</p> <p>The site is located within a rural area, and whilst an additional lot to the rear of the site will integrate from the streetscape perspective, the subdivision of an existing lot into two (2) lots is not consistent with the general surrounding land use pattern which includes lots greater than 10 hectares in size.</p>
<p>PO8</p> <p>Lot design:</p> <ul style="list-style-type: none"> (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 biodiversity corridors; and (d) retains key site characteristics, landmarks, and places of heritage significance. 	<p>Does not comply</p> <p>The proposal does not protect areas with significant environmental values as the proposed lots, building location envelope and the easement are sited within mapped areas for vegetated and habitats, identified local biodiversity corridors, and waterway buffers.</p> <p>Although the mapping shows the waterway traversing the site north west, its alignment has been confirmed to closely follow the western boundary, before running through adjoining properties to the west. Accordingly, the driveway access will not cross the waterway.</p>
<p>PO9</p> <p>Lot reconfiguration does not facilitate development which would be visually obtrusive on skylines, headlands or prominent landscape features.</p>	<p>Complies</p> <p>The subject site is not mapped as containing Scenic Amenity values due to the flat topography of the site.</p>
<p>PO10</p> <p>Lot reconfiguration does not:</p> <ul style="list-style-type: none"> (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. 	<p>Complies</p> <p>Significant land use conflicts are not likely to arise from the subdivision of one lot into two lots. The existing Dwelling house will be retained within proposed Lot 1 and a building envelope for a future residential use has been nominated for proposed Lot 2.</p> <p>Whilst the building envelope location does not meet the minimum setback requirements of fifty (50) metres to side boundaries, there is sufficient distance to the existing established residents to the north, and a covenant on adjoining land to the west adjacent to the lot boundary further provides separation of uses.</p> <p>No stock routes are identified.</p> <p>The State has assessed the proposal with respect to safety and operation of Limestone Creek Road as a state controlled road and has provided conditions.</p>
Lot design - size and dimension	
<p>PO11</p> <p>Reconfiguration only occurs if it creates lot sizes and dimensions that:</p> <ul style="list-style-type: none"> (a) are consistent with the intended character of the zone, precinct or sub-precinct in which the land is 	<p>Complies in part / Does not comply</p> <p>The minimum lot size prescribed for the land is 10 hectares and whilst proposed Lot 2 has an area of 25.30 hectares, proposed Lot 1 is only 4.441 hectares in size.</p> <p>Despite the smaller lot size, the future rural land use of the site and adjoining land is considered to already be</p>



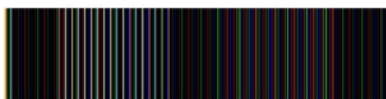
Code Assessment

Performance outcomes	Assessment Response
<p>located;</p> <p>(b) do not limit or compromise the ability to use rural land for its preferred uses;</p> <p>(c) do not limit or compromise the ability to use industrial zoned land or special purpose zoned land for their preferred uses;</p> <p>(d) protect resources (including potential mining and extractive resources), environmental and landscape values of rural land;</p> <p>(e) protect ground and surface water quality in the rural residential zone;</p> <p>(f) protect areas with significant biodiversity values; and</p> <p>(g) protect areas of high scenic amenity value.</p>	<p>compromised due to land constraints such as existing significant vegetation. Notwithstanding a smaller lot size is not consistent with the intended character of the rural zone and Capricorn Coast Rural Precinct. Adjoining lots meet the minimum lot size and the few existing smaller surrounding lots along this section of Adelaide Park Road were historically created from family subdivisions and were not subject to approval under the current planning scheme.</p> <p>The proposed layout does not protect the environmental values of the site, with lot boundaries, building location envelopes and easements being located over identified significant biodiversity areas, and consequently result in the clearing of these areas.</p>
<p>PO12</p> <p>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:</p> <p>(a) buildings and structures;</p> <p>(b) usable open space and landscaping</p> <p>(c) ventilation and sunlight for buildings;</p> <p>(d) privacy for residents;</p> <p>(e) suitable vehicle access and on-site parking where required; and</p> <p>(f) any on-site services and infrastructure such as effluent disposal areas if required.</p>	<p>Complies in part / Does not comply</p> <p>Proposed lot 1 is rectangular in shape and 4.441 hectares in size which is sufficient to facilitate the retention of the existing Dwelling house and on-site services and infrastructure.</p> <p>There is no change to the buildings setback distances to the road, or adjoining properties for the Dwelling house within proposed Lot 1 however privacy to residents will be lessened from the easement proposed adjacent to the Dwelling house which traverses the length of lot to allow for access (driveway) to proposed Lot 2. Driveway access has been supported with conditions from the state due to Limestone Creek Road being state controlled.</p> <p>The proposed building location envelope for Lot 2 does not meet the required fifty (50) metre setbacks for the land size within the zone with only a five (5) metre setback provided to the northern boundary where it adjoins Lot 1, and twenty (20) metre setback to the western boundary. Despite the lesser setbacks, the existing Dwelling house on proposed Lot 1 will be approximately 500 metres further north, which together with an existing covenant on adjoining land to the west enables sufficient separation between land uses.</p> <p>The proposed building location envelope for Lot 2 is approximately 3000sqm in size (57.5 metres by 52.5 metres) which is sufficient the establishment of a Dwelling house and a Class 10a building to establish with the provision of onsite water and sewer services.</p>
Road and street network	
<p>PO16</p> <p>The road and street network has a clear hierarchical structure, with roads that are designed and constructed to achieve their function in the network, having regard to:</p> <p>(a) traffic volumes, vehicle speeds and driver behaviour;</p> <p>(b) on street parking;</p>	<p>Complies</p> <p>Limestone Creek Road is classified as a State Controlled Road, and the State has provided conditions in relation to the road access point. As such the development is unlikely to cause any safety or operational issues.</p>



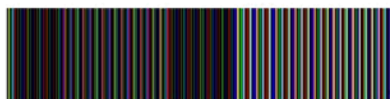
Code Assessment

Performance outcomes	Assessment Response
(c) sight distance; (d) provision for public transport routes and stops; (e) provision for pedestrian and cyclist movement, prioritising these where appropriate; (f) provision for waste collection and emergency vehicles; (g) lot access; (h) convenience; (i) public safety; (j) amenity; (k) the incorporation of public utilities and drainage; and (l) street scaping and street furniture.	
PO17 The road and street network provides for: (a) high levels of permeability and connection between places to provide for short travel distances; (b) the convenient and safe movement between local streets and higher order roads; (c) at least two road or street access points to every neighbourhood; (d) the avoidance of the use of access places, unless the slope, shape or location of the site provides no alternative.	Complies Limestone Creek Road is a State Controlled Road, and the State has provided conditions in relation to the road access point. As such the development is unlikely to cause any safety or operational issues.
PO18 Road crossings are provided for the safe and efficient movement of pedestrians and cyclists at regular intervals on higher order roads.	Not applicable No road crossing are proposed or necessary to service the development.
PO19 Local streets do not operate as through traffic routes for externally generated traffic (other than for pedestrians, cyclists and public transport).	Complies The proposed development does not involve new roads, with access from both lots being from Limestone Creek Road.
Road and street design	
PO20 The geometric design features of each type of road and street: (a) convey its primary function for all relevant design vehicle types; (b) have an adequate horizontal and vertical alignment that is not conducive to excessive speeds; (c) encourage traffic speeds and volumes to levels commensurate with road hierarchy function;	Complies Limestone Creek Road is a State Controlled Road and the State has provided conditions in relation to the road access point. As such the development is unlikely to cause any safety or operational issues.



Code Assessment

Performance outcomes	Assessment Response
(d) ensure unhindered access by emergency and waste collection vehicles and buses; (e) ensures safe access to lots.	
PO21 Where lot reconfiguration involves the creation of a new street (other than in a rural zone or the rural residential zone), streetscape and landscape treatments are provided which: (a) create an attractive and legible environment with a clear character and identity; (b) use and highlight features of the site such as views, vistas, existing vegetation, landmarks and places of cultural heritage significance; (c) enhance safety and comfort, and meet user needs; (d) complement the function of the street in which they are located by reinforcing desired traffic speed and behaviour; (e) assist integration with the surrounding environment; (f) maximise infiltration of stormwater runoff; and (g) minimise maintenance costs through: (i) street pavement, parking bays and speed control devices; (ii) street furniture, shading, lighting and utility installations; (iii) retention of existing vegetation; and (iv) on-street planting.	Not applicable
PO22 Road access to new lots minimises impacts on the function, vehicle speeds, safety, efficiency and capacity of streets and roads.	Complies Limestone Creek Road is a State Controlled Road and the State has provided conditions in relation to the road access point. As such the development is unlikely to cause any safety or operational issues.
Pedestrian and cycle networks	
PO23 A network of bicycle and pedestrian pathways, which is designed to maximise safety, convenience and comfort for users, is provided along higher order roads.	Not applicable There is no bicycle or pedestrian pathway on Limestone Creek Road, due to not being a State Controlled Road, within a rural area. The scale of the development does not warrant pedestrian and cycle networks.
PO24 The alignment of bicycle and pedestrian pathways is designed so that they: (a) allow for the retention of trees and other significant features; (b) maximise the visual interest provided by views	



Code Assessment

Performance outcomes	Assessment Response
<p>and landmarks where they exist;</p> <p>(c) are well lit and allow for casual surveillance;</p> <p>(d) do not compromise the operation of or access to other infrastructure services; and</p> <p>(e) are widened at potential conflict points.</p>	
Public transport	
<p>PO25</p> <p>The road and street network caters for the extension of public transport routes to provide services that are convenient and accessible to the community.</p>	<p>Not applicable</p> <p>Limestone Creek Road is a State Controlled Road under the Road Hierarchy and will be able to cater for public transport extensions through the area as necessary, however this road does not currently cater for public transport routes.</p>
Climatic response	
<p>PO26</p> <p>Lot layout facilitates building design which minimises sun penetration in summer and maximises cooling breezes into buildings.</p>	<p>Complies</p> <p>The lot layout provides for one additional allotment which is orientated north/south. Proposed Lot 2 can cater for a building envelope with sufficient separation distance to the existing Dwelling house on proposed Lot 1 and setbacks to adjoining land, allowing ample space to orientate future preferred land uses (such as a Dwelling house), to consider summer breezes.</p>
Infrastructure	
<p>PO28</p> <p>Infrastructure, including roads and streets, water supply, stormwater drainage, sewage disposal, waste disposal, electricity and communication facilities are provided in a manner that:</p> <p>(a) is efficient;</p> <p>(b) is adequate for the projected needs of the development;</p> <p>(c) is adaptable to allow for future infrastructure upgrades;</p> <p>(d) minimises risk of adverse environmental or amenity related impacts;</p> <p>(e) minimises whole of life cycle costs for that infrastructure.</p>	<p>Can be conditioned to comply</p> <p>The proposed lot sizes will enable onsite water and sewerage disposal infrastructure to be maintained for proposed Lot 1. Future services for proposed Lot 2 would need to be accommodated with the building location envelope which is considered sufficient size.</p> <p>Electricity and communication connections can be provided to new lots with existing surrounding lots being currently serviced.</p>
Parks and open Space	
<p>PO29</p> <p>Neighbourhood design and lot layout provides a balanced variety of park types, including:</p> <p>(a) small local parks, which are designed to:</p> <p>(i) provide a small open space setting for adjoining dwellings;</p> <p>(ii) incorporate and retain existing natural</p>	<p>Not applicable</p> <p>The proposal is for the creation of one additional allotment and provision of parkland or open space within the development is not considered necessary.</p>



Code Assessment

Performance outcomes	Assessment Response
<p>features; and</p> <p>(iii) incorporate landscaping to assist in creating neighbourhood identity and way finding; and</p> <p>(b) neighbourhood parks, which are designed to:</p> <p>(i) be centrally located;</p> <p>(ii) support the local community's recreational needs; and</p> <p>(iii) provide opportunities for community and special events; and</p> <p>(c) lineal or corridor parks, which are designed to:</p> <p>(i) connect with existing or planned open space in the locality;</p> <p>(ii) incorporate pedestrian and cycle paths;</p> <p>(iii) protect significant natural features;</p> <p>(iv) convey stormwater; and</p> <p>(v) provide for other recreational needs when not flooded; and</p> <p>(d) natural parkland areas which:</p> <p>(i) retain locally significant wetlands, remnant vegetation and habitat for fauna;</p> <p>(ii) continue ecological corridors and linkages to areas outside of the neighbourhood; and</p> <p>(iii) maintain important landscape and visual quality values.</p>	
<p>PO30</p> <p>Neighbourhood design and lot layout provides for safe and secure, well distributed and located parkland that:</p> <p>(a) provides a clear relationship between the public realm and adjoining land uses through treatment including alignment, fencing and landscaping;</p> <p>(b) enhances the area's local identity and landscape amenity;</p> <p>(c) provides for a range of recreational opportunities to meet community needs;</p> <p>(d) forms a linkage to existing parkland or habitats;</p> <p>(e) respects and retains existing natural elements; and</p> <p>(f) protects biodiversity values and features.</p>	
Hazards	
<p>PO31</p> <p>Reconfiguration of a lot avoids creating unacceptable risk to human safety, property and the environment due to</p>	<p>Complies in part / Does not comply</p> <p>The site was affected by recent bushfires in November 2019, with significant vegetation being burnt out. The existing</p>



Code Assessment

Performance outcomes	Assessment Response
natural hazards and contaminated land.	<p>Dwelling house was able to be protected.</p> <p>The land is mapped as bushfire hazard, a separate assessment against the Bushfire overlay code has been undertaken as part of the assessment of the development which identifies the proposed development results in unacceptable risk to people and property.</p> <p>Despite not being mapped under the Flood hazard overlay, large areas of proposed Lot 2 are flood affected however the proposed building envelope location in the north western corner of proposed Lot 2 is unaffected by the flood hazard.</p>

Development Works Code

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

Performance outcomes	Acceptable outcomes	Assessment Response
Access and parking		
<p>PO1</p> <p>The development is provided with an on-site parking and movement system designed and constructed to:</p> <p>(a) be integrated with the site layout including:</p> <p>(i) direct access to a road providing an appropriate level of service required to accommodate traffic generated by the use;</p> <p>(ii) having appropriately designed footpath crossovers;</p> <p>(iii) provision for safe pedestrian movement between public footpath and facility entry points;</p> <p>(b) accommodate sufficient manoeuvring room for the safe entry and exit of all modes of transport generated by the use (including refuse collection vehicles, trucks, buses and the like as relevant to the development);</p> <p>(c) accommodate sufficient parking for the expected number and type of vehicles generated by the use;</p> <p>(d) facilitate non-discriminatory accessibility;</p> <p>(e) provide for safe and efficient loading and unloading of goods;</p> <p>(f) allow for vehicle queuing necessary for the use;</p>	<p>AO1.1</p> <p>The development is provided with sufficient on-site vehicle parking and queuing space in accordance with the standards relevant to the use in compliance with Table 9.3.2.4.3.</p>	<p>AO1.1 - Complies</p> <p>The proposed lots are sufficient size to accommodate on-site vehicle parking requirements of future residential uses.</p>



Code Assessment

Performance outcomes	Acceptable outcomes	Assessment Response
<p>(g) provide for passenger set down and pick up necessary for the use (including public transport needs);</p> <p>(h) facilitate public access to the foreshore and public open space networks;</p> <p>(i) provide a safe environment;</p> <p>(j) be compatible with the character and amenity of the area; and</p> <p>(k) make a positive aesthetic contribution to the streetscape character of the setting, particularly if involving multi-level parking.</p>		
<p>PO2 Access driveways are designed and sited:</p> <p>(a) to minimise disruption to public infrastructure;</p> <p>(b) to operate safely and efficiently taking into account the volume, frequency and type of vehicle traffic expected to be generated by the development;</p> <p>(c) to operate safely and efficiently taking into account the function of the adjoining road; and</p> <p>(d) to minimise impacts on the safety, efficiency, or function of the road network.</p>	<p>AO2.1 The access driveway of the development does not require the modification, relocation or removal of any street tree or public infrastructure including a fire hydrant, water meter, street sign, manhole, stormwater gully pit or other Council asset.</p>	<p>AO2.2 - Complies</p>
	<p>AO2.2 The access driveway of the development is not constructed over an access point to infrastructure under the control of a regulatory authority, including storm water pits, water meters, water hydrants and telephone pits.</p>	<p>AO2.2 - Complies</p>

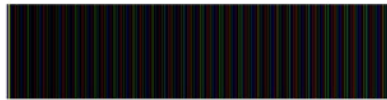
Code Assessment

Performance outcomes	Acceptable outcomes	Assessment Response
	<p>AO2.3 The access driveway of the development is not located within:</p> <ul style="list-style-type: none"> (a) two (2) metres of any adjoining property access driveway (excluding shared property accesses at the property line); and (b) one (1) metre of any public infrastructure such as a street sign, power pole, street light, manhole, stormwater gully pit or other Council asset; (c) the closest half of the road frontage to a road intersection for any corner lot. 	AO2.3 - Complies
	<p>AO2.4 The access driveway of the development does not enter the road carriageway at the location of an existing traffic island, speed control device, car parking bay, pedestrian crossing, bus stop or other infrastructure within the road carriageway.</p>	AO2.4 - Complies
	<p>AO2.5 The access driveway of the development is designed and constructed in accordance with the Capricorn Municipal Development Guidelines Standard Drawing relevant to the development including but not limited to the following:</p> <ul style="list-style-type: none"> (a) <i>Standard Drawing CMDG-R-040 Rural Road Access and Property Access over Table Drains;</i> (b) <i>Standard Drawing CMDG-R-041 Residential Driveway Slab and Tracks;</i> (c) <i>Standard Drawing CMDG-R-042 Commercial Driveway Slab (Type A) Two Way Access;</i> (d) <i>Standard Drawing CMDG-R-043 Commercial Driveway Slab (Type B) Two Way Access.</i> 	<p>AO2.5 – Can be conditioned to comply The access driveway external to the site will be subject to the condition of approval by Department of Main Roads. The access driveway internal to the site can be conditioned to comply.</p>



Code Assessment

Performance outcomes	Acceptable outcomes	Assessment Response
	AO2.6 Where adjoining a state-controlled road or Key Resource Area transport route, the development provides: <ul style="list-style-type: none"> (a) a single site access driveway; (b) the access driveway to the lowest order road to which the site has frontage; an access driveway which enables vehicles to enter and exit the site in a forward direction.	AO2.6 – Complies The site adjoins a state controlled road, and a single access driveway is proposed, with the proposed lots being sufficient size to facilitate forward direction movement of vehicles.
Clearing of native vegetation		
PO6 Clearing does not result in any significant adverse impacts on the following: <ul style="list-style-type: none"> (a) values associated with large tracts of native vegetation which serve as habitat or viable biodiversity corridors; or (b) the regeneration of biodiversity corridors; or (c) wetlands, waterways and native riparian vegetation; or (d) the quality of land and water resources (including underground water). 	AO6.1 With the exception of clearing for a purpose identified in AO6.3, clearing does not result in damage, removal or destruction of native vegetation located in proximity to a biodiversity corridor identified on a biodiversity overlay map in accordance with the following: <ul style="list-style-type: none"> (a) clearing native vegetation is not undertaken within 250 metres of a regional biodiversity corridor; or (b) clearing native vegetation is not undertaken within twenty-five (25) metres of a local biodiversity corridor. 	PO6 - Does not comply The proposal seeks to establish a new lot with an easement for access and a proposed building envelope location for proposed Lot 2 within areas that represent large tracts of vegetation and habitats further identified as part of a local biodiversity corridor in this locality. Clearing of lot boundaries, building location envelopes including bushfire protection zones and the access will result in the loss and fragmentation of these significant biodiversity values and compromise their regeneration. Although the building location envelope is within a cleared area, there is evidence to suggest these areas were historically vegetated and subsequently cleared and maintained since recent bushfire events. Similarly, the riparian vegetation adjacent to the waterway adjacent to the western boundary has also been impacted by fire and clearing.



Code Assessment

Performance outcomes	Acceptable outcomes	Assessment Response										
	<p>AO6.2</p> <p>With the exception of clearing for a purpose identified in AO6.3, clearing does not result in damage, removal or destruction of any native vegetation located in proximity to a waterway or wetland identified on a biodiversity overlay map, if it is within the buffer distances in the following table:</p> <table><tr><th>Location</th><th>Buffer distance</th></tr><tr><td>Top of the bank of a waterway classified as stream order one or stream order two</td><td>10 metres</td></tr><tr><td>Top of the bank of a waterway classified as stream order three or stream order four</td><td>25 metres</td></tr><tr><td>Top of the bank of a waterway classified as stream order five or higher order</td><td>50 metres</td></tr><tr><td>Wetland</td><td>100 metres</td></tr></table>	Location	Buffer distance	Top of the bank of a waterway classified as stream order one or stream order two	10 metres	Top of the bank of a waterway classified as stream order three or stream order four	25 metres	Top of the bank of a waterway classified as stream order five or higher order	50 metres	Wetland	100 metres	
Location	Buffer distance											
Top of the bank of a waterway classified as stream order one or stream order two	10 metres											
Top of the bank of a waterway classified as stream order three or stream order four	25 metres											
Top of the bank of a waterway classified as stream order five or higher order	50 metres											
Wetland	100 metres											



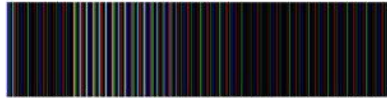
Code Assessment

Performance outcomes	Acceptable outcomes	Assessment Response
	<p>AO6.3</p> <p>If the development involves clearing of native vegetation, the clearing does not result in damage, removal or destruction of the native vegetation, unless the clearing satisfies the following circumstances:</p> <ul style="list-style-type: none"> (a) the clearing involves lawful forestry; or (b) the clearing involves plants or plant material that had been planted for a 'cropping' use; or (c) the clearing is for landscape gardening purposes; or <p>the clearing is within a building location envelope or it is outside an environmental covenant area, which forms part of a prior approved development permit for material change of premises or a development permit for a reconfiguration of a lot.</p>	
<p>PO7</p> <p>Clearing does not result in land degradation due to soil erosion.</p>	<p>AO7.1</p> <p>If the development involves clearing of native vegetation which is likely to result in the removal of ground cover and the exposure of soil to weather, clearing only occurs if it is undertaken in accordance with an erosion and sediment control plan which has been prepared and endorsed by a suitably qualified person, and the plan ensures that the erosion and sediment control measures are in accordance with best practice.</p>	<p>AO7.1 – Can be conditioned to comply</p> <p>No further clearing of vegetation is required in the location of the building location envelope, with the area having been historically cleared. Conditions can address requirements for further clearing to be undertaken in accordance with an erosion and sediment control plan.</p>
Earthwork and retaining walls		
<p>PO8</p> <p>Earthwork or the construction of any retaining wall occurs only if it results in the following:</p> <ul style="list-style-type: none"> (a) minimal modification of the natural slope of the land; (b) minimal increase of the elevation of land due to the placement of fill material; (c) no unsightly scarring of the landscape; (d) retaining walls which are not prominent; and (e) no significant adverse impacts on the character or visual amenity of the streetscape or 	<p>AO8.1</p> <p>The volume of fill material added to the natural ground level on any lot does not exceed a net increase of two-hundred (200) cubic metres calculated cumulatively, with the only exception being the addition of fill material for a lawfully undertaken use from within the rural activities group if located in the rural zone.</p>	<p>AO8.1 - Not applicable</p> <p>The building location envelope for proposed Lot 2 will be outside of the area affected by Q00 flooding.</p>



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Performance outcomes	Acceptable outcomes	Assessment Response
neighbourhood.	AO8.2 The development does not involve construction of a retaining wall having a height exceeding two (2) metres, or terraced retaining walls having a combined height exceeding two (2) metres unless the following: (a) the wall is part of a split level building design and it is concealed in its entirety; or (b) no more than forty (40) square metres of total wall face area is visible from a location at any boundary of the lot on which the wall is located.	AO8.2 – Not Applicable
	AO8.3 The bulk of a retaining wall or terraced retaining walls having a combined total wall face area greater than forty (40) square metres, is broken up by the following: (a) the planting of vegetation so that the vegetation screens at least fifty (50) per centum of the face of the walls as viewed from a location at any boundary of the lot on which the wall is located; or (b) buildings or other non-retaining wall structures so that they screen at least fifty (50) per centum of the face of the walls as viewed from a location at any boundary of the lot on which the wall is located.	AO8.3 – Not Applicable
PO9 Earthwork or the construction of any retaining wall occurs only if it results in structurally stable and safe development sites.	AO9.1 Earthwork does not involve the use of material for structural fill which includes: (a) organic soils, such as many topsoils, severely root affected subsoils and peat; or (b) materials contaminated through past site usage which may contain toxic substances or soluble compounds harmful to water supply or agriculture; or (c) materials containing substances which can be dissolved or leached out in the presence of moisture (for example, gypsum), or which undergo volume change or loss of strength when	AO9.1 – Not Applicable



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Performance outcomes	Acceptable outcomes	Assessment Response
	<p>disturbed and exposed to moisture (for example, some shales and sandstones), unless these matters are specifically addressed in the design; or</p> <p>(d) silts or materials that have the deleterious engineering properties of silt; or</p> <p>(e) other materials with properties that are unsuitable for the forming of structural fill; or</p> <p>(f) fill which contains wood, metal, plastic, boulders or other material that may decompose or cause the creation of voids.</p>	
	<p>AO9.2</p> <p>If the development involves filling in of a dam or detention basin, sludge lining is removed and filling consists of clean fill material, which is compacted to a Level 2 standard in accordance with Australian Standard AS3798-2007.</p>	AO9.2 – Not Applicable
	<p>AO9.3</p> <p>The development does not require earthwork that results in batter slopes, which exceed twenty-five (25) per cent, unless the earthwork has been certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and as being structurally stable and safe.</p>	AO9.3 – Not Applicable
	<p>AO9.4</p> <p>If the development involves construction of a retaining wall having a height exceeding one (1) metre, the retaining wall has been certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and as being structurally stable and safe.</p>	AO9.4 – Not Applicable



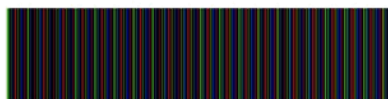
Code Assessment

Performance outcomes	Acceptable outcomes	Assessment Response
PO10 Earthwork or the construction of any retaining wall occurs only if it results in the following: (a) lawful discharge of stormwater; (b) no substantial damage to buildings, structures, infrastructure, or land; (c) no adverse impacts on the natural environment; and (d) erosion and sediment control in accordance with best practice.	AO10.1 Earthwork or a retaining wall is designed to ensure that any stormwater drainage achieves lawful discharge of surface water flows or ground water flows to or from adjoining land by: (a) not unreasonably interfering with or redirecting the site's natural stormwater drainage characteristics; or (b) ensuring that water is conveyed to kerb and channel in a road reserve; or (c) ensuring that water is conveyed to an approved inter-allotment drainage system; or (d) ensuring that water is conveyed to an approved drainage reserve; or (e) ensuring that water is conveyed to an approved and secured drainage easement.	AO10.1 – Not Applicable
	AO10.2 The development does not involve earthwork or the construction of a retaining wall within a wetland or within ten (10) metres of the top of a bank of a waterway of any stream order.	AO10.2 – Not Applicable



Code Assessment

Performance outcomes	Acceptable outcomes	Assessment Response
	AO10.3 Earthwork occurs in accordance with an erosion and sediment control plan and the plan ensures that the erosion and sediment control measures are in accordance with best practice.	AO10.3 – Not Applicable
Energy supply		
PO11 An energy supply is provided in a manner which: (a) is safe; and (b) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location; and (c) does not compromise other infrastructure.	AO11.1 The development is provided with an energy supply in accordance with the requirements of Table 9.3.2.4.6.	PO11 – Can be conditioned to comply There is an existing energy supply provided to the existing Dwelling house on proposed Lot 1. Proposed lot 2 will be required to connect to an energy supply.
	AO11.2 If the development requires the provision of reticulated grid electricity supply in accordance with Table 9.3.2.4.6 or if the development is to be provided with a reticulated grid electricity supply, the reticulated grid electricity supply infrastructure is provided in accordance with the requirements of the relevant energy supply authority.	



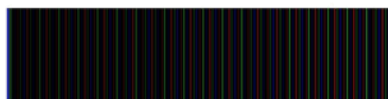
Code Assessment

Performance outcomes	Acceptable outcomes	Assessment Response
	AO11.3 If the development requires an on-site energy supply in accordance with Table 9.3.2.4.6 (and the development is not to be provided with a reticulated energy supply in accordance with AO11.2 above), the on-site energy supply is installed in accordance with all laws and regulations and current best practice.	
Sewage and waste water treatment and disposal		
PO12 The development is provided with sewage and wastewater treatment and disposal infrastructure which: <ul style="list-style-type: none"> (a) treats and disposes all generated sewage and waste water in a manner that protects public health and avoids environmental harm; (b) where practicable, is integrated with the existing public sewerage networks; (c) where practicable, facilitates the orderly provision of future public sewerage networks; and (d) is designed and constructed to be safe, operationally reliable and easily maintained. 	AO12.1 The development is provided with sewage and waste water treatment and disposal infrastructure in accordance with the requirements of Table 9.3.2.4.5. AO12.2 If the development requires the provision of reticulated sewerage in accordance with Table 9.3.2.4.5 or if the development is to be provided with reticulated sewerage, the reticulated sewerage is provided in accordance with the current version of the Capricorn Municipal Development Guidelines. AO12.3 If the development requires on-site sewerage infrastructure in accordance with Table 9.3.2.4.5 (and the development is not to be provided with reticulated sewerage in accordance with AO12.2 above), the on-site sewerage infrastructure is provided in accordance with the current version of the Queensland Plumbing and Wastewater Code.	PO12 – Can be conditioned to comply There is an on-site sewerage and waste water treatment and disposal infrastructure provided to the existing Dwelling house on proposed Lot 1. Future uses on proposed lot 2 will be required to have on-site infrastructure supply.
(a) Roof and allotment drainage		
PO13 Roof and allotment drainage is able to be collected and discharged from the development in a manner that does not adversely affect the stability of buildings, structures, or land on the site or on adjoining land.	AO13.1 Roof and allotment drainage is conveyed to the kerb and channel or an inter-allotment drainage system in accordance with the most current version of the Australian Standard AS3500.3 (stormwater drainage).	AO13.1 - Complies There is no kerb and channel or inter-allotment drainage systems required for the development. Existing and future buildings will direct roof water to tanks.
Telecommunications		



Code Assessment

Performance outcomes	Acceptable outcomes	Assessment Response
PO14 The development is provided with telecommunications infrastructure or equipment which: (a) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location; (b) where practicable, is integrated with the existing public telecommunication networks; and (c) is designed and constructed to be safe, operationally reliable and easily maintained.	AO14.1 The development is provided with telecommunications infrastructure or equipment in accordance with the requirements of Table 9.3.2.4.6. AO14.2 If the development requires the provision of reticulated telecommunications infrastructure in accordance with Table 9.3.2.4.6 or if the development is to be provided with a reticulated telecommunications infrastructure, the reticulated telecommunications infrastructure is provided in accordance with the requirements of the relevant telecommunications supply authority. AO14.3 If the development requires on-site telecommunications equipment in accordance with Table 9.3.2.4.6, the telecommunications equipment is sufficient to enable contact in normal circumstances with the each of the following nearest emergency services: (a) ambulance station; (b) police station; (c) fire brigade; and state emergency service facility.	PO14 – Can be conditioned to comply There is telecommunications infrastructure provided to the existing Dwelling house on proposed Lot 1. Future uses on proposed lot 2 will be required to have connections to telecommunications infrastructure.
Water supply		
PO15 The development is provided with water supply infrastructure which: (a) is sufficient to support the consumption and emergency needs of the development and the reasonable expectations for the development based on its location; (b) where practicable, is integrated with the existing public water supply networks; (c) where practicable, facilitates the orderly provision of future public water supply networks;	AO15.1 The development is provided with a water supply in accordance with the requirements of Table 9.3.2.4.5.	PO15 – Can be conditioned to comply There is existing water supply infrastructure provided to the existing Dwelling house on proposed Lot 1. Future uses on proposed lot 2 will be required to meet on-site water supply requirements.

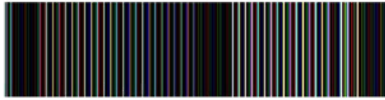


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Performance outcomes	Acceptable outcomes	Assessment Response
and (d) is designed and constructed to be safe, operationally reliable and easily maintained.	<p>AO15.2 If the development requires an on-site water supply in accordance with Table 9.3.2.4.5 (and the development is not to be provided with a reticulated municipal water supply in accordance with AO15.2 above), the development is provided with an on-site water tank or multiple tanks for domestic water supply purposes, which have a minimum combined capacity of 50,000 litres.</p> <p>AO15.3 If the development requires the provision of reticulated municipal water supply in accordance with Table 9.3.2.4.5 or if the development is to be provided with a reticulated municipal water supply, the reticulated municipal water supply is provided in accordance with the current version of the Capricorn Municipal Development Guidelines.</p>	

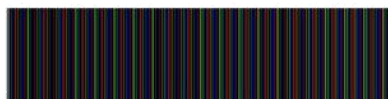
Table 9.3.2.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment Response
Roadwork		
<p>PO18 All roadwork is designed and constructed in an economically cost-effective manner and ensures that the pedestrian, cycle and vehicle movement network:</p> <p>(a) is safe; (b) is efficient; (c) is orderly; and (d) does not significantly adversely affect amenity.</p>	<p>AO18.1 If the development involves roadwork, an engineer who qualifies as a registered professional engineer of Queensland certifies that all roadwork is designed and constructed in accordance with the Capricorn Municipal Development Guidelines.</p>	<p>AO18.1 – Not Applicable</p>
Stormwater management		
<p>PO19 The development:</p> <p>(a) collects and discharges stormwater in a manner that does not adversely affect the stability of buildings, structures, infrastructure or land, located on the site or off the site; (b) has a stormwater management system that is</p>	<p>AO19.1 An engineer who qualifies as a registered professional engineer of Queensland certifies that the development has a stormwater management system which:</p> <p>(a) collects and discharges stormwater to a lawful point of discharge; (b) is compatible with and does</p>	<p>PO19 – Complies Due to the large size of the lot stormwater can be adequately managed onsite with natural absorption and sheet flow.</p>



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Performance outcomes	Acceptable outcomes	Assessment Response
<p>designed and constructed to be safe, operationally reliable, and easily maintained;</p> <p>(c) ensures that the stormwater management system and site work does not adversely impact flooding or drainage characteristics of premises which are located up-slope, down-slope, or adjacent to the site;</p> <p>(d) ensures that the stormwater management system and site work does not result in ponding or retention of water in a manner that is likely to result in loss of amenity for sensitive land use, or result in adverse impacts on public health and safety;</p> <p>(e) where practicable, is integrated with existing public stormwater management networks and planned future stormwater management networks; and</p> <p>(f) does not compromise the ability of the stormwater management system for the catchment to ensure that stormwater causes minimal nuisance, danger, and damage to people, property, infrastructure and the environment due to the quantity of stormwater discharge.</p>	<p>not compromise the stormwater management system for the catchment; and</p> <p>(c) is designed and constructed in accordance with the Capricorn Municipal Development Guidelines and any requirements of the stormwater management planning scheme policy contained in schedule 7.13 of the planning scheme.</p>	



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Performance outcomes	Acceptable outcomes	Assessment Response
PO20 The development is planned, designed and constructed, and managed to avoid or minimise adverse impacts on environmental values associated with water quality in natural and developed catchments by achieving: (a) identified stormwater quality design objectives for the location; or (b) current best practice environmental management.	AO20.1 A site stormwater quality management plan has been prepared by a suitably qualified person and the plan: (a) is consistent with any local area stormwater management planning; and (b) provides for achievable stormwater quality treatment measures which meet the construction phase design objectives identified in Table 9.3.2.4.7 and the post-construction phase design objectives identified in Table 9.3.2.4.8, or current best practice environmental management, reflecting land use constraints, such as: (i) erosive, dispersive, sodic and/or saline soil types; (ii) landscape features (including landform); (iii) acid sulfate soil and management of nutrient of concern; (iv) rainfall erosivity.	AO20.1 - Not applicable
	AO20.2 An erosion and sediment control plan is prepared by a suitably qualified person, and the plan ensures that the release of sediment-laden stormwater: (a) is avoided for the nominated design storm; and (b) is minimised when the nominated design storm is exceeded by addressing the construction phase design objectives for drainage control, erosion control, sediment control and water quality identified in Table 9.3.2.4.7.	AO20.2 - Not applicable
	AO20.3 Erosion and sediment control practices (including any proprietary erosion and sediment control products) are designed, installed, constructed, operated, monitored and maintained in accordance with the erosion and sediment control plan required by AO20.2.	AO20.3 - Not applicable



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Performance outcomes	Acceptable outcomes	Assessment Response
	AO20.4 Development incorporates stormwater flow control measures to achieve the design objectives identified in Table 9.3.2.4.7 and identified in Table 9.3.2.4.8, or current best practice environmental management, including management of frequent flows and peak flows.	AO20.4 - Not applicable
Waste water treatment and disposal (where discharging to a waterway or off-site)		
PO21 The development does not discharge wastewater to a waterway or off-site unless it is treated and discharged in a manner which: <ul style="list-style-type: none"> (a) is in accordance with current best practice environmental management; (b) meets the water quality objectives for the receiving water; (c) maintains ecological processes, riparian vegetation, waterway integrity and downstream ecosystem health; and (d) avoid causing adverse impacts on ecosystem health and waterway health. 	If the development involves the treatment and discharge of wastewater to a waterway or off-site, a wastewater management plan is prepared by a suitably qualified person, and the plan addresses the following: <ul style="list-style-type: none"> (a) wastewater type; (b) climatic conditions; (c) water quality objectives; and (d) best environmental practice. 	AO21.1 – Not applicable The development does not involve the treatment and discharge of wastewater to a waterway or off-site.
	AO21.2 The wastewater management plan required by AO21.1 provides for the management of wastewater in accordance with a waste management hierarchy that: <ul style="list-style-type: none"> (a) avoids wastewater discharge to waterways; or (b) if wastewater discharge to waterways cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal for sewer, surface water and groundwater. 	AO21.2- Not applicable



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Performance outcomes	Acceptable outcomes	Assessment Response
	AO21.3 Wastewater discharge is managed in manner which avoids or minimises the release of nutrients that are likely to increase the occurrence, frequency or intensity of algal blooms.	AO21.3 - Not applicable
	AO21.4 Development in coastal catchments: (a) avoids lowering groundwater levels where potential or actual acid sulfate soils are present; and (b) manages wastewater so that: (i) the pH of any wastewater discharged is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium, and metals; (ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release; (iii) visible iron floc is not present in any discharge; (iv) precipitated iron floc is contained and disposed of; and wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.	AO21.4 - Not applicable

Biodiversity Overlay Code

Table 8.2.3.4.1 — Outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
If reconfiguring a lot		
PO15 The ecological function and biodiversity values of existing vegetation and habitat are maintained by ensuring that reconfiguring a lot in areas containing matters of environmental significance does not result in significant adverse impacts on the values present.	AO15.1 Reconfiguring a lot does not result in the following: a. the creation of additional lots within areas mapped as containing matters of environmental significance; or b. the creation of new lots adjoining areas mapped as containing matters of environmental significance of less than ten (10) hectares.	PO15 – Does not comply The site is almost entirely mapped under the overlay. The development will result in the proposed lots, within areas mapped as containing matters of environmental significance for vegetation and habitats, waterways as well impacting on identified local biodiversity corridor which runs through the site. Clearing of lot boundaries, building envelopes, fire protection zones and access requirements within the easement will result in the loss and fragmentation of existing vegetation and habitats and impact on the



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		ecological function and biodiversity values of the site and adjoining land as these areas of significance form part of larger tracts of vegetation and corridors in the locality. Further proposed Lot 1 is less than ten (10) hectares in size, and other than the existing Dwelling house, the environmental values will be compromised by the access easement required for proposed Lot 2.
PO16 Reconfiguring a lot incorporates a buffer to areas containing matters of environmental significance in accordance with minimum best practice standards and the buffer area has characteristics to minimise development impacts on the values present.	No acceptable outcome is nominated.	PO16 – Does not comply The development is proposed within areas of the site identified for environmental significance and there is no buffer areas provided. The easement for access to proposed Lot 2, and within proposed Lot 1 has minimal setback to the waterway and wetland present on the site.

Bushfire hazard overlay code

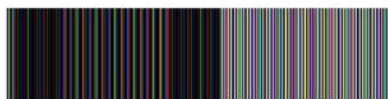
Table 8.2.4.4.1 — Outcomes for assessable development

Performance outcomes	Acceptable outcomes	Assessment response
Reconfiguring a lot where located in bushfire hazard areas identified as potential impact buffer, or medium potential bushfire intensity, or high potential bushfire intensity, or very high potential bushfire intensity		
Bushfire planning		
PO11 The lot layout is designed as a consequence of, and in accordance with the recommendations of a bushfire hazard assessment and management plan.	No acceptable outcome is nominated.	PO11 – Does not comply Whilst a bushfire hazard assessment and management plan has been prepared for the site, it includes recommendations which cannot be reasonably achieved in respect of the building envelope location in relation to setback distances to hazardous vegetation, and alternative access routes for the lot.
PO12 A bushfire hazard assessment and management plan demonstrates that all future buildings are able to be separated from the bushfire hazard by a distance which is the greater of the following: (a) a sufficient distance to achieve a bushfire attack level no greater than 29kW/m ² ; or (b) no less than 1.5 times the mature tree canopy height in the hazard hazardous vegetation; or (c) for forest or woodland vegetation, a sufficient area to create a	No acceptable outcome is nominated.	PO12 Does not comply A bushfire hazard assessment and management plan has been prepared for the proposed subdivision which includes design recommendations of: a) setbacks to hazardous vegetation that meet a BAL 12.5; b) a setback of 33 metres is required from hazardous vegetation determined from a tree canopy height of 22 metres. c) a 10 metre inner zone, with tree canopies of less than 10 per cent; and a 23 outer zone, with a tree canopy of less than 30 per cent and no tree canopy within 2 metres of any part of the building



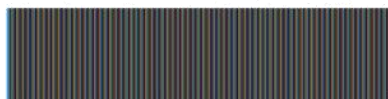
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Performance outcomes	Acceptable outcomes	Assessment response
<p>building protection zone which achieves the following:</p> <ul style="list-style-type: none"> (i) the inner zone and outer zone of the building protection zone have slopes under thirty-three (33) per cent; and (ii) the inner zone has the following characteristics: <ul style="list-style-type: none"> (A) it has a minimum distance of ten (10) metres, or a distance sufficient to achieve a bushfire attack level no greater than 29kW/m²; and (B) tree canopy cover in the zone is less than ten (10) per cent; and (C) three canopy is located greater than two (2) metres from any part of the roofline of a building; and (iii) the outer zone has the following characteristics: <ul style="list-style-type: none"> (A) it has a minimum distance of ten (10) metres plus one (1) metre for every degree of downslope vegetation; and (B) tree canopy cover in the zone is less than thirty (30) per cent. 		<p>roofline.</p> <p>However, to address flooding constraints over the site, the building location envelope for proposed Lot 2 is setback five (5) metres from the northern boundary and adjoining lot. Consequently this would correlate to a resulting bushfire attack level of above BAL-40. Clearing of vegetation for bushfire protection beyond the property boundary cannot be relied upon.</p>
<p>PO13</p> <p>Lot design minimises the number of lots which have a direct interface with the bushfire hazard.</p>	<p>AO13.1</p> <p>No more than twenty (20) per cent of the total number of lots in the development interface directly with the fire hazard.</p>	<p>PO13 – Does not comply</p> <p>The proposed lot layout increases the number of lots (2 lots) affected by bushfire hazard.</p>
Access		



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Performance outcomes	Acceptable outcomes	Assessment response
PO14 The reconfiguring design ensures that the road network, future driveways and access routes: <ul style="list-style-type: none"> (a) avoid potential for entrapment during a bushfire; (a) provide safe and efficient movement of residents, workers and visitors out of the subdivision and away from an approaching bushfire; (b) provides alternative access and egress considering the most likely bushfire scenarios; (c) ensures that the location, siting, and design of development and associated driveways and access routes enables safe and efficient access for emergency services vehicles during and after a bushfire. 	AO14.1 Where creating lots having an area less than two (2) hectares: <ul style="list-style-type: none"> (a) all lots are separated from hazardous vegetation by a constructed all-weather, public road; (b) the road layout provides for at least one alternative access route connecting all lots in the development to a public road that meets the requirements in Table 8.2.4.4.2 and which is connects to a collector road; and (c) cul-de-sacs are avoided except where: <ul style="list-style-type: none"> (i) a perimeter road with a cleared width of twenty (20) metres separates the lots at the head of the cul-de-sac from hazardous vegetation; and (ii) the cul-de-sac is no longer than seventy (70) metres from the intersection with another road to the furthest future building. 	AO14.1 – Not Applicable The development does not propose lots less than two (2) hectares in size.
	AO14.2 Where creating lots having an area greater than two (2) hectares: <ul style="list-style-type: none"> (a) all lots have a driveway or private road access which connects directly to a constructed all-weather public road; (b) dead-end roads are a maximum length of 200 metres and an alternative emergency evacuation route is provided away from the most likely source of bushfire risk. 	PO14 – Does not comply Both lots have an access driveway with frontage to Limestone Creek Road, which is an all weather road, with this public road being maintained by the State. However the access driveway for proposed Lot 2 is over 600 metres from Limestone Creek Road and runs adjacent to large tracts of vegetation on the site and on adjoining land with a bushfire having the potential to severe access resulting in entrapment. Whilst the bushfire management plan identifies alternative access routes to the west and east, these routes link to adjoining freehold land, and do not provide connection to public roads or public areas which would facilitate emergency access and safe evacuation routes. Easements over adjoining properties would need to be secured to ensure access in perpetuity and the adjoining lots do not form part of this



Code Assessment

Performance outcomes	Acceptable outcomes	Assessment response
		application.
	AO14.3 For all lots, private roads and access driveways comply with the requirements specified in Table 8.2.4.4.2.	AO14.3 -Can be conditioned to comply Access driveways for the proposed lots can be conditioned to comply with the access standards recommended in the bushfire management plan which has been prepared to satisfy the code requirements.
	AO14.4 Where the lots: (a) are required to be supplied with reticulated municipal water supply, private roads and access driveways have a maximum length of seventy (70) metres from an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of fifteen (15) tonnes; or (b) are not required to be supplied with reticulated municipal water supply, private roads and access driveways have a maximum length of 200 metres from an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of eight (8) tonnes.	PO 14 Does not comply Proposed lot one, which incorporates the existing Dwelling house will maintain the current driveway of approximately 115 metres. Proposed lot two will have driveway in excess of 600 metres which traverse large tracts of vegetation. The significant length of the access driveway and the potential for it to be severed in the event of a bushfire necessitates alternative access routes for proposed Lot 2, which cannot be reasonably achieved as the alternative routes proposed by the bushfire management plan link to adjoining freehold land and not public roads or public areas which would facilitate emergency access and safe evacuation routes. Easements over adjoining properties would need to be secured to ensure access in perpetuity and the adjoining lots do not form part of this application.
Water for fire fighting purposes		
PO15 Development involving new premises provides adequate infrastructure to support firefighting.	AO15.1 Where the development is connected to a reticulated water supply, lots are provided with water supply and pressure in accordance	AO15.1 - Not applicable The development is outside of the reticulated water supply area. On-site water supply would be



Code Assessment

Performance outcomes	Acceptable outcomes	Assessment response
	with Australian Standard AS2419 Fire Hydrant Installations.	required to service development on the proposed lots.

**13.3 - DEVELOPMENT APPLICATION
FOR RECONFIGURING A LOT (ONE
LOT INTO TWO LOTS AND ACCESS
EASEMENT) - D-4-2020 - 379
LIMESTONE CREEK ROAD, ADELAIDE
PARK**

Statement of Reasons

Meeting Date: 16 September 2025

Attachment No: 5



Attachment 2 - Statement of reasons

Planning Act 2016, section 63 (5)

The development application for a **Development Permit for Reconfiguring a Lot (one lot into two lots)** is refused as per this Decision Notice (refusal) D-4-2020.

1. REASONS OF THE DECISION

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

- (i) The proposal compromises the Settlement pattern and Natural environment and hazards themes of the Strategic Framework under the *Livingstone Planning Scheme 2018* as;
 - Subdivision of the land will adversely affect the protection of values and features identified within biodiversity overlay areas within a Rural place, through vegetation clearing and fragmentation of habitats.
 - The proposed layout results in the creation of a smaller rural residential lot, without demonstrated need within the Capricorn Coast Rural Precinct, which is inconsistent with the land use pattern of the locality.
 - The proposal directly increases the severity of natural hazards over the site through the creation of an additional rear lot within the Bushfire hazard area, which will increase the potential for unacceptable risks to human life and property, which cannot be avoided, and places undue burden on disaster management capabilities.
 - The subdivision results in development within a bushfire hazard area, which will compromise environmental values of the site and surrounding land due to the ability for future accepted clearing for fire management lines, and firebreaks for future infrastructure.
- (ii) The proposal fails to satisfy the overall outcomes of the Reconfiguring a Lot Code under the *Livingstone Planning Scheme 2018* as:
 - the proposal does not appropriately consider natural hazards over the site as the proposed lot layout includes proposed Lot 2 as a rear lot with a building location envelope, setback a substantial distance from the road and therefore subject to unacceptable risk from bushfire. Large areas of proposed Lot 2 are affected by Q100 flooding limiting development potential of the site.
 - The lot layout will result in adverse impacts on vegetation, ecological values and ecosystems over the site from vegetation clearing necessary for the creation of Lot 2, including a building location envelope for future development, vehicular access, and firebreaks.
 - The proposal resulting in proposed Lot 1 being a smaller rural residential lot is not consistent with the land use pattern of the locality, and the proposed access easement in favour of proposed Lot 2 is not conducive to the lots narrow configuration and amenity of the existing Dwelling house.
- (iii) The proposal fails to satisfy the overall outcomes of the Development Works Code under the *Livingstone Planning Scheme 2018* as;
 - The subdivision will adversely affect the natural environmental values of the site

and surrounds and does not minimise risk to human life, health and safety, and property.

(iv) The proposal fails to satisfy the overall outcomes of the Biodiversity Overlay Code under the *Livingstone Planning Scheme 2018* as;

- The proposal will have significant adverse impact on matters of environmental significance and nature corridors through the loss, disturbance and fragmentation of vegetation and habitats over the site, resulting from the lot boundaries and associated fencing, building location envelope, easements and bushfire mitigation measures of the subdivision.

(v) The proposal fails to satisfy the overall outcomes of the Bushfire Hazard Overlay Code under the *Livingstone Planning Scheme 2018* as:

- The lot layout creates an additional lot with a building location envelope within a medium bushfire hazard risk area which will pose a risk to personal safety and property, and bushfire mitigation measures unable to minimise and mitigate the risk to acceptable levels;
- The development will result in the required clearing of matters of local environmental significance on the site and adjoining land to achieve bushfire hazard minimisation and mitigate risk to a tolerable level;
- The development will result in the required clearing of matters of State environmental significance to achieve bushfire hazard minimisation;
- The layout does not provide safe entry and exit access requirements for residents during bushfire events, with the single access proposed being vulnerable to fire attack and severance due to its substantial length, distance from the road and being adjacent to hazardous vegetation. Alternative access routes proposed by the Bushfire Management Plan are inappropriate and unable to be conditioned, relying on informal access through adjoining properties which do not form part of this application;

(vi) On balance, the application should be refused because the development does not comply with the purpose of above aspects of the assessment benchmarks and compliance is unable to be reasonably or relevantly conditioned.

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 and Natural Environment and Hazard theme	<i>Livingstone Planning Scheme 2018</i>
Reconfiguring a Lot Code	
Development Works Code	
Rural Zone Code	

Biodiversity Overlay Code	
Bushfire Hazard Overlay Code	
Part E: State interest policies and assessment benchmarks (Planning for safety and resilience to hazards)	<i>State Planning Policy, July 2017</i>

3. COMPLIANCE WITH BENCHMARKS

The development does not comply with the benchmark as per the summary set out in the findings on material questions of fact in section 1 of this notice.

4. RELEVANT MATTERS

Not applicable to this application.

5. MATTERS RAISED IN SUBMISSIONS

Not applicable to this application.

6. MATTERS PRESCRIBED BY REGULATION

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

- (i) The State Planning Policy – Part E;
- (ii) The Central Queensland Regional Plan;
- (iii) The *Livingstone Planning Scheme 2018*;
- (iv) The common material, being the material submitted with the application.

13.4 RESPONSE TO NOTICE OF MOTION FROM COUNCILLOR MATHER - PET CREMATORIUMS

File No: Fa2220
Attachments: Nil
Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Alastair Dawson - Interim Chief Executive Officer
Author: Melissa Warwick - Principal Strategic Planner

SUMMARY

This report provides details in response to the Notice of Motion on 15 July 2025 in relation to Pet Crematoriums.

The Notice of Motion (NOM) of 15 July 2025 seeks:

1. clarification about the existing approvals and legislative mechanisms available to grant approvals;
2. clarification on details; and
3. requests an amendment to the Livingstone Planning Scheme 2018 to add *Pet Crematorium* as a land use definition to clearly distinguish the vast difference between *Crematoriums* and *Pet Crematoriums*.

OFFICER'S RECOMMENDATION

THAT Council resolve not to amend the Livingstone Planning Scheme 2018 based on the evidence-based research undertaken.

BACKGROUND

A briefing session report was presented on 2 September 2025 in relation to this matter. In addition to other considerations, the Livingstone Planning Scheme 2018 levels of assessment and land use definitions were benchmarked with other planning schemes. An audit was undertaken comparing if *Pet Crematorium* are addressed separately in other councils planning schemes, in relation to definition and levels of assessment. The local planning schemes that have been considered include: Gladstone, Mackay, Sunshine Coast, Rockhampton and Townsville.

COMMENTARY

There are currently two (2) approved *Pet Crematoriums* in Livingstone Shire. Development applications were made in 2001 and 2018. Each application was made under a different planning scheme in force at the time, namely the: *1991 Planning Scheme*, and *Livingstone Planning Scheme 2005*.

Each of these superseded planning schemes had different terms used to describe proposals for pet crematoriums including *Public Purpose* and *Special Use*. Each application made was considered on its merits at the time and approved with conditions. The terms used for each application differed and included reference to pet related cremation and burial uses.

The current *Livingstone Planning Scheme 2018* has defined terms to align with statewide land use definitions. The defined term for Crematorium is "*The use of a premises for the cremation or aquamation of bodies.*" The term does not distinguish between human bodies and other bodies.

Human crematoriums (and burials) are regulated, with specific legislative requirements. This is not the case with pet/companion cremation. The assessment needs to look at each site and impacts / emissions.

In 1995, operating a crematorium was prescribed as a Level 1 Environmentally Relevant Activity (ERA 13) under the *Environmental Protection (Interim) Regulation 1995*. This

covered cremation of human, pet or animal remains and required an environmental authority which could set conditions for the operation. Administration of this ERA was devolved to local governments unless the facility was owned by the state. The ERA was retained in the Environmental Protection Regulation 1998 (as ERA 14). By 2003, the number of crematoria regulated by local governments was 30 and a further 6 were regulated by the state. When the Regulation was reviewed in 2008, this ERA was deleted.

When providing advice to the public, officers will look for the best fit and applicants are advised to tailor their applications towards their specific needs. This might be 'Shop (bookshop)', 'Club (Cricket club)', "Office (web designer)", Crematorium (pet crematorium).

There are currently two (2) development applications with council seeking approval for cremation facilities for pets. Both are Impact assessable applications and are yet to be decided.

When compared to other planning schemes (Gladstone, Mackay, Sunshine Coast, Rockhampton and Townsville), none of the councils audited distinguish '*Pet Crematoriums*' as a separate defined term in their planning scheme use definitions or codes.

Based on the evidence-based research undertaken, and the matters considered in the assessment of proposals for pet cremation services, it is recommended that there is no need to make changes to the 2018 Livingstone Planning Scheme to add *Pet Crematorium* as a land use definition. It is clear that there is a difference in the scale of operations. There are still however impacts possible and this is the reason for the application process.

If required, a fact sheet could be prepared based on Undefined uses, with advice regarding applications and including some of the details included in this memo forming part of the fact sheet.

PREVIOUS DECISIONS

There are no previous decisions.

ACCESS AND INCLUSION

There are no access and inclusions associated with the consideration of this Notice of Motion.

ENGAGEMENT AND CONSULTATION

In preparing this report there has been no engagement or consultation.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the Human Rights Act 2019 requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no adverse human rights implications associated with this report.

BUDGET IMPLICATIONS

This matter has been addressed within existing resources and does not have any impact on budget.

LEGISLATIVE CONTEXT

This notice of motion was considered and has no direct legislative impacts.

LEGAL IMPLICATIONS

There are no legal implications in consideration of this matter.

STAFFING IMPLICATIONS

Existing resources were used to prepare the response to the Notice of Motion.

RISK ASSESSMENT

Based on the evidence-based research undertaken, there is no need to make changes to the 2018 Livingstone Planning Scheme. It is clear that there is a difference in the scale of operations of human crematoriums (regulated) and non-human crematoriums (unregulated). Each have different considerations.

CORPORATE PLAN REFERENCE***Vibrant Culture and Healthy Community***

Community Plan Outcome - 3.1 Deliver strategic land use, infrastructure planning and urban design activities that support growth, liveability, and sustainability

CONCLUSION

The Notice of Motion (NOM) of 15 July 2025 was seeking clarification about the existing approvals and legislative mechanisms available to grant approvals and requested an amendment to the Livingstone Planning Scheme 2018 to add *Pet Crematorium* as a land use definition to clearly distinguish the vast difference between *Crematoriums* and *Pet Crematoriums*.

The report outlines approvals and current development applications for pet cremation services and confirms that there is a difference in the scale of operations for human and pet crematoriums. The report confirms that there is flexibility to distinguish between the two without a planning scheme amendment.

13.5 PERMITS TO BURN IN THE PERI URBAN AREA

File No:	x
Attachments:	Nil
Responsible Officer:	Andrea Ellis - Acting General Manager Communities Alastair Dawson - Interim Chief Executive Officer
Author:	Greg Abbotts - Manager Development and Environment
Previous Items:	0.0 - Petition in relation to air pollution, nuisance smoke and odour caused by Developers - Ordinary Council - 19 Aug 2025 9:00 AM

SUMMARY

This report is in response to a Petition received on 9 July 2025 with respect to Development and Permits to Burn.

OFFICER'S RECOMMENDATION

THAT Council writes to the Minister for Fire, Disaster Recovery and Volunteers and the Minister for Environment and Tourism requesting a review of the permit to burn system to develop, implement and manage a process to remove the environmental impacts of air pollution, nuisance smoke and odour upon the health and wellbeing of residents caused by permitted burns in the peri urban area.

BACKGROUND

Council has received numerous complaints around the lighting of fires in the peri urban area. Further, there was a petition presented at the 19 August 2025 Ordinary Council meeting.

COMMENTARY

From a town planning perspective, the lighting of fires is not by itself “development” regulated under the *Planning Act*. As such, this is not the appropriate forum for Council to seek to prohibit the lighting of fires. However, it may be arguable that Council may impose reasonable conditions about the burning of cleared vegetation as part of any operational work approval, provided such conditions do not conflict with any approval given by Queensland Fire Department (QFD).

From Council’s local law perspective, section 15 of Local Law No. 3 makes clear that the regulation of lighting fires under that section does not apply to lighting or maintaining a fire authorised by QFD. As such, the local law is also not the forum in which Council can prohibit the lighting of fires where it is otherwise authorised by QFD.

Under the *Environmental Protection Act*, section 440 makes it an offence to unlawfully cause an environmental nuisance, which can include smoke nuisance. While Council may enforce this provision, it is generally not something Council can enforce ahead of time in the sense of prohibiting the lighting of fires. It is essentially a ‘reactive’ tool that allows Council to act after the fact. Also, the offence requires careful consideration of what is considered “unlawful”. The Act provides a person with a defence to any such offence where the act is otherwise lawful (e.g. authorised by QFD under another Act) and the person has complied with the general environmental duty (i.e. taken all reasonable and practical measures to prevent or minimise the harm).

As a result of the above discussion, it is clear that Council has very limited power and enforcement tools. However, Council is generally the primary contact point for the Community. If Council can successfully advocate for an improved system of issuing Permits to Burn – this in turn benefits the Community.

PREVIOUS DECISIONS

There have been no previous decisions on this matter.

ACCESS AND INCLUSION

There are no access and inclusion matters to be considered.

ENGAGEMENT AND CONSULTATION

A petition was received from 54 residents on 9 July 2025.

HUMAN RIGHTS IMPLICATIONS

There are no human rights implications.

BUDGET IMPLICATIONS

There are no budget implications associated with this report for Council.

LEGISLATIVE CONTEXT

Permits to burn are issued under the *Fire Services Act 1990*, and Planning permits are issued under the *Planning Act 2016*.

LEGAL IMPLICATIONS

There are no legal implications to consider.

STAFFING IMPLICATIONS

The proposed motion can be accommodated within existing staffing resources.

RISK ASSESSMENT

Permits to burn issued in the peri urban area heighten the risk of nuisance to surrounding residents. As described in the petition received by Council, this is in the form of smoke and associated health risks. The motion seeks to highlight this issue with the respective Ministers.

CORPORATE PLAN REFERENCE***Natural Environment***

Community Plan Outcome - 2.1 Encourage community and business to adopt sustainable practices

CONCLUSION

The lighting of fires in the peri urban area can have numerous issues for the surrounding residents. The purpose of writing to the respective Ministers is to highlight these issues and advocate for improving the process and producing better environmental and health outcomes.

13.6 COOEE BAY MASTER PLAN**File No:** fA3574

Attachments:

1. Draft Master Plan Aug 2025
2. Draft Master Plan Feb 2025
3. Cooe Bay Concept Staging Strategy

Responsible Officer: Michael Kriedemann - General Manager Transport & Utilities
Alastair Dawson - Interim Chief Executive Officer

Author: Sean Fallis - Manager Engineering Services

SUMMARY

This report provides an update for the Cooe Bay Transport Master Plan and seeks Council approval for the prioritisation of upgrading projects.

OFFICER'S RECOMMENDATION

THAT Council endorse the following priorities for the Cooe Bay Transport Master Plan:

1. Matthew Flinders Drive – Wreck Point north to beach carpark
2. Matthew Flinders Drive – beach carpark to Gregory St including intersection
3. Matthew Flinders Drive – Wreck Point south to Scenic Highway
4. Gregory St - Cathne St roundabout
5. Gregory St carpark

BACKGROUND

A Concept Staging Strategy (Master Plan) was developed in 2022. This included upgrades in 11 project areas over approximately 13 years but was never adopted – attachment 1.

A draft Master Plan was prepared in February 2025. This addressed the shorter-term priorities – attachment 2.

Council's current capital programme includes upgrading works for Matthew Flinders Drive from Wreck Point south. Design works have progressed on this section with the completion of the concept design.

At a Council workshop in February 2025, it was requested that concept plans be prepared for Matthew Flinders Drive north of Wreck Point. These have now been prepared – attachment 3.

The current Forward Works Programme includes the following allocations:

Project	25/26	26/27	27/28
Matthew Flinders Drive Pavement Rehab – Wreck Point south	200,000	1,325,000	1,000,000
Matthew Flinders Drive – Reconfigure Gregory St			250,000
Remaining Works on Cooe Bay Infrastructure requirements			1,705,097

COMMENTARY

High level cost estimates for the revised Master Plan works are as follows:

Matthew Flinders Drive – Wreck Point south	\$4.5M
Matthew Flinders Drive – Wreck Point north to beach carpark	\$2.5M
Matthew Flinders Drive – carpark to Gregory St including intersection	\$2.0M
Cathne St roundabout	\$2.0M
Gregory St carpark	\$0.5M

The section to the north of Wreck Point has no pedestrian facilities and can be hazardous for pedestrians. The proposed upgrade of this section includes a 2 way carriage way and shared path. This work could be prioritized to be done before the other projects.

It is recommended that works be re prioritised as follows:

1. Matthew Flinders Drive – Wreck Point north to beach carpark
2. Matthew Flinders Drive – beach carpark to Gregory St incl intersection
3. Matthew Flinders Drive – Wreck Point south
4. Gregory St - Cathne St roundabout
5. Gregory St carpark

The existing allocations in the Forward Works Programme could be reassigned to the re-prioritised projects with additional allocations approved with future budgets.

PREVIOUS DECISIONS

Master Plans/Staging Strategies for Cooe Bay have been prepared previously but none were formally approved or adopted.

ACCESS AND INCLUSION

There are no issues relating to access or inclusion. All services and facilities will be constructed in accordance with the standards for universal access.

ENGAGEMENT AND CONSULTATION

Once endorsed by Council, the community can be consulted on the concepts and priorities. This will be arranged through the Communications and Engagements team.

HUMAN RIGHTS IMPLICATIONS

There are no adverse human rights implications associated with this report.

BUDGET IMPLICATIONS

There is sufficient budget in 25/26 to undertake the detailed design of the section north of Wreck Point (priority 1). There is sufficient budget in the current Forward Works Programme to complete construction of priority one in 26/27 and 27/28. Additional allocations to complete the work sooner or fund further priorities can be considered through the budget process. Funding grant applications will be made if suitable opportunities arise.

LEGISLATIVE CONTEXT

There are no known legislative issues associated with this report.

LEGAL IMPLICATIONS

There are no known legal implications associated with this report.

STAFFING IMPLICATIONS

Council's Design team has capacity to complete the detailed design of priority 1 this financial year. The construction will be undertaken by Council crews or under contract.

RISK ASSESSMENT

Priority 1 works will address the risk associated with the lack of pedestrian facilities on the northern approach to Wreck Point.

CORPORATE PLAN REFERENCE

Transparent, Accountable and Progressive Leadership

Community Plan Outcome - 4.2 Advocate and collaborate with state and federal governments in the best interest of the community

CONCLUSION

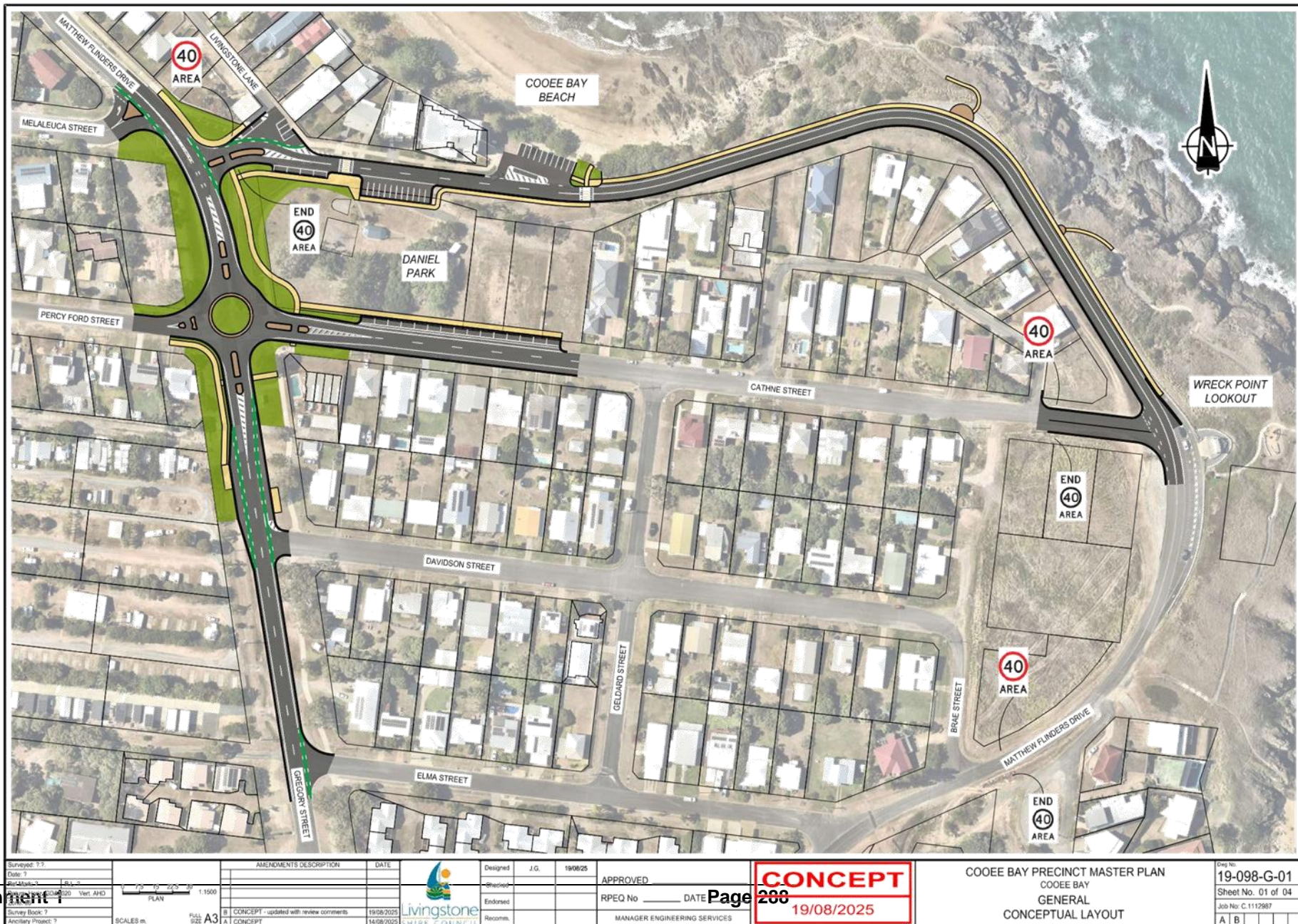
The revised priorities of the Cooeee Bay Master Plan address the shorter-term transport needs and provide upgrading works which will benefit the community.

13.6 - COOEE BAY MASTER PLAN

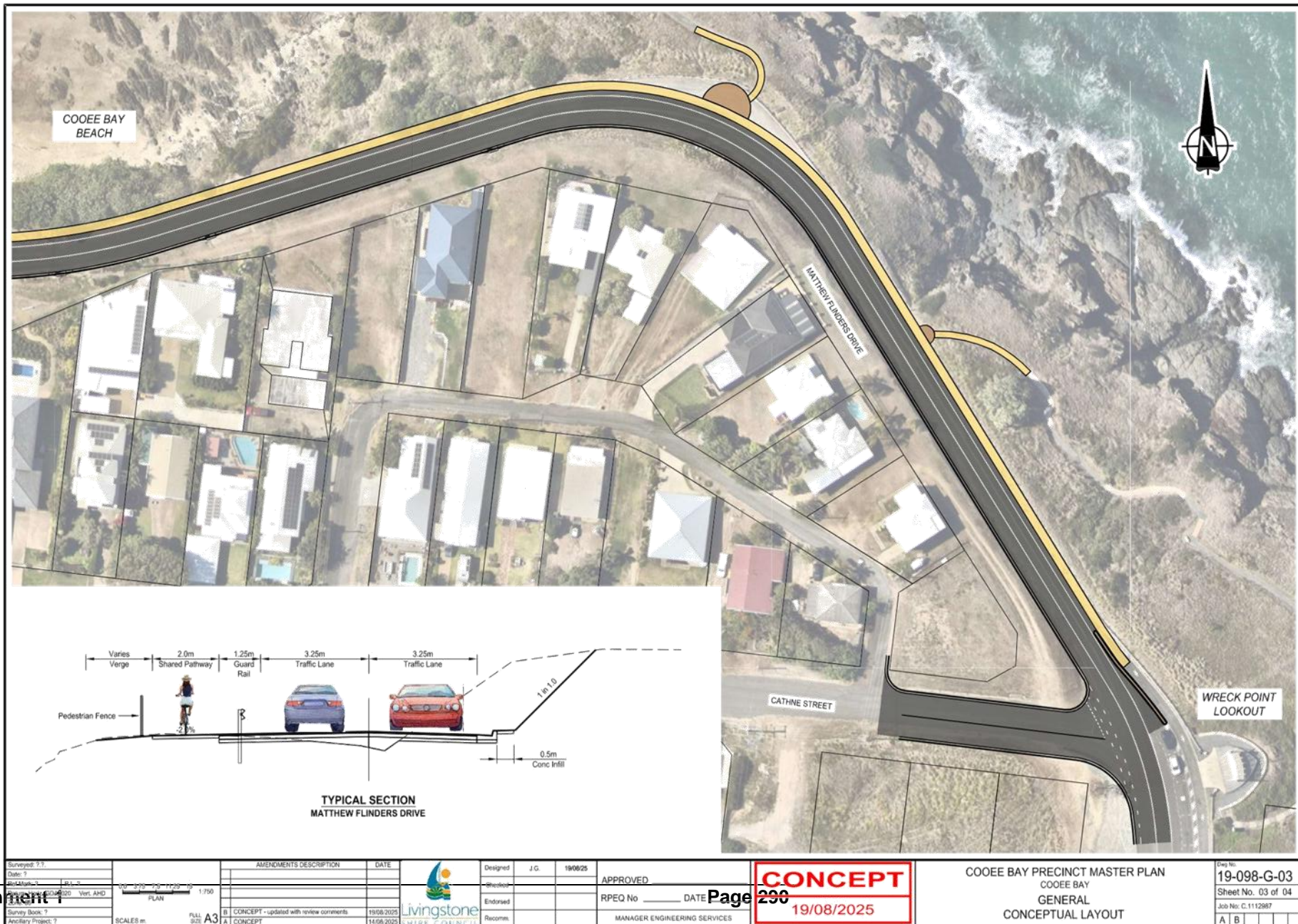
Draft Master Plan Aug 2025

Meeting Date: 16 September 2025

Attachment No: 1









Attachment 1

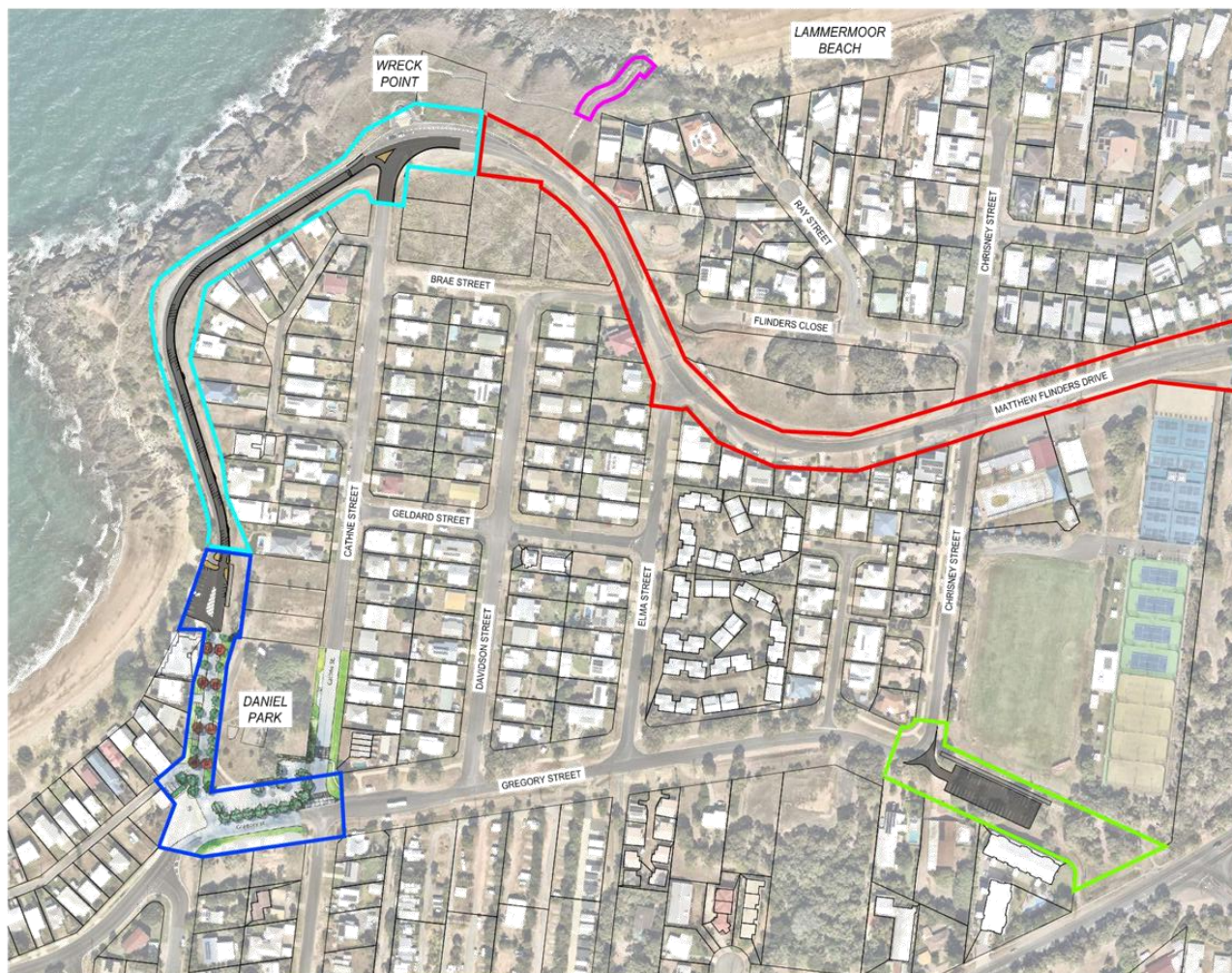
Surveyed: 1/1 Date: 1/1 Plan: 1/1 Survey Book: 1 Survey Project: 1		AMENDMENTS DESCRIPTION DATE 1/1 1/1		Designed: J.G. 19/08/25 Checked: Endorsed: Recommended: Manager Engineering Services		APPROVED RPEQ No. _____ DATE _____ 19/08/2025		COOEE BAY PRECINCT MASTER PLAN COOEE BAY GENERAL CONCEPTUAL LAYOUT		Draw No: 19-098-G-04 Sheet No. 04 of 04 Job No: C.1112987 A B	
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13.6 - COOEE BAY MASTER PLAN

Draft Master Plan Feb 2025

Meeting Date: 16 September 2025

Attachment No: 2



- **MATTHEW FLINDERS DRIVE UPGRADE**
(Wreck Point to Scenic Highway)
Upgrade of Matthew Flinders Drive to Urban Collector Standard improving driveability and safety for road users
- **MATTHEW FLINDERS DRIVE AND GREGORY INTERSECTION**
(Intersection to Cooe Bay Beach Carpark)
Upgrade intersection to change priority of traffic flow to Gregory Street. Consideration for slowing/reducing traffic on Matthew Flinders Drive improving safety for pedestrians using Daniel Park, Cooe Bay Beach & Wreck Point.
- **MATTHEW FLINDERS DRIVE UPGRADE**
(Cooe Bay Beach to Wreck Point)
Upgrade Matthew Flinders Drive to urban standard with consideration for slowing/reducing traffic to improve safety for pedestrians using Daniel Park, Cooe Bay Beach & Wreck Point. Prioritise safe pedestrian connection from Daniel Park to Wreck Point taking advantage of ocean views, Cooe Bay Beach and headland walking trails
- **COOE BAY SPORTS CARPARK**
(Chrisney & Gregory Street Intersection)
Utilise existing road reserve to create carpark that will service the Cooe Bay Sports Complex. Upgrade intersection to provide safe pedestrian crossing to existing shared pathway.
- **LAMMERMOOR BEACH STAIRS**
(STAIRS ONTO LAMMERMOOR BEACH)
Install stairs onto Lammermoor Beach to complete Walking Trail connection from Cooe Bay Beach to Lammermoor Beach.

CONCEPT
19/02/2025

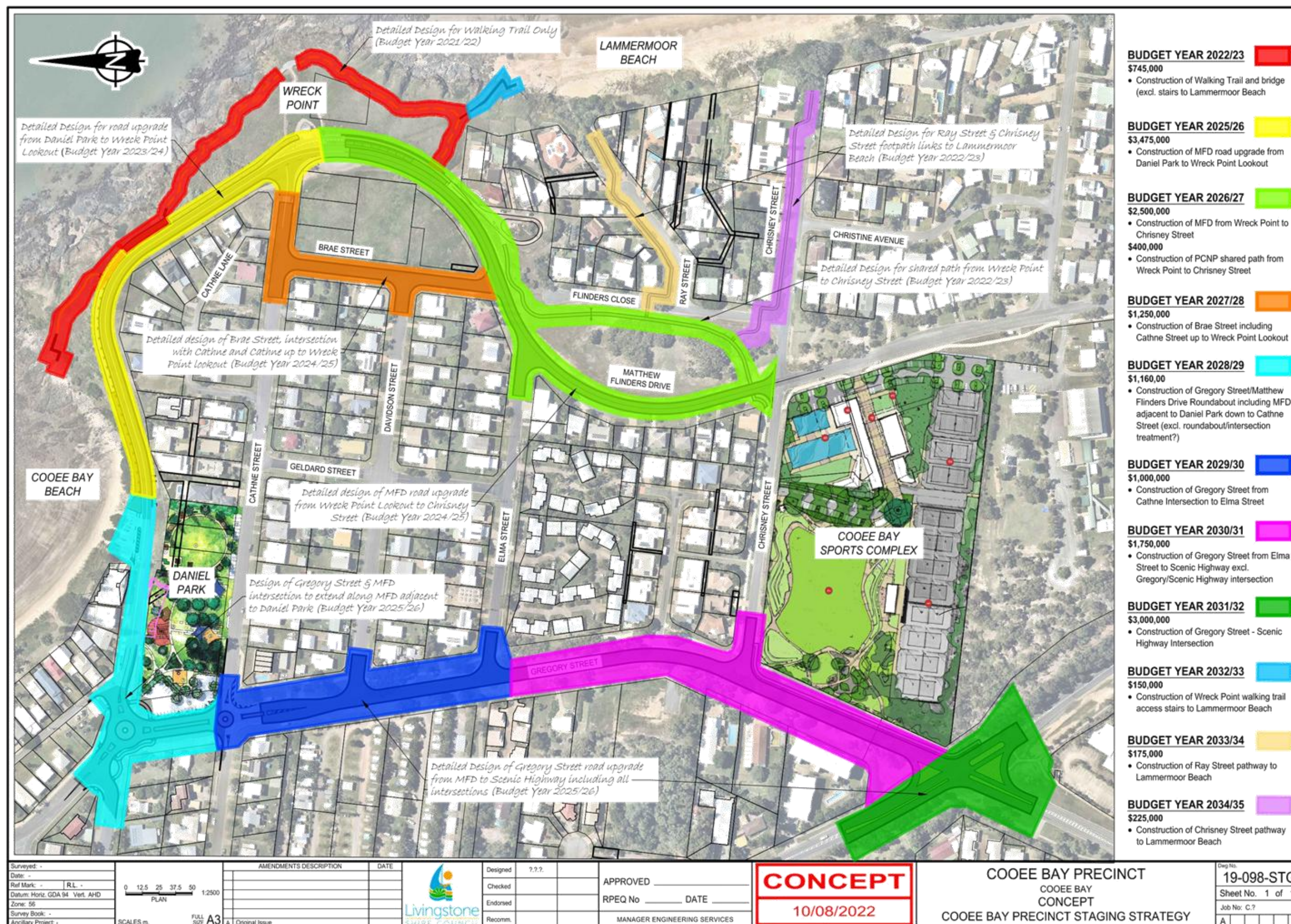
WPProject 190396 - Cooe Bay FriendsCAD Draw (19-02-2025 10:11:40 AM, 1:1)

13.6 - COOEE BAY MASTER PLAN

Cooee Bay Concept Staging Strategy

Meeting Date: 16 September 2025

Attachment No: 3



13.7 ROAD RESERVE ACQUISITION

File No: TBC
Attachments: Nil
Responsible Officer: Sonia Tomkinson - Manager Economy and Places
Michael Kriedemann - General Manager Transport & Utilities
Alastair Dawson - Interim Chief Executive Officer
Author: Sean Fallis - Manager Engineering Services

SUMMARY

This report seeks Council approval to proceed with the acquisition of land for a proposed road connecting the Limestone Creek Road Development to Barmaryee Road.

The Design and Construction of this road by Council is a condition of the Infrastructure Agreement for the development.

OFFICER'S RECOMMENDATION

THAT Council resolve to delegate authority under s 257 of the Local Government Act 2009 to the Chief Executive Officer to negotiate and finalise all matters relating to the acquisition of land for road purposes from Lot 3 RP610365. In exercising this delegation, the Chief Executive Officer is to comply with Council's 'Acquiring Land and Easements for Infrastructure Services Procedure'

And

THAT funding for the design and construction of the road be confirmed through the budget review process in late 2025.

BACKGROUND

The Limestone Creek Road Development consists of a relocatable home park with approximately 400 dwellings and approximately 134 residential lots (yellow in map below). The original proposal included road access links to Limestone Creek Road and Condon Drive.

The Application, which was refused by Council, was successfully appealed and is now approved with an Infrastructure Agreement in place. During the appeal, an alternative road access link from the development site to Barmaryee Road with a signalised intersection was proposed (refer map below).

This connector road was adopted in the Infrastructure Agreement as "Section D" (Rural Major Collector) with its design and construction to be work contributions provided by Council. The road will traverse Lot 3 RP610365. The preliminary cost estimate for the road including intersection with Barmaryee Rd is:

- Design and Land Acquisition \$500,000
- Construction \$5,000,000



COMMENTARY

Although Council is responsible for the design and construction of the link road, the developer is responsible for undertaking a Traffic Impact Assessment and Assessment of Barmarlee Road.

PREVIOUS DECISIONS

There are no previous decisions regarding the proposed connector road.

ACCESS AND INCLUSION

Not applicable

ENGAGEMENT AND CONSULTATION

Initial discussions with the affected property owner indicate that they are generally receptive to the proposed road opening; however, their final agreement will be subject to an acceptable alignment and compensation.

HUMAN RIGHTS IMPLICATIONS

There are no adverse human rights implications associated with this report.

BUDGET IMPLICATIONS

The proposed works have not been budgeted for and are not in the current works programme. The following allocations will be required:

- Design and Land Acquisition \$500,000 25/26

- Construction \$5,000,000 26/27

The \$500,000 required in 25/26 will be included in the Budget Review #1 which is due late in 2025.

LEGISLATIVE CONTEXT

The works are conditioned under the Infrastructure Agreement which is a legal and binding document.

LEGAL IMPLICATIONS

Failure to comply with the requirements of the Infrastructure Agreement could result in legal action by the developer.

STAFFING IMPLICATIONS

Council staff have been involved in the development of the concept design for the road. The design team has the capacity to undertake the detailed design this financial year. The construction will be considered with the 26/27 programme. If Council does not have the capacity to undertake the construction, it may be done under contract or through an arrangement with the developer.

RISK ASSESSMENT

The commitment required by Council places an unplanned financial burden on Council. For this to be funded, there is a risk that other projects may need to be delayed.

CORPORATE PLAN REFERENCE

Vibrant Culture and Healthy Community

Community Plan Outcome - 3.1 Deliver strategic land use, infrastructure planning and urban design activities that support growth, liveability, and sustainability'

CONCLUSION

The proposed road opening and construction of the connector road will help progress the development and provide certainty for the developer.

13.8 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2025**File No:** FM12.14.1**Attachments:** 1. August 2025 - Council Monthly Finance Report**Responsible Officer:** Mandy Louda - Support Services Officer
Kristy Mansfield - Acting General Manager Corporate Services
Alastair Dawson - Interim Chief Executive Officer**Author:** Sasha Kolega - Financial Account

SUMMARY

The purpose of this report is to seek Council's adoption of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 August 2025.

OFFICER'S RECOMMENDATION

THAT Council receive the Livingstone Shire Council Monthly Financial Report for the period ending 31 August 2025 (Attachment 1).

BACKGROUND

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

1. Financial Position and Performance Snapshot
2. Financial Reports
3. Capital Expenditure
4. Capital Projects Detail Report
5. Glossary

The attached financial information presents the year-to-date position of the Council's financial performance to 31 August 2025. Commitments are excluded from the reported operating & capital expenditures.

All variances are reported against the 2025-26 Adopted Budget (AB), adopted by the Council on 9 June 2025.

COMMENTARY

The financial report compares actual performance against the Council's AB and identifies significant variances or areas of concern. It also provides information about additional areas of financial interest to Council and reinforces sound financial management practices throughout the organisation.

The Council's monthly report (attachment 1) contains the commentary and analysis, and for the sake of brevity, will not be repeated in this cover report.

Additional commentary is disclosed within the report where either the month or year-to-date variance exceeds \$100,000 or 10% of the budget.

1. Financial Position and Performance Snapshot – summary of the main financial operating results, capital expenditure and capital revenue, cash holdings, borrowings and a summary of financial performance indicators of year-to-date results. Indicators are based on achieving benchmark results. These have been aligned to the sustainability measures in the Financial Management (Sustainability) Guideline 2025.

2. Financial Reports –

- a. Month and year-to-date results for operating activities, supplemented by commentary where either a major positive or negative variance exists and supporting graphical summaries or results, or previous information requests.
 - b. Balance sheet items with movement from the previous month, compared against the full-year budget, supplemented by commentary where either a major positive or negative variance exists and supporting graphical summaries of results, or where details were previously provided.
3. Capital Expenditure – summary of the overall portfolio of programs, including capital revenue streams.
 4. Capital Projects Detail Report – details of all current capital projects listed by portfolio and business units.
 5. Glossary – updated to reflect the current financial performance indicators.

Procurement**Current Contracts >\$200,000 (GST exclusive)**

In accordance with section 237 of the *Local Government Regulation 2012*, Council publishes the details of all contracts valued \$200,000 or more. These details are displayed on Council's website (<https://www.livingstone.qld.gov.au/doing-business/business-and-regulations/contracts-and-tenders>), and on the public notice board located at the Yeppoon town hall. In August 2025, five (5) contracts over the prescribed value were established via purchase order.

Current Tenders

At the end of August, there were three (3) open tenders, zero (0) selective tenders, one (1) tender evaluated, one (1) preferred tenderer status, and one (0) contract awarded. The table below is a summary of current tenders to promote oversight of the progress by Councillors.

Once all contract award documentation is completed, the contract details will be added to the published contract listing.

August 2025 - Open Tenders		
2025.013	GKI Revetment Wall & Shoreline Erosion Management Plan	
2025.019	GKI Trail Signage - Fabrication, Supply, Delivery & Installation	
2025.020	East West Connector Stage 1 – Detailed Design & Approvals	
August 2025 - Selective Tenders		
Nil selective tenderers released to market		
August 2025 - Tenders Evaluation		
2025.016	EOI Construction of Great Keppel Island Arrivals Plaza	
August 2025 - Preferred Tenderer Status		
2025.004	Great Keppel Island Arrivals Plaza Leasehold	
August 2025 - Contracts Awarded		Contract Value (exc GST)

Status Legend:

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

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

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

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

Contract – contract issued by letter of award.

PREVIOUS DECISIONS

The 2025-26 Adopted Budget was adopted by Council on the 9 June 2025.

ACCESS AND INCLUSION

This report, once adopted by Council, will be made publicly available on Council's website.

ENGAGEMENT AND CONSULTATION

Information has been provided by Council's Procurement and Revenue units for inclusion in this report.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the *Human Rights Act 2019* requires public entities such as the Council *to act and make decisions in a way compatible with human rights*.

There are no foreseen human rights implications associated with the adoption of this monthly report.

BUDGET IMPLICATIONS

The Monthly Financial Report shows the Council's financial position in relation to the 2025-26 Adopted Budget.

LEGISLATIVE CONTEXT

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

Section 170 of the *Local Government Regulation 2012*, states that council may by resolution amend the budget for a financial year at any time, so long as it complies with all the requirements under section 169, which are essentially all the same material as an annual budget except for decision regarding rates and utility charges which can only be adopted as part of the annual budget process.

LEGAL IMPLICATIONS

There are no anticipated legal implications because of this report.

STAFFING IMPLICATIONS

There are no staffing implications because of this report.

RISK ASSESSMENT

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

Council continues to have a working capital facility of \$10 million, which is a tool available to manage operating liquidity requirements if required.

CORPORATE PLAN REFERENCE

Transparent, Accountable and Progressive Leadership

Community Plan Outcome - 4.5 Sustainably manage finances, assets and resources through strong governance

4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.

CONCLUSION

The Monthly Financial Report for the period ending 31 August 2025 provides a comprehensive overview of Council's financial performance and position relative to the 2025-26 AB. The report highlights a favourable year-to-date operating surplus, strong liquidity with 18 months of unrestricted cash coverage, and continued alignment with key

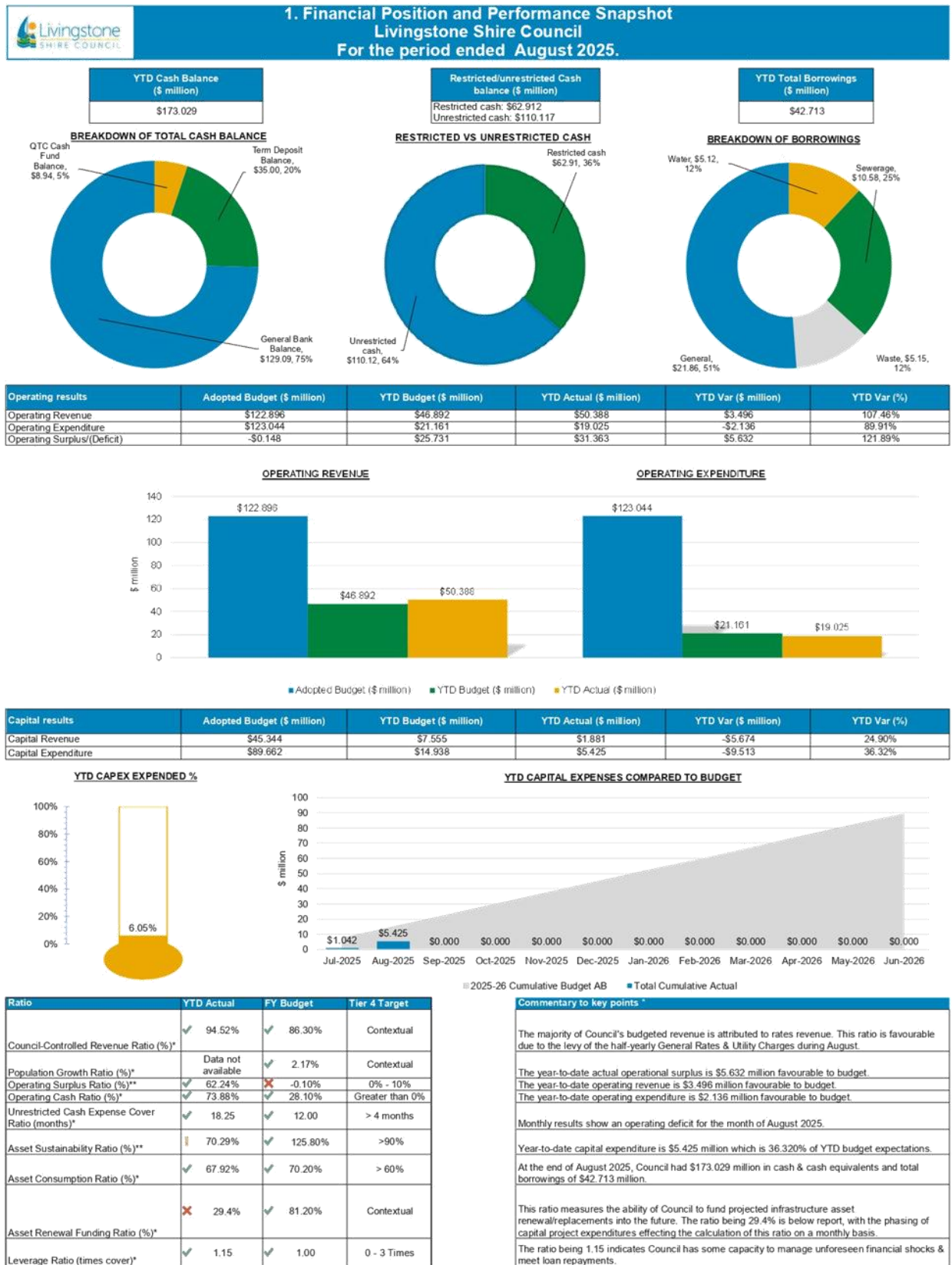
financial sustainability indicators. While capital expenditure is tracking below budget expectations, Council retains sufficient financial capacity to meet operational and strategic commitments. This report supports informed decision-making and reinforces the Council's commitment to transparent and responsible financial management.

13.8 - MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2025

August 2025 - Council Monthly Finance Report

Meeting Date: 16 September 2025

Attachment No: 1



2. Financial Reports

Operating Result for the period ending
31/08/2025

Month (\$ million)				YTD 16.7%				FY		
Actual	25-26 AB	Variance ¹	>\$100K & 10%	Actual	25-26 AB	Variance ¹	>\$100K & 10%	% of Actual YTD	25-26 AB	
(\$ million)	(\$ million)	(\$ million)		(\$ million)	(\$ million)	(\$ million)		%	(\$ million)	
Operating revenue										
(1.593)	(0.044)	(1.549)	✖	Rates, levies and charges	47.035	43.860	3.175	⇔	47%	99.555
0.691	0.569	0.122	✔	Fees and charges	0.591	1.138	(0.547)	✖	9%	6.929
0.143	0.293	(0.150)	✖	Sales revenue	0.164	0.587	(0.423)	✖	5%	3.521
0.874	0.177	0.697	✔	Operating grants and subsidies	0.957	0.376	0.581	✔	13%	7.377
0.637	0.344	0.294	✔	Interest received	1.281	0.687	0.594	✔	31%	4.124
0.174	0.107	0.067		Other income	0.359	0.244	0.115	✔	26%	1.389
0.926	1.446	(0.520)	✖	Total operating revenue	50.388	46.892	3.496	⇔	41%	122.896
Operating expenses										
(2.983)	(3.821)	0.839	✔	Employee benefits	(6.865)	(7.643)	0.778	✔	16%	(43.141)
(4.185)	(3.624)	(0.561)	✖	Materials & services	(6.295)	(7.689)	1.394	✔	14%	(44.912)
(0.183)	(0.175)	(0.008)		Finance costs	(0.359)	(0.350)	(0.009)		17%	(2.102)
(2.753)	(2.740)	(0.013)		Depreciation & amortisation	(5.506)	(5.479)	(0.026)		17%	(32.890)
(10.104)	(10.360)	0.257	⇔	Total operating expenses	(19.025)	(21.161)	2.136	✔	15%	(123.044)
(9.178)	(8.915)	(0.263)	⇔	Net operating result	31.363	25.731	5.632	✔	-21191%	(0.148)

- 1 Positive numbers represent under expenditure or additional revenue
 ✓ Major positive variance, comment required
 ✗ Major negative variance, comment required
 ⇔ Within expectations, no comment required

Areas to note

At the time of reporting, the current reporting period (August) is subject to change due to the finalisation of the financial year statements for 2024-25. The statements and final results are subject to audit certification.	
Rates, levies and charges	Year to date (YTD) actuals are favourable to the YTD budget mostly due to a budget timing variance, which relates to the timing of the application of rates discounts. Rates were levied in August 2025 and due for payment on 10 September 2025.
Fees and charges	The unfavourable YTD budget variance is mostly related to Local laws fees. The collection of outstanding infringement notices in cash as the 2025-26 financial year progresses is expected to assist in correcting this variance.
Sales revenue	YTD sales revenue is unfavourable to the YTD budget. This unfavourable variance is mainly due to budget timing variances on the submission of Council's progress payment claims to the Department of Transport and Main Roads. Works are progressing on Council's Road Maintenance Performance Contracts in this early stage of the financial year, with progress claims expected to be submitted in the near future.
Operating grants and subsidies	The YTD favourable variance to budget is mostly due to the timing of the recognition of the Financial Assistance Grant. The first quarterly instalment of this grant was budgeted to be recognised during the month of September. The first quarterly instalment was actually received in late August.
Interest received	The YTD favourable variance to budget is mostly due to Council's total cash balance being higher than YTD budget expectations. This budget variance is still favourable despite recent decreases in the interest rate Council earns on its cash holdings. The interest revenue budget will be reviewed as part of Council's revised budget process during the 2025-26 financial year.
Employee benefits	There are a number of smaller variances in this early stage of the financial year which are the main contributing factors to this favourable variance. The rollout of the staff training is gaining momentum with this budget expected to be consumed further as the financial year progresses. Total employee costs in some of the business units in the Corporate Services and Communities Portfolios are favourable to the YTD budget due in part to vacant positions being actively recruited.
Materials & services	There are a number of contributing factors to the YTD favourable budget variance. Supplier invoices for waste collection services, landfill and bulk water for the month of August are still to be received and taken up as expenditure at the time of preparing this report in early September. Electricity is expected to be close to the annual budget, however some supplier invoices for August are yet to be received.



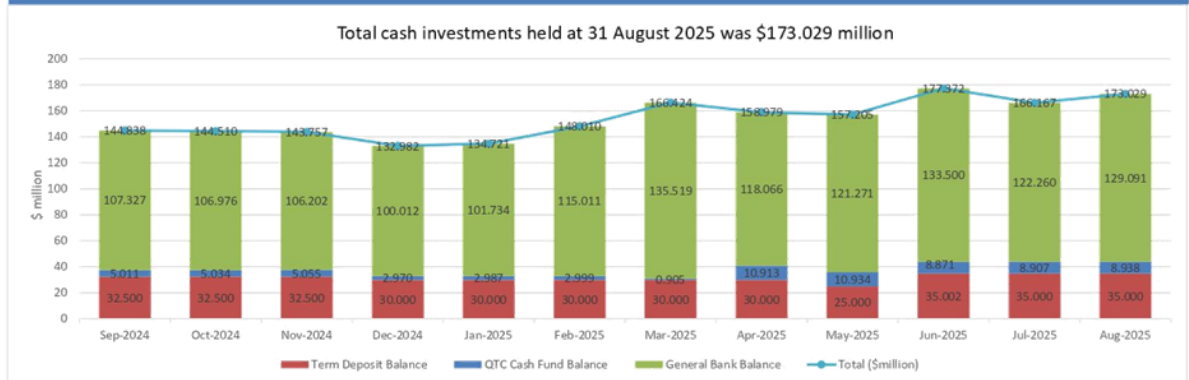
Statement of Financial Position for the period ending
31/08/2025

	Month-end Actual	Last month Actual	Movement	Full Year 25-26 AB
	(\$ million)	(\$ million)	(\$ million)	(\$ million)
Cash and cash equivalents	173.029	166.167	6.862	106.680
Receivables	36.121	50.189	(14.068)	9.751
Inventories	1.043	1.057	(0.015)	2.175
Land held for development or sale	2.958	2.958	0.000	8.111
Contract assets	3.735	3.779	(0.044)	0.000
Other assets	2.518	3.258	(0.740)	3.620
Property, plant & equipment	1,331.038	1,290.625	40.413	1,429.729
Intangibles	0.055	0.171	(0.116)	0.000
Capital works in progress	47.562	44.605	2.957	0.000
TOTAL ASSETS	1,598.059	1,562.809	35.249	1,560.067
Payables	8.858	6.466	2.392	6.218
Contract liabilities	31.734	32.618	(0.884)	0.000
Borrowings	42.713	42.539	0.174	35.865
Provisions	20.505	19.358	1.147	20.151
Other liabilities	2.426	2.305	0.121	1.299
TOTAL LIABILITIES	106.236	103.286	2.950	63.534
Asset revaluation surplus	367.829	310.346	57.483	329.149
Retained surplus/(deficiency)	1,123.994	1,149.178	(25.184)	1,167.385
TOTAL COMMUNITY EQUITY	1,491.823	1,459.523	32.299	1,496.534

Areas to note

Cash and cash equivalents	Cash balances have increased compared to the previous month. This is mostly due to the collection of General Rates & Utility Charges in cash during August, with the due date for payment being 10 September 2025. YTD underspends in operational and capital expenditure compared to budget are also a contributing factor. \$62.912 million of the \$173.029 million of total cash and cash equivalents are externally restricted funds.
Receivables	The decrease in receivables compared to the previous month is mostly due to the collection of General Rates & Utility Charges in cash during August, with the due date for payment being 10 September 2025.
Property, plant and equipment	The increase of \$40.413 million in Property, Plant & Equipment compared to the previous months reported balance is due to the finalisation of Council's fixed asset register as at 30 June 2025 as part of the finalisation of Council's General Purpose Financial Statements during August. The vast majority of this \$40.413 million movement did not occur during the month of August, but rather was attributed to the finalisation of the 2024-25 financial statements.
Capital works in progress	The increase of \$2.957 million is due to \$5.425 million of capital expenditure incurred during August and also due to \$2.468 million of 2024-25 financial year capitalisations processed in August. These capitalisations effected the opening balance of the 2025-26 financial year. Refer to the capital projects detail report for further details on capital project expenditure incurred during August.
Payables	The increase in payables is due to the timing of supplier payment runs falling due and invoices payable being committed to the finance system.
Contract Liabilities	The decrease of \$0.884 million in Contract Liabilities compared to the previous month is due to the recognition of capital grant funding already received in cash as capital revenue during August. The release of capital funding held as a contract liability is considered on a monthly basis and where required recognised as capital revenue.
Borrowings	The increase in borrowings of \$0.174 million reflects the recognition of monthly interest and administration charges incurred during the month.
Provisions	The increase of \$1.147 million in provisions is mostly due to the reconciliation of Council's employee entitlement and landfill provisions as at 30 June 2025 as part of the finalisation of Council's General Purpose Financial Statements during August.

Cash and Cash Equivalents



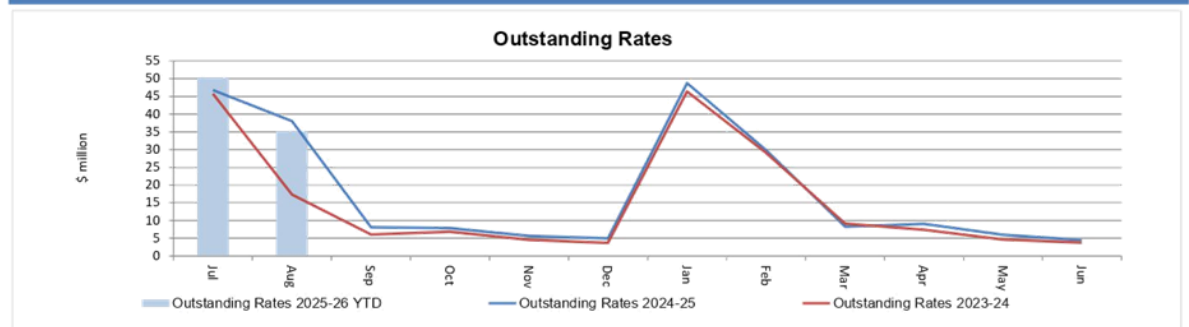
Investments are held with the Council's general banker the CBA and in the Queensland Treasury Corporation (QTC) Capital Guaranteed Cash Fund. Council's interest earning rate as at 31 August 2025 is 4.28% p.a. (net of 0.12% administration fees) with the QTC and 4.10% p.a. with CBA. In August 2025, the weighted average interest rate was 4.21% which is above the target rate of 4.10%. The target rate is the RBA Cash Rate (3.60%) plus 0.50%. The weighted average interest rate includes the interest rates on term deposits.

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

The amount of interest earned from month to month is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by the Council's cash flow requirements monthly, as well as the rating cycle.

Cash needed for day-to-day requirements is deposited with the QTC or the Council's general banker. Interest rates from both facilities are monitored regularly by the Council's finance officers to maximise interest earnings.

Receivables



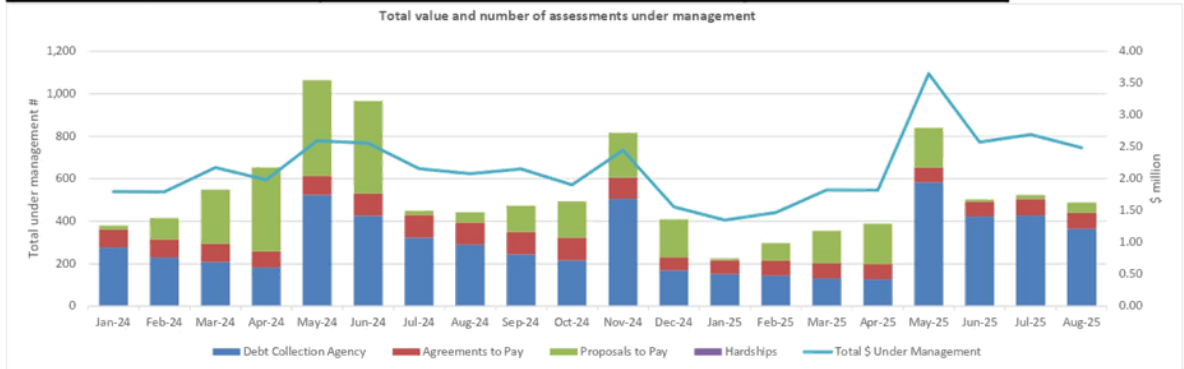
Total Rates Outstanding	\$35.238	
Less: Current and Prepayment	-\$30.936	
Total Eligible for Collection	\$4.302	
Current	\$0.711	16.53%
1 years	\$2.281	53.02%
2 years	\$0.715	16.62%
3 years	\$0.346	8.04%
4 years	\$0.081	1.88%
5 years	\$0.168	3.91%
Total Eligible for Collection	\$4.302	100.00%

Total rates receivables eligible for collection of \$4,302 million as at 31 August 2025 is lower in comparison to the position as of 31 August 2024 of \$5,560 million.

Ratepayers have the option to enter into formal payment arrangements, preventing legal action being progressed by Council's debt collection agency. Council resolved to charge 7% per annum on overdue rates and utility charges in 2025-26, applied monthly, on all overdue balances, including those under a formal payment agreement. This percentage rate has remained the same since the 2018-19 Financial Year and Council have ensured that this has remained unaffected by recent large increases in CPI.

Of the 18747 rateable assessments, 488 (2.6% of ratepayers) are currently under management.

	As at August 2024		As at August 2025	
	#	\$ million	#	\$ million
Debt Collection Agency	289	1.338	365	1.867
Agreements to pay	105	0.675	74	0.515
Proposals to Pay	48	0.093	49	0.105
Council Hardship	0	-	0	-
Total under management	442	\$2.107	488	\$2.487



Council officers are committed to working with any ratepayer who is experiencing difficulty in paying their rates & charges and strongly encourage anyone in this position to make early contact with Council.

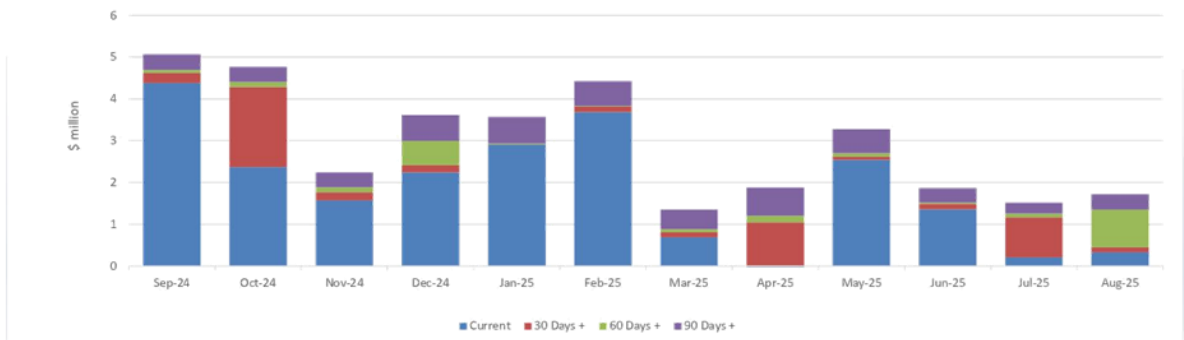
Under the provisions of the Local Government Regulation 2012 Council has the authority to recover outstanding rates and charges via a land sale process where the amounts have been overdue for three or more years. Commercial and Vacant Land are eligible after one year of arrears.

Properties eligible for Sale of Land to recover overdue property rates and charges (arrears greater than three (3) years) have been issued correspondence in August. This correspondence advised of the seriousness of the arrears, eligibility for land sale, and requests urgent contact from the property owner. Council officers will continue to progress these outstanding property rates and charges in accordance with Council debt collection policies.

Outstanding Sundry Trade Debtors

Total Sundry Trade Debtors Outstanding at Month End (\$ million) **\$1.719**

Total sundry debtors have increased from the previous month



Council officers have send reminders to the debtors which have now become 60 Days + outstanding during August.

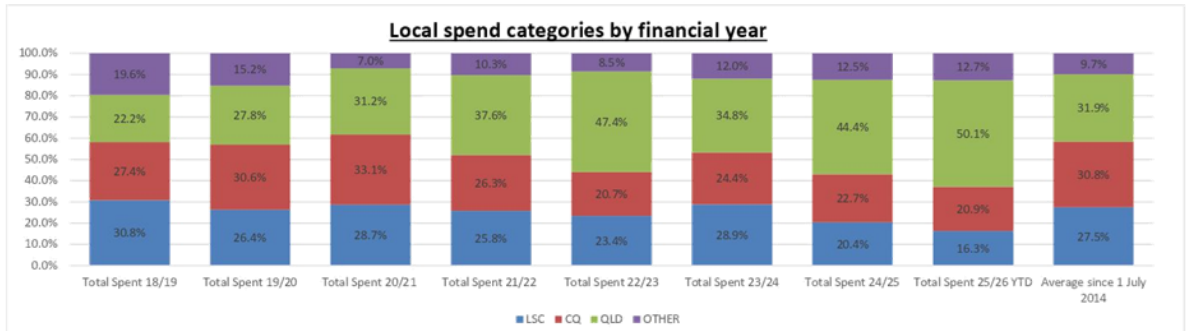
Payables Procurement

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

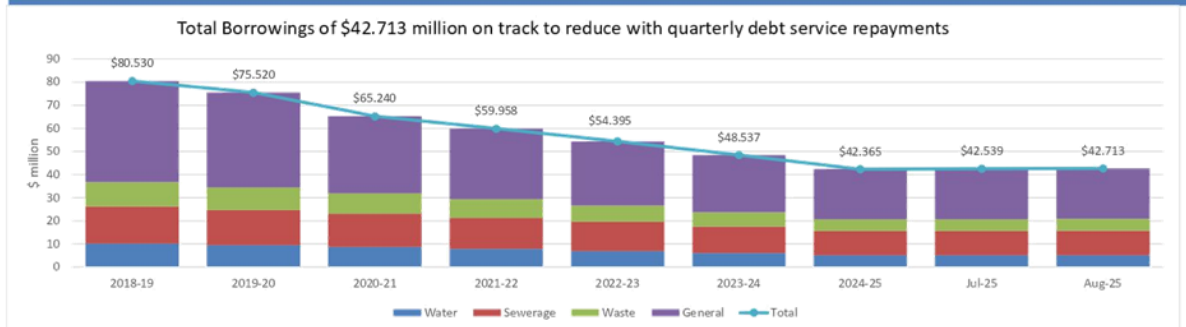
Total expenditure with businesses located within the Shire boundaries, in the current financial year, is 16.26% or \$3.481 million

	YTD Spend (\$ million)	%
LSC - Business located within the shire boundaries.	3.481	16.26%
CQ - Business completely set up and run outside of LSC boundaries but within the Central Queensland region.	4.475	20.91%
QLD - Business based outside of Central Queensland but within Queensland.	10.729	50.12%
OTHER - Business based outside of Queensland.	2.719	12.70%
	21.404	100.0%

The bar graph below summarises the allocation by local spend categories for the previous seven (7) financial years. Since 1 January 2014 Council has procured, on average, 58.34% of materials & services from within the greater Central Queensland area, which includes Livingstone Shire Council.



Borrowings



Debt Position	YTD Actual (\$ million)	AB (\$ million)
Total Debt held as at 1 July 2025	42.365	42.365
New borrowings drawn down in 2025-26	0.000	0.000
Interest & administrative charges	0.347	1.922
Total debt service payments	0.000	(8.422)
Total Debt held at reporting period	42.713	35.865

In-line with Council's debt policy, a debt service payment of \$2.105 million (being approximately \$1.758 million repayment of principal and \$0.347 million interest and administrative charges) is to be paid quarterly during 2025-26. Interest accrues monthly, calculated on a daily basis, until the next debt service payment. No new borrowings are budgeted to be drawn down throughout the 2025-26 financial year.

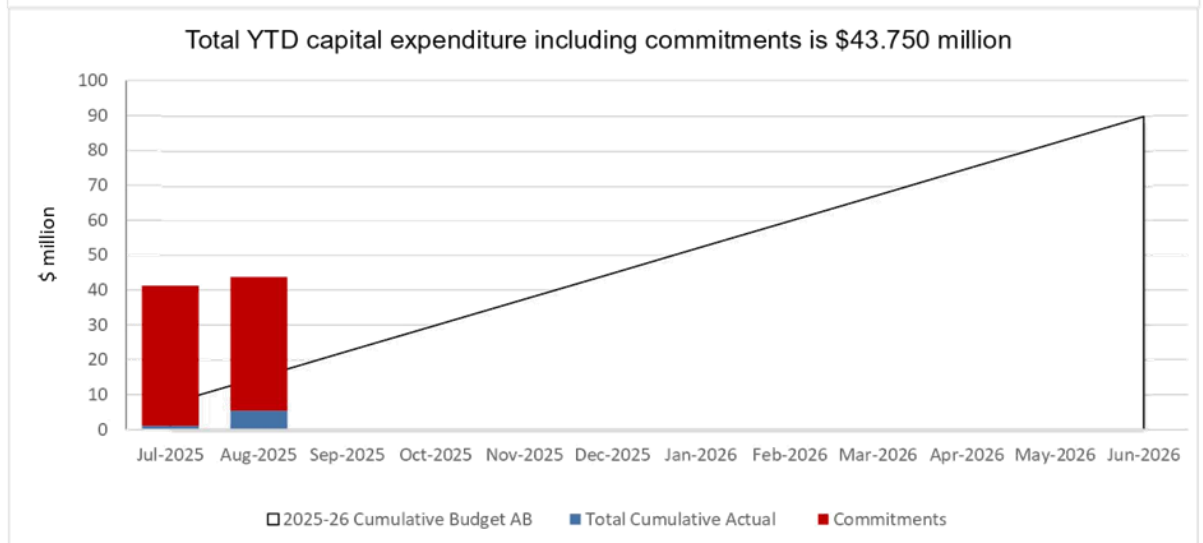
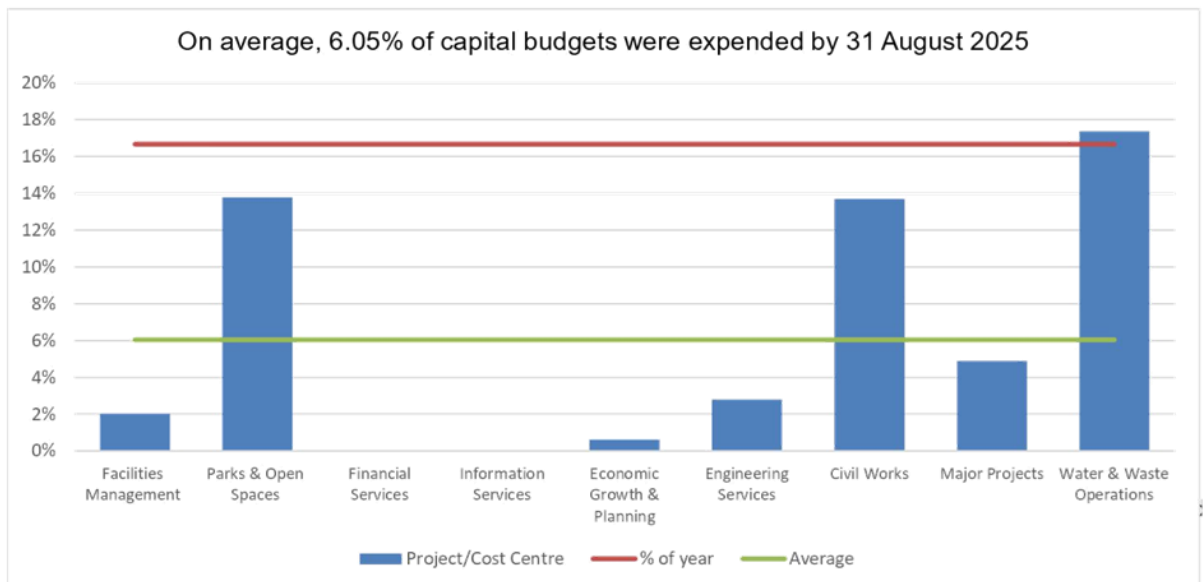
As of 31 August 2025, the weighted average interest rate of all Council debt is approximately 4.76%.

The Department of Local Government, Water & Volunteers has approved a working capital facility of \$10.000 million on a permanent basis subject to an annual review by the Queensland Treasury Corporation in consultation with the department. Council has not accessed the available funds in the working capital facility.

3. Capital Expenditure

Capital revenue and expenditure report (all projects) for period ending 31/08/2025

Month (\$ million)			YTD 16.7%		Full year (\$ million)
Actual	Budget	Variance	Actual	% of Full year Budget	25-26 AB
Capital expenditure					
4.033	6.786	(2.753)	4.774	6.01%	79.407
0.350	0.683	(0.333)	0.651	6.35%	10.255
4.383	7.469	(3.086)	5.425	6.05%	89.662
Capital Revenue					
0.020	3.435	(3.415)	0.860	2.1%	41.231
0.643	0.343	0.300	0.981	23.8%	4.113
0.034	0.000	0.034	0.040	0.0%	0.000
0.696	3.777	(3.081)	1.881	4.1%	45.344



4. Capital Projects Detail Report

Capital Project Description	ANNUAL BUDGETED EXPENDITURE \$'000	YEAR TO DATE ACTUAL EXPENDITURE \$'000	YEAR TO DATE ACTUAL EXPENDITURE AS % OF ANNUAL BUDGET %	ANNUAL BUDGETED REVENUE \$'000	YEAR TO DATE ACTUAL REVENUE \$'000
Communities	4,103	86	2.1%	240	0
Facilities Management	4,078	82	2.0%	240	0
(N) FC-Paramount Park Playground Rockyview	120	0	0.1%	0	0
(N) FC-Playground Shade Station Quarter	0	0	0.0%	0	0
(N) FC-Thwaite Park Amenities block est\$	0	0	0.0%	0	0
(N)-FC-BBQ Reef Guardian Solar Retrofit	41	0	0.0%	40	0
(N)-FC-Changing Places Amenity Kerr Park	275	0	0.0%	200	0
(R)-FC- Yeppoon Kracken Deck Replacement	370	0	0.0%	0	0
(R)-FC-2526 Switchboard renewals	70	0	0.0%	0	0
(R)-FC-Barmaryee Netball Courts Repairs	55	0	0.0%	0	0
(R)-FC-Barmaryee Sports Field LED Lighting	150	0	0.0%	0	0
(R)-FC-BBQ Annual Program Renewals 2526	20	0	0.0%	0	0
(R)-FC-Beaman Park Amenity Upgrade LRC14	250	0	0.0%	0	0
(R)-FC-Cordingley St Basketball Stadium	30	0	0.0%	0	0
(R)-FC-Emu Park Anzac Gatehouse repaint	60	0	0.0%	0	0
(R)-FC-Emu Park Arbour Replacement	870	0	0.0%	0	0
(R)-FC-Emu Park Hall Air Con	30	0	0.0%	0	0
(R)-FC-Keppel Sands Caravan Park Rhizopod	150	0	0.0%	0	0
(R)-FC-Lagoon Building 'A' Air Con Replacement	250	55	22.1%	0	0
(R)-FC-Lagoon Chlorinator Replacement	400	0	0.0%	0	0
(R)-FC-Lagoon Filter Sock Replacement	35	20	57.8%	0	0
(R)-FC-Lagoon Place Admin Building Carpet	28	0	0.0%	0	0
(R)-FC-Library LED Lighting: Yeppoon & Emu Park	29	0	0.0%	0	0
(R)-FC-Parks Furniture & Fixtures Annual	30	0	0.0%	0	0
(R)-FC-Playground Equipment Annual Renewal	75	0	0.0%	0	0
(R)-FC-Station-PWD Automatic Door	40	0	0.0%	0	0
(R)-FC-Yeppoon Town Hall Air Con	600	0	0.0%	0	0
(R)-FC-Ypn Lagoon Pebblecrete	0	0	0.0%	0	0
(R)-Yeppoon Senior Citizens relocation	25	0	1.9%	0	0
(U) FC Don Ireland Aquatic Centre Amenit	0	6	0.0%	0	0
(U)-FC-Yeppoon Kracken Feature Upgrade	50	0	0.0%	0	0
(N)-FC-CCTV network expansion 2526	25	0	0.0%	0	0
Parks & Open Spaces	25	3	13.8%	0	0
(R) FC-Yeppoon Cemetery Memorial Parklan	0	0	0.0%	0	0
(R)-COM-Emu Park Air Strip est\$65k	0	3	0.0%	0	0
(R)-FC-Travelling Irrigator Cooe Bay	25	0	0.0%	0	0
Corporate Services	3,131	0	0.0%	0	0
Financial Services	2,620	0	0.0%	0	0
(R)-Fleet Renewal Annual Program	2,500	0	0.0%	0	0
(U) FC-Fuel Pods Yeppoon and Caves Depot	120	0	0.0%	0	0
Information Services	511	0	0.0%	0	0
(N)-CIT-Server Replacement Program	280	0	0.0%	0	0
(R) CIT-Firewalls Links Upgrades & backup Links	120	0	0.0%	0	0
(R) CIT-Switches-Routers-UPS replacement	100	0	0.0%	0	0
(R)-CIT-Firewalls Links Upgrades & backup Links	11	0	0.0%	0	0
Strategic Growth	3,617	97	2.7%	280	1
Economic Growth & Planning	195	1	0.6%	0	0
(N)-E&P-Entryway and Place-Branding Sign	75	0	0.0%	0	0
(N)-E&P-Gateway Stage 5	120	0	0.0%	0	0
(N)-E&P-Normanby St Streetscape Project	0	1	0.0%	0	0
Engineering Services	3,422	96	2.8%	280	1
(N) RC-RC-Limestone Ck Rd Adelaide Pk Rd	250	0	0.1%	0	0
(N)-DESIGN-BS-Bangalee Bus Shelter	0	0	0.0%	0	0
(N)-Design-Jeffries St Culdesac 24-065	0	0	0.0%	0	0
(N)-DESIGN-NC-Phillips Clements Fountain	0	0	0.0%	0	0
(N)-DESIGN-PW-Rail Trail to Pines	280	38	13.6%	280	0
(N)-DESIGN-RS-Seal parking Pattison St Swimming Complex	12	0	0.0%	0	0
(N)-Design-UC PW Kinka Bch shared path	0	3	0.0%	0	1
(N)-Design-UC PW Matthew F Drv shared Pa	0	1	0.0%	0	0
(N)-PW-Minor Access Works Program 25-26	50	0	0.0%	0	0
(N)-T-123-Land Acquisition-18 Mulambin Rd	1,500	0	0.0%	0	0
(N)-UC-PW--Rail Trail-Rockhampton-Yeppoon	0	0	0.0%	0	0
(R) Barmaryee Road upgrade to sealed ro	0	0	0.0%	0	0
(R)- PR Pavement rehab Matthew Flinders	200	17	8.7%	0	0
(R)-Design-24-059-Cobraball Road upgrade	0	0	0.0%	0	0
(R)-DESIGN-HZ-Inverness Reticulation 24-046	530	0	0.0%	0	0
(R)-Design-Queen St Upgrade (Mary to Hill St)	50	0	0.0%	0	0
(R)-Design-RC-James & Arthur St Intersection	150	2	1.6%	0	0
(R)-Design-RC-Mt Chalmers Road upgrade t	0	0	0.0%	0	0
(R)-DESIGN-SP-SEW-Farnborough Stage 1 SEW-68	0	25	0.0%	0	0
(R)-DESIGN-SP-SEW-Farnborough Stage 2 SE	0	0	0.0%	0	0
(R)-SC-SEW-83 Shaw Ave SPS, upgrade, civil	150	0	0.0%	0	0
(R)-WN-Mt Charlton Pipeline Replacement	100	0	0.0%	0	0
(R)-WN-Waterpark Ck to Kellys Mains Renewal	50	0	0.0%	0	0
(R)-WN-Woodbury to Saint Fatih HOBAS Mains	100	0	0.0%	0	0
(U)-DESIGN-PW-Mulambin Shared Path 22-091	0	6	0.0%	0	0
SEW-60 15-040 Arthur St Sewer Upgrade Passive	0	2	0.0%	0	0
Transport & Utilities	78,812	5,242	6.7%	40,711	861
Civil Works	14,469	1,981	13.7%	2,512	(10)
(N) SEW-126-127 SMG-Arthur St Trunk Sewe	0	3	0.0%	0	0
(N)-BS- Clayton Rd and Keppel Dve bus stop	0	3	0.0%	0	0

Capital Project Description	ANNUAL BUDGETED EXPENDITURE \$'000	YEAR TO DATE ACTUAL EXPENDITURE \$'000	YEAR TO DATE ACTUAL EXPENDITURE AS % OF ANNUAL BUDGET %	ANNUAL BUDGETED REVENUE \$'000	YEAR TO DATE ACTUAL REVENUE \$'000
(N)-Ocean Park LATM 22-061 one-lane slow points	250	68	27.2%	0	0
(N)-PW-Braithwaite Road Shared Path	221	0	0.0%	111	0
(N)-PW-Minor Access Works Program 24-038	0	1	0.0%	0	0
(N)-RC-NC-Farnborough Rd 19-013 Blackspot	0	25	0.0%	0	13
(N)-RC-PW-Byfield Footpath	320	5	1.6%	0	0
(N)-RC-PW-Cawarral School Footpath 23-128 STIP	410	1	0.2%	391	(13)
(N)-UC PW Yeppoon State PS footpath 23-121 STIP	0	16	0.0%	0	0
(N)-UC-NC Scenic Hwy 22-166 Blackspot	100	299	298.5%	0	0
(N)-UC-NC-VinElones Drv Car Parking 17-011	300	0	0.0%	0	0
(N)-UC-PW Clayton Rd-Lyndall Dr Lammermoor	387	11	2.7%	0	0
(N)-UC-PW-Yeppoon Precinct East 22-050	1,505	76	5.0%	753	0
(N)-UC-RF - Bicycle racks \$56.5K	0	36	0.0%	0	(10)
(N)-UC-SL Reef Guardian Solar Retrofit	0	36	0.0%	0	0
(N)-UC-Yeppoon State HS carpark	0	6	0.0%	0	0
(R) (FW) Racecourse Rd floodway upgrade	240	35	14.7%	120	0
(R) UC-RF-Guardrail Annual Program Replacement	0	2	0.0%	0	0
(R) WC-WMR Rosslyn Bay Trunk 17-114	680	3	0.4%	0	0
(R)-Design-RC-Dawson Rd upgrade to sealed 22-008	980	0	0.0%	500	0
(R)-PW-Heaslip Stairs-Replace Timber Stairs	85	0	0.0%	0	0
(R)-RC-FS-Beach access program 2526	100	0	0.0%	0	0
(R)-RC-FS-Lammermoor North L812 Beach access	0	31	0.0%	0	0
(R)-RC-GR-Rural Resheet Program 2526	2,250	481	21.4%	392	0
(R)-RC-PR-Cawarral Road, Cawarral (Ch2320-3020)	0	(6)	0.0%	0	0
(R)-RC-PR-Etna Creek Road (Ch1900-3400)	0	14	0.0%	0	0
(R)-RC-PR-Pavement Rehabilitation Program	1,406	0	0.0%	0	0
(R)-UC-IN-Inlet Renewal Program 2526	50	0	0.0%	0	0
(R)-UC-RS-Urban Reseal Program 2425 25-010	0	149	0.0%	0	0
(R)-UC-RS-Urban Reseal Program 2526 26-001	1,850	51	2.8%	0	0
(R)-UC-SW-Renewal Program-\$305K	0	11	0.0%	0	0
(R)-WP-Brae St Flinders Nth and Elma St	0	0	0.0%	0	0
(R)-WP-WMR-Farnborough Rd 200mm Water Main	650	0	0.0%	0	0
(U) RC-Normanby St 22-020 est \$7.339m	2,610	621	23.8%	247	0
(U) SC-SEW-55 SRM-Hartley Street sewer r	0	0	0.0%	0	0
(U) UC-SW-8-10 Industrial Ave drainage upgrade	0	4	0.0%	0	0
(U)-MC-Wadallah Creek Crossing 24-030	0	1	0.0%	0	0
(U)-SEW-71-SGM-Scenic Hwy 375 dia gravit	0	0	0.0%	0	0
(U)-UC-SL-Streetlighting Program 25-26	75	0	0.0%	0	0
Major Projects	63,453	3,106	4.9%	38,199	871
(N) SEW-Taroombal South Sewerage PFTI Passive	4,500	400	8.9%	2,700	369
(N)-DESIGN-RES-Lammermoor Water Booster	30	5	18.3%	0	0
(N)-E&P-Gateway Stage 4 est.\$2.2M	5,094	74	1.4%	0	0
(N)-GKI Boardwalk ca.\$4M funded	3,700	69	1.9%	3,400	4
(N)-GKI Gateway Arrival Precinct Planning	7,530	116	1.5%	7,330	12
(N)-GKI Wayfinding signage.\$250K funded	100	14	13.8%	213	1
(N)-SP-GKI WWTP - Public Amenities	900	1	0.1%	837	0
(N)-SP-GKI WWTP - STP	9,370	301	3.2%	10,010	184
(N)-W&R-Caves Waste Transfer Station Upg	0	0	0.0%	0	0
(N)-W&R-Emu Park Transfer Station Upg	389	125	32.1%	0	0
(N)-W&R-Yeppoon Landfill Cell extension	6,400	58	0.9%	2,717	42
(R) Hinz Ave Upgrade to Seal - 24-053	90	0	0.2%	0	0
(R) RC-BDG-Doonside Rd Canal Ck Ch6325 T	0	0	0.0%	0	0
(R) SN-2425 Sewer Relining Program Passive	700	176	25.1%	0	12
(R)-RC-BDG-Werribee Rd Replace Timber Bridge	0	5	0.0%	0	54
(R)-SPS42-Rosslyn St - Wet Well Replacement	305	1	0.2%	0	0
(R)-UC BDG 25-033 Williamson Creek Footbridge	469	4	0.8%	0	0
(R)-UC BDG Adelaide Pk bridge replacement	0	5	0.0%	0	0
(R)-WN-Coorooman Creek Mains Renewal Program	700	7	0.9%	0	0
(R)-WP-Meikleville Reservoir Roof Replacement	0	16	0.0%	0	0
(U)-DESIGN-EPSLC Revetment wall 24-036	70	13	18.0%	0	38
(U)-FC-Yeppoon Aquatic Centre Upgrade	16,797	1,432	8.5%	7,800	260
(U)-RC-Greenlake Rd Artillery Int Upgrade	4,909	57	1.2%	3,092	(186)
(U)-SP-Emu Pk STP Process Upgrade 19-128	1,000	226	22.6%	0	82
DESIGN EWC Neils Rd intersection	400	1	0.3%	100	0
DESIGN EWC Pineapple Drive Extension	0	0	0.0%	0	0
Water & Waste Operations	890	155	17.4%	0	0
(N)-WC-Kellys Off Stream Storage Increase Capacity	70	0	0.0%	0	0
(R) SEW-Passive Sewer Renewals \$200K	0	0	0.0%	0	0
(R) WN-Water Property Service Annual Program	54	39	72.0%	0	0
(R)-ICT-SCADA System Upgrade & Replacement	105	0	0.0%	0	0
(R)-SN-Sewer Jump up priority annual program	65	2	3.8%	0	0
(R)-SP-Active Sewer Renewals \$200K	250	59	23.8%	0	0
(R)-WN-Water Main Replacements	0	2	0.0%	0	0
(R)-WN-WMR- Water Meter Replacement Annual program	38	6	15.8%	0	0
(R)-WN-WV&H Valves & Hydrants Annual Program	108	12	10.7%	0	0
(R)-WP-Active Water renewals	200	34	16.8%	0	0
Grand Total	89,663	5,425	6.05%	41,231	863

5. Glossary

Key Terms	
Operating Result	Total operating revenue less total operating expenses
Total Operating Expenditure	All council expenses minus capital items such as: - losses on disposal of assets, and - impairment losses - depreciation on right of use assets - interest on finance leases associated with right of use assets - other capital expenditure items as identified by Council
Total Operating Revenue	All council income minus capital items such as; - capital grants, subsidies, contributions and donations - gains on disposal of assets - other capital revenue items as identified by Council
Definition of Ratios	
Financial Capacity	
Council-Controlled Revenue Ratio (%)¹	
Council-controlled revenue is an indicator of a council's financial flexibility, ability to influence its operating income, and capacity to respond to unexpected financial shocks. A higher council-controlled revenue indicates a stronger ability to generate operating revenue without relying on external sources. Councils with a high ratio generally have a healthy rate base and are better able to respond to unexpected financial obligations such as natural disaster recovery. A lower council-controlled revenue ratio indicates that a council has limited capacity to influence its operating revenue and that it is more reliant on external (and usually less reliable) sources of income such as operating grant funding, sales and recoverable works contracts, and rental income.	$\frac{\text{Net rates, levies and charges} + \text{Total Fees \& charges}}{\text{Total operating revenue}}$
Population Growth Ratio (%)²	
Population growth is a key driver of a council's operating income, service needs and infrastructure requirements into the future. A growing council population indicates a greater capacity to generate its own source revenue through rates as well as statutory charges. Population growth also puts additional pressure on councils to invest in new community infrastructure to support service needs.	$\frac{\text{Prior year estimated population}}{\text{Previous year estimated population}} - 1$
Operating Performance	
Operating Surplus Ratio (%)³	
This is an indicator of the extent to which operating generated cover operational expenses. Any operating surplus would be available for capital funding or other purposes. An operating surplus ratio above 0% is an indication that council is managing its finances within its existing funding envelope and generating surplus funds for capital funding or other purposes. An operating surplus ratio below 0% is an indication that a council's operating expenses exceed its revenue. An operating deficit in any one year is not a cause for concern, if over the long term, a council achieves a balanced operating result or small surplus. Operating deficits over the long term affect a council's ability to internally fund its capital requirements and other initiatives as and when they fall due, potentially requiring external funding support.	$\frac{\text{Operating result}}{\text{Total operating revenue}}$
Operating Cash Ratio (%)⁴	
The operating cash ratio is a measure of councils ability to cover its core operational expenses and generate a cash surplus excluding depreciation, amortisation and finance costs. A positive operating cash ratio indicates that a council is generating surplus cash from its core operations, which suggests that council has the ability to self-fund its capital expenditure requirements. A negative operating cash ratio is a significant indicator of financial sustainability challenges and potential future liquidity issues, as all other things being equal, a negative result means that a council's cash position is declining and revenues are not offsetting the cost of core operational requirements.	$\frac{\text{Operating result} + \text{Depreciation and amortisation} + \text{finance costs}}{\text{Total operating revenue}}$

Liquidity	
Unrestricted Cash Expense Cover Ratio (months)[†]	
<p>The unrestricted cash expense cover ratio is an indicator of the unconstrained liquidity available to a council to meet ongoing and emergent financial demands, which is a key component to solvency. It represents the number of months a council can continue operating based on current monthly expenses.</p> <p>A higher unrestricted cash expense cover ratio indicates that a council has sufficient free cash available to contribute to the cost of future planned and unplanned expenditures such as infrastructure investment or disaster recovery. An excessively high ratio may be indicative of cash hoarding, poor cash management, or large upcoming capital investment requirements.</p> <p>A low ratio suggests limited unconstrained liquidity available to council to use for capital investment or in an emergency. For councils with efficient cash management practices and strong borrowing capacity, this is not a concern. Where a council also has a negative operating cash ratio, a very low or negative unrestricted cash expense cover ratio is an indicator of potential solvency concerns.</p>	$\frac{\text{(Total Cash and Equivalents add Current investments add available ongoing QTC working capital facility limit less Externally Restricted Cash)}}{\text{(Total Operating Expenditure less Depreciation and amortisation less Finance Costs)}}$
Net Financial Liability Ratio (%)[*]	
<p>This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues. A ratio greater than zero (0) implies liabilities exceed current assets.</p> <p>This ratio is no longer reported against under the new financial management sustainability guideline.</p>	$\frac{\text{Total Liabilities} - \text{Current Assets}}{\text{Total operating revenue}}$
Asset Management	
Asset Sustainability Ratio (%)[†]	
<p>The asset sustainability ratio approximates the extent to which the infrastructure assets managed by a council are being replaced as they reach the end of their useful lives.</p> <p>An asset sustainability ratio close to 100% suggests that a council is spending enough on the renewal of its assets to compensate for the deterioration in its asset base as loosely proxied by its reported depreciation, with outcomes too far below this level being potentially indicative of underspending against capital replacement requirements.</p>	$\frac{\text{Capital expenditure on replacement of Infrastructure Assets (Renewals)}}{\text{Depreciation expenditure on Infrastructure Assets}}$
Asset Consumption Ratio (%)[†]	
<p>The asset consumption ratio approximates the extent to which council's infrastructure assets have been consumed compared to what it would cost to build a new asset with the same benefit to the community.</p> <p>The minimum target of 60% indicates that a council's assets are being broadly consumed in line with their estimated useful lives.</p> <p>Councils with lower than target ratio will need to invest more in those assets (in terms of replacement or maintenance) to ensure they are maintained at a standard that will meet the needs of their communities. On the other hand, if the ratio is much higher than the target ratio, councils may need to revisit their asset management plans to assess their current service levels or whether their estimates of the assets useful lives are appropriate.</p>	$\frac{\text{Written down replacement cost of depreciable infrastructure assets}}{\text{Current replacement cost of depreciable infrastructure assets}}$
Asset Renewal Funding Ratio (%)[†]	
<p>The asset renewal funding ratio measures the ability of a council to fund its projected infrastructure asset renewal/replacements in the future.</p> <p>Ideally, the asset renewal funding ratio should be as close to 100% as possible, as this indicates that a council is appropriately funding and delivering the entirety of its required capital program as outlined by its asset management plans.</p> <p>A ratio that is too far in excess of 100% indicates capital spending above and beyond what is proposed by a council's asset management plans. A ratio that is too far below 100% may indicate an underfunded capital program and therefore a potentially increasing infrastructure backlog and asset failures. Either scenario suggests a mismatch between a council's capital requirements and forecast capital program, whether due to poor planning and/or limited resources or skills to deliver the assets required by the community.</p>	$\frac{\text{Total of Planned Capital Expenditure on Infrastructure Asset Renewals over 10 years}}{\text{Total of Required Capital Expenditure on Infrastructure Asset Renewals over 10 years}}$
Debt Servicing Capacity	
Leverage Ratio (times cover)[†]	
<p>The leverage ratio is an indicator of a council's ability to repay its existing debt. It measures the relative size of the councils debt to its operating performance.</p> <p>A higher leverage ratio indicates an increasingly limited capacity to support additional borrowings due to already high debt levels and/or decreasing operational performance, while a lower ratio indicates the opposite.</p> <p>A lower leverage ratio is not itself a guarantee that further debt will be approved for a council, while councils with higher leverage ratios are not necessarily precluded from having additional borrowings approved due to other mitigating circumstances.</p>	$\frac{\text{Book Value of Debt}}{\text{Total Operating Revenue less Total Operating Expenditure add Depreciation and Amortisation add finance costs}}$
[*] Financial Management (Sustainability) 2013 legislated ratios [†] Financial Management (Sustainability) 2023 legislated ratios	
6. Reference Material	
Local government sustainability framework	https://www.statedevelopment.qld.gov.au/local-government/for-councils/finance/local-government-sustainability-framework Sustainability Framework Financial Management (Sustainability) Guideline Risk Framework Frequently Asked Questions
Budget 2025-26	https://www.livingstone.qld.gov.au/current-budget
Estimated Resident Population (ERP)	https://profile.id.com.au/livingstone/population-estimate

13.9 AUSTRALIAN COMPANY DIRECTORS COURSE

File No: qA83566
Attachments: 1. Company Directors Course
Responsible Officer: Alastair Dawson - Interim Chief Executive Officer
Author: Lucy Walker - Coordinator Executive Support

SUMMARY

Three Councillors have expressed an interest in undertaking the Australian Company Directors Course. The Chief Executive Officer has identified savings from within his areas budget for two Councillors to attend at this stage and seeks Council support for three Councillors to be approved to enrol in the Company Director Course to further develop governance and leadership skills.

OFFICER'S RECOMMENDATION

That Council approve three Councillors enrolling in the Australian Institute of Company Directors course, on the proviso that funds can be identified from savings within Council to fund the course this year.

BACKGROUND

The Company Director Course is a nationally recognized program providing training in governance, risk management, financial oversight, and strategic decision-making. With increased governance demands placed on elected members, attendance at nationally recognised courses such as this provides important opportunities to strengthen Council's governance performance. Similarly, attendance at the course will provide significant learning and development opportunity for Councillors who participate. Increasingly, it is becoming standard practice for commercial and not for profit boards to allocate funds for Directors to attend this course and Councillors are no different in terms of the necessity of learning required to develop strong governance skills to benefit the decision making. It is designed to strengthen the capability of elected representatives in fulfilling governance responsibilities.

PREVIOUS DECISIONS

No Councillors have previously enrolled in the training; however Councillors have indicated their interest over a significant part of this term of government.

ACCESS AND INCLUSION

Not applicable.

ENGAGEMENT AND CONSULTATION

This matter has been discussed with the Chief Executive Officer, who has strongly endorsed Councillor participation. No external consultation is required.

HUMAN RIGHTS IMPLICATIONS

There are no adverse human rights implications associated with this report.

BUDGET IMPLICATIONS

If Council covers the \$970.00 membership fee for each Councillor, the Company Directors Course will cost approximately \$8,000.00 per Councillor for the online option or \$9,300.00 per Councillor for the in-person delivery. Should Councillors choose the in-person option, additional costs for accommodation and flights will also need to be considered. The Chief Executive Officer has confirmed that funding is available currently to cover two Councillors, although three Councillors have expressed an interest in attending. Should all three be approved Council will have to identify additional savings from alternate sources to accommodate the three Councillors.

Beyond the three Councillors, should there be further interest, Council may need to consider budgeting attendance over two years for Councillors.

It should be noted that Council should consider this training as an investment in strengthening good corporate governance.

LEGISLATIVE CONTEXT

No legislative context.

LEGAL IMPLICATIONS

No legal implications.

STAFFING IMPLICATIONS

No staffing implications.

RISK ASSESSMENT

Participation in the Company Directors course presents minimal operational risk to Council. The Chief Executive Officer will ensure that course participation is coordinated to avoid disruption to council business. Similarly, as a Graduate of the Company Directors Course, the CEO is able to offer support to Councillors as required, in their learning program. Overall, the benefits of enhanced governance knowledge and professional development are considered to outweigh these low-level risks.

CORPORATE PLAN REFERENCE***Transparent, Accountable and Progressive Leadership***

Community Plan Outcome - 4.1 Ensure communities are engaged, heard and informed

CONCLUSION

Participation in the Company Directors Course provides Councillors with a valuable opportunity to enhance governance, leadership, and strategic decision-making skills. It is recommended that Councillors interested in professional development notify the Chief Executive Officer's office so that enrolment can be arranged.

13.9 - AUSTRALIAN COMPANY DIRECTORS COURSE

Company Directors Course

Meeting Date: 16 September 2025

Attachment No: 1

Australian
Institute of
**Company
Directors**



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COMPANY DIRECTORS COURSE™

Gain a strategic edge as an influential director.

Develop essential skills to improve board performance through sound decision making and world class governance.

As the business landscape evolves, so too does the role of the company director. Faced with extensive duties and responsibilities, today's director needs to embody effective governance to manage both their own and their organisation's performance.

Not only does this course ensure currency and relevance, it also serves to stimulate critical thinking.

The *Company Directors Course*™ is designed to help you gain a strategic edge in your director role by developing skills to improve board performance through world-class governance and better decision making. This industry-recognised course will equip you with thorough knowledge of the responsibilities of directors and board members.

Established in 1975, our flagship course is updated annually to ensure it remains current, relevant and reflective of good practice for current and future directors. It also provides outstanding networking opportunities across a wide variety of industries and sectors.

With over 65,000 past participants, our *Company Directors Course*™ is one of the most established director programs in the world and has played a vital role in founding director knowledge and governance standards in Australia.

Is this course right for you?

The *Company Directors Course*™ is designed for those wishing to further their directorship skills and knowledge. Participants include new and experienced practicing directors, from publicly listed, private, government and not-for-profit organisations.

“The course sharpened my awareness of the key aspects of director duties and responsibilities.

It was particularly useful in preparing for a transition from executive life to NED roles.”

Gary Bailey FAICD

Company Directors Course™ participant

COMPANY DIRECTORS COURSE™

How will you benefit?

The *Company Directors Course*™ provides you with comprehensive coverage of the major issues associated with your role as a director in today's business environment and equips you with the skills and knowledge to take your practice of directorship to new heights.

Upon completion of this course, participants should be able to:

- Gain clarity around a director's role, their legal responsibilities and community expectations.
- Improve your financial literacy and understanding of the strategic and financial levers that can help drive performance and sustainable value in your organisation.
- Explore the tensions between short and long-term priorities and diverse stakeholder interests.
- Enhance future strategic discussions with the knowledge and tools you need to improve your organisation's performance and evaluate risks effectively.
- Identify how you can make your board more effective and streamline board processes.
- Enhance your judgement and decision-making skills.
- Improve your performance as a director and deepen your understanding of boardroom dynamics.
- Put learnings into practice through activities, real-world case studies and a boardroom simulation.

What can you expect?

Delivered in a variety of formats, you have the choice between five days of facilitated learning (online or face-to-face) or independent, self-paced study.

You will embark on a well-known curriculum that is written and reviewed by practising directors and undertake interactive working sessions through relevant case studies, brought to life with videos, case studies and activities to apply and reinforce your knowledge.

Who delivers the course?

Each course draws upon a variety of facilitators. Our facilitators are selected based on their in-depth knowledge of the subject, board experience and their ability to engage and connect with participants.

Overview

What will you learn?

Governance and the Practice of Directorship

- Duties and practices of directorship within the broader corporate governance environment.
- Governing versus managing and the director's mindset.
- Board context and structures as well as their role, responsibilities and monitoring obligations.
- Governance structures that impact organisational performance.
- Directors and organisational culture, and how to create an effective organisational culture from the board.
- Society's expectations alongside trust and business legitimacy
- Real-life governance case studies from Costa Group Holdings and Cricket Australia.

The Legal Environment

- Directors duties, including fiduciaries, where duties are found, how they differ for NFP and government sectors and the regulatory environments in which directors operate.
- Loyalty and good faith, including conflicts of interest and improper use of position or information.
- Care and due diligence, standards, the Business Judgement Rule, insolvency trading, continuous disclosure, related parties, stakeholder interests and remuneration.
- Responsibilities to employees (including WHS, wellness and anti-discrimination) and to environmental law and climate change.
- Competition law, consumer protection, privacy, cybersecurity and intellectual property.
- International operations with particular reference to anti-bribery laws and modern slavery.

Risk and Strategy

- Risk, risk management and the role of the board in risk oversight.
- The role of risk in governance, standards and principles and setting risk appetite, including the link between risk and strategy.
- Structures for risk management, with reference to methods, tools and documents. Reporting and oversight of risk.
- The intersect between risk, strategy and culture.
- Crisis management and organisational resilience, typical crises with consideration of emerging risk (such as disruptive innovations, global risks, interdependency and contagion, cybersecurity, social governance and more).
- How to develop a strategic board and strategy development at board level.
- Strategy execution, including strategic decision making and monitoring strategy.
- Exploration of real-life governance case studies from National Heart Foundation and AFLW.

COMPANY DIRECTORS COURSE™

Financial Literacy and Performance

- Internal financial reporting and how to dissect management accounts and implement internal controls.
- External financial reporting, including obligations, contents, directors' declaration, the directors' report and meeting financial responsibilities.
- Function and requirements of audit, internally and externally and the role played by audit committees.
- Applying theoretical knowledge to the analysis of financial statements such as the balance sheet, income statement, cashflow statement and introduces accounting principles and ASIC focus areas.
- Ratio analysis including liquidity, operating, financing, profitability ratios and benchmarking.
- The three stages of board reporting and how to frame financial questions.
- Insolvency—including prediction, warning signs, cash flows and consequences.
- Real-life governance case study from Best & Less.

Achieving Board Effectiveness

- How to create value and improve organisational performance through the board.
- Constructive board culture—social risk and psychological safety, self-awareness, the role of intuition and bias and strengthening individual contribution to decision making.
- Group decision-making capabilities—teamwork, diversity, effective conversation, inclusive leadership and traps in decision making.
- Frameworks and processes for strengthening decision making—the issue of complexity, advance preparation, ethics and decision making, current and emerging practice.
- The role of development and feedback, including director development, board renewal, board evaluation and evaluating board culture.



Additional eLearning courses

You will also receive complimentary access to the *Interpreting Financial Statements* and *The Director Mindset* eLearning courses.

Learning formats

The *Company Directors Course*[™] is delivered in a variety of formats to suit your individual circumstances.

In-classroom facilitated sessions

Face-to-face facilitated sessions are offered in a variety of formats, including:

- Five full days (consecutive or over two weeks)
- One day per week for five weeks.

This format is best suited to those who value closely working and socialising with peers face-to-face and who learn best in a classroom style learning environment.

Prior to the facilitated sessions, six weeks pre-reading time is provided for participants to review the course materials.

Residential format

The residential delivery of the *Company Directors Course*[™] provides an opportunity to engage in dynamic learning and professional development, away from the distractions of daily life.

The course is held at specially selected venues over a five-day period. The cost of accommodation is included in the course fee.

In-house

Our in-house *Company Directors Course*[™] is delivered in the confidential surrounding of your own boardroom or venue of your choice. Over five days, your board or executive, can learn together in a collaborative environment.

COMPANY DIRECTORS COURSE™

Company Directors Course™ Online

The *Company Directors Course™ Online* blends the best of online learning with a support model that engages participants with their peers and expert facilitators. Featuring five days of virtual classrooms spread over five weeks, the course also includes:

- Integrated pre-reading time, including two weeks pre-reading time prior to the first virtual classroom, and a week between each day of live learning.
- A Course Introduction session prior to the first virtual classroom to introduce your facilitators, peers, and the teaching approach of the course.
- Interactive virtual classrooms* spread one day a week over five weeks, which include discussion-based group work, online activities and case study analysis.
- A Learning Support Executive who will support you throughout the assessment period.

**A reliable internet connection (4mbs), microphone and webcam are required to complete the course*

Company Directors Course™ self-paced

The self-paced format provides flexibility for learners who prefer to determine their own study schedule. Participants studying in this format can manage their own learning and benefit from the ability to progress through the materials independently, and in their own time.

This is a self-driven learning approach. Those that select this option will find that they are supported by a series of videos and have the opportunity to connect with an online dedicated tutor during two virtual sessions per month. Peer-to-peer discussion forums are also available for participants.

Participants enrolled in the self-paced format have six months to complete the course and assessment.

All formats

All *Company Directors Course™* participants have access to the AICD's learning portal, MyLearning which contains useful resources such as electronic course materials, real-life video-based case studies, preparatory eLearning courses and a number of assessment support resources in the Assessment Preparation Hub.

Hard copy notes will also be sent to participants.

Preparation, assessment & awards

What preparation is required?

Course materials are sent to you prior to the commencement of the pre-reading period of your course. Pre-reading periods are below.

Face-to-Face sessions: six weeks prior to your first day of classroom learning.

Company Directors Course™ Online: two weeks prior to your first virtual classroom.

Company Directors Course™ Self Paced: Pre-reading does not apply. Materials are sent prior to your course commencement date.

In addition to the hard copy materials, soft copies, videos and eLearning materials are accessible via MyLearning, AICD's learning portal.

Pre reading is estimated at 60 - 80 hours and the facilitated sessions are designed with the understanding that all participants have completed the reading prior to attending the face-to-face or online classrooms. Materials become valuable reference documents during the course, in preparation for the assessment and throughout the coming years as a director.

Assessment

The assessment comprises three tasks: quiz, exam and assignment. All three tasks must be successfully completed with a pass mark of 65 per cent to achieve the Company Directors Course™ award.

Timeline

All assessment tasks, including any required re-sits, must be completed within three months of the last day of the course attended. For self-paced participants, the assessment period is six months from receiving the course materials.

COMPANY DIRECTORS COURSE™

Task	Requirement
Multiple choice quiz	<ul style="list-style-type: none"> • 20 questions • 60 minutes
Long answer examination	<ul style="list-style-type: none"> • Four questions • 105 minutes
Assignment	<ul style="list-style-type: none"> • Multipart report of 3,000 words (+/-10 per cent) • Based on one of two case studies provided
Submission timing	<ul style="list-style-type: none"> • All assessment tasks must be completed within three months from the last date of course attendance. • For self-paced participants the assessment timeframe has been built into the six-month course duration.
Grades	<ul style="list-style-type: none"> • A result of 65 per cent or above is required for each task. • One resit is available per task. Refer to the Participant Assessment Guide for fee details. • Results are reported as a grade: <ul style="list-style-type: none"> - Pass: minimum of 65 per cent was achieved - Pass with Order of Merit: a result on or over 80 per cent on each task on the first attempt - Resit: a result of less than 65 per cent was achieved and a resit is required - Not successful: a result of less than 65 per cent was achieved on the resit attempt

How many Director Professional Development units will you earn?

For face-to-face courses attendance at a minimum* of four out of five days will earn you 50 DPD units. If you successfully complete the assessments, you will also earn a further 10 DPD units.

Forming part of the Core in the Company Directors Corporate Governance Framework, this course will provide you with overarching learning in all the critical elements of directorship.

Note: Participants that successfully complete the assessment requirements may qualify for the GAICD post nominal - the de facto director requirement in Australia.

**Minimum attendance not applicable to Company Directors Course™ Online or Company Directors Course™ Self Paced.*

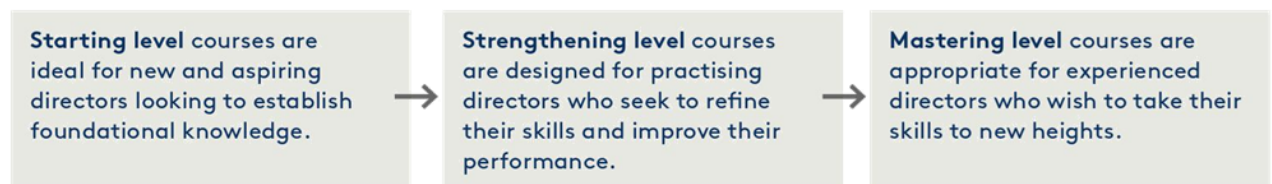
Is the Company Directors Course™ Award recognised by universities?

Twenty-three Australian universities recognise the AICD's Company Directors Course™ and provide credit transfer for enrolled candidates who have successfully passed the Company Directors Course™ assessment. Further information can be found via the **AICD website**.

Your pathway

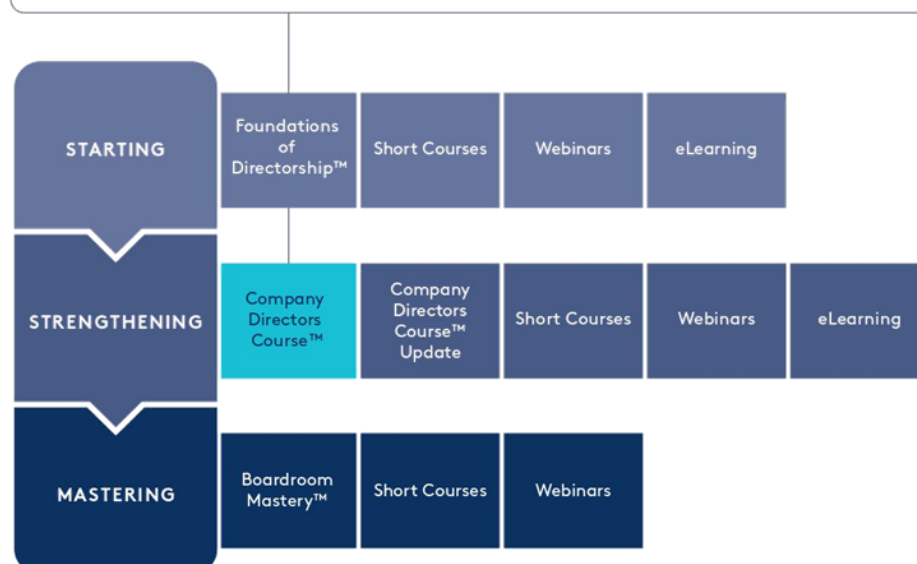
Professional development pathway

We have a range of offerings designed to meet your development needs at each stage of your director journey. The diagram below illustrates where this course fits within our wider education portfolio and can be used to help you create a personalised development pathway that meets your director aspirations.



Company Directors Course™

This course is at strengthening level, making it ideal for those who want to develop their knowledge of the performance as well as the compliance issues of directorship and those wanting to develop and grow their directorships. Forming part of the Core in the *Company Directors Corporate Governance Framework*, this course will provide you with overarching learning in all the critical elements of directorship.



For more information or to enrol please contact

t: 1300 739 119

e: contact@aicd.com.au

aicd.com.au/cdc

13.10 EVENT SPONSORSHIP PROGRAM - ASSESSMENT OUTCOME

File No: CR2.05.01

Attachments: Nil

Responsible Officer: Molly Saunders - Manager Community and Cultural Services
Andrea Ellis - Acting General Manager Communities
Alastair Dawson - Interim Chief Executive Officer

Author: Laurie Rainbird - Principal Community Development and Engagement Officer
Carlyn Hepburn - Community Development and Engagement Officer

SUMMARY

The purpose of this report seeks Council's consideration of the Livingstone Shire Council Event Sponsorship Program Round 2 2025/2026 application assessment outcomes.

OFFICER'S RECOMMENDATION

THAT, in accordance with the recommendation of the Livingstone Shire Council Event Sponsorship assessors, Council resolve to endorse the below applicants to be funded from the Livingstone Shire Council Event Sponsorship Program:

Applicant	Event	Amount requested (ex. GST)	Amount proposed (ex. GST)
Community Hall or Market (in-kind only)			
Emu Park Singing Ship Indoor Bowls Club	Emu Park Singing Ship Indoor Bowls weekly games	\$2,400	\$2,400
Lions Club of Emu Park Inc.	Emu Park Lions Bell Park Picnic Markets	\$2,160	\$2,160
Capricorn Coast Writers Festival - KCA	Capricorn Coast Writers Festival - Stories by the Sea	\$885	\$885
Keppel Coast Arts	Keppel Coast Flix	\$1,475	\$1,475
Keppel Coast Arts	Fig Tree Creek Markets	\$1,440	\$1,440
The Country Music Group	The Country Music Group	\$2,112	\$2,112
Community Event (cash and in-kind) – up to \$5,000			
Lam-West Ltd t/a Midpoint Theatre Company	Every Brilliant Thing	\$4,090	\$3,740
The Caves Progress and Agricultural Society Inc	The Caves Agricultural Show	\$5,000	\$4,500
Cawarral Cricket Club Inc.	Australia Day Cricket Carnival	\$2,500	\$2,250
Capricorn Conservation Council	Caring for Country – Youth Leadership on Woppaburra	\$5,000	\$4,500

Applicant	Event	Amount requested (ex. GST)	Amount proposed (ex. GST)
	Country		
Mt. Chalmers Community History Centre Inc	ANZAC Day service	\$500	\$500
Emu Park SLSC	Emu Park Chickadee Carnival	\$5,000	\$4,500
Yeppoon Choral Society	Yeppoon Choral Society and Livingstone Shire Council's Easter Holiday Musical Workshop	\$4,770	\$4,300
Yeppoon Hack and Pony Club Inc	YHPC Official Showjumping and Jumping Equitation	\$2,500	\$2,250
Yeppoon Hack & Pony Club	Yeppoon Hack & Pony Club One Day Event	\$5,000	\$4,500
Yeppoon Surf Life Saving Club Inc	Wide Bay Capricorn Senior Surf Sport Branch Champs 2026	\$5,000	\$4,500
Marlborough and District Lions Inc.	Marlborough and District Australia Day Celebration	\$1,236	\$1,115
Regional Event (cash and in-kind) - \$5,001-\$10,000			
Lions Club of Emu Park Inc	Emu Park Lions & Triple M Festival of the Wind	\$5,720	\$5,220
Equestrian Queensland	Capricornia Regionals	\$8,000	\$5,000
Queen Street Community Hall Inc.	Queensfest	\$7,000	\$5,000
Keppel Coast Arts	Capricorn Film Festival	\$6,725	\$6,225
Economic Event (cash and in-kind) – \$10,001-\$20,000			
Capricorn Coast Community Events Association Inc	2026 Great Australia Day Beach Party	\$20,000	\$15,000
Great Keppel Island Hideaway	Sunset Sessions	\$20,000	\$10,000
Yeppoon & District Show Society Inc	Yeppoon & District Show	\$20,000	\$15,000
Goodvibe Events Pty Ltd	Salty Hops Festival	\$20,000	\$15,000
SCF AUSTRALIA PTY LTD	King of Kings	\$20,000	\$10,000
Total funds to be disbursed			\$128,572

BACKGROUND

Livingstone Shire Council recognises the positive impact social, cultural, and environmental events deliver to communities across the Shire and is committed to providing support and meaningful assistance through its various grant programs and activities.

Council's Community and Cultural Services Unit manage Council's sponsorship program and is proud to support both major and minor events in our region. Council's sponsorship program is aimed at events across our region that benefit the community, bring tourism, support the ideals of Livingstone Shire Council and are unique to our region.

A total of \$265,000 is available for the Event Sponsorship Program in the 2025-2026 financial year. Distribution of \$128,572 to successful applicants in this round will leave \$136,428 available for the next round.

COMMENTARY

This round of the Livingstone Shire Council Event Sponsorship program was open between 7 July – 14 August. Four tiers of funding were available to applicants:

1. Community Hall and Market Fund (in-kind only)
2. Community Event (up to \$5,000)
3. Regional event (\$5,001 - \$10,000)
4. Economic event (\$10,001 - \$20,000)

PREVIOUS DECISIONS

No previous decisions have been made regarding this round of Event Sponsorship funding.

ACCESS AND INCLUSION

The Livingstone Shire Council Sponsorship program is open to individuals, registered businesses and not for profit organisations. Each round is advertised broadly and is open for approximately one month. Support and/or advice is available to applicants from officers in the Community Development and Events team.

ENGAGEMENT AND CONSULTATION

A review of documentation (application forms, guidelines, and assessment processes) was undertaken prior to this round of Event Sponsorship funding to ensure:

- Questions asked of applicants related to the guidelines and were assessable; and
- Align the level of funding being requested with the amount of information requested – i.e., applicants requesting \$20,000 funding were expected to provide more detail than those requesting a smaller amount.

Officers in the Community Development and Engagement Team will continue monitoring feedback from applicants and assessors to continue to improve the application and assessment process.

HUMAN RIGHTS IMPLICATIONS

The Livingstone Shire Council Sponsorship Program is undertaken in accordance with the commitments and principals of Council's Human Rights obligations.

BUDGET IMPLICATIONS

A total of \$265,000 is available for the Event Sponsorship Program in the 2025-2026 financial year. Distribution of \$128,572 to successful applicants in this round will leave \$136,428 available for the next round.

LEGISLATIVE CONTEXT

There are no identified legislative matters relevant to this subject.

LEGAL IMPLICATIONS

There are no identified legal implications relevant to this subject.

STAFFING IMPLICATIONS

Actions arising from this report can be accommodated within existing staff capacity.

RISK ASSESSMENT

A key risk associated with Livingstone Shire Council's Event Sponsorship Program is Council's reputation. There may be a perception that Council is choosing to sponsor their preferred events for reasons outside of the criteria/application process (i.e. favouritism). To mitigate this risk, assessors complete their assessment independently and scores are based on the assessment criteria only.

A further risk associated with the administration of Council's Event Sponsorship Program is the potential for misappropriation of funds. Strict acquittal processes are established to ensure event sponsorship funding is spent in accordance with its designated purpose.

CORPORATE PLAN REFERENCE***Vibrant Culture and Healthy Community***

Community Plan Outcome - 3.3 Provide diverse and inclusive cultural, sporting and recreation opportunities to encourage community participation and that contribute to wellbeing

CONCLUSION

The Livingstone Shire Council Event Sponsorship Program assessors determined that the recommended applications fulfil the criteria for the program and that the proposed events will provide social and cultural benefits to Livingstone Shire.

13.11 POLICY REVIEW - LIVINGSTONE SHIRE COUNCIL DONATIONS POLICY

File No:	11.2
Attachments:	<ol style="list-style-type: none">1. Donations Policy tracked changes2. Donations Policy clean3. Donations Procedure tracked changes4. Donations Procedure clean
Responsible Officer:	Andrea Ellis - Acting General Manager Communities Alastair Dawson - Interim Chief Executive Officer
Author:	Molly Saunders - Manager Community and Cultural Services

SUMMARY

This report presents the revised *Livingstone Shire Council Donations Policy* (see Attachment One) and *Livingstone Shire Council Donations Procedure* (See Attachment Two) for Council's consideration.

OFFICER'S RECOMMENDATION

THAT Council resolves to adopt the revised *Livingstone Shire Council Donations Policy and Procedure*

And

THAT Council resolve to increase the Donations budget from \$25,000 to \$45,000 in Budget Review One 25/26.

BACKGROUND

In September 2024 Livingstone Shire Council adopted the Livingstone Shire Council Donations and Policy and Procedure.

Donations are those items/initiatives that aren't eligible for any other funding programs specified in the *Livingstone Shire Council Community Assistance Policy* which are *Community Grants, Regional Arts Development Fund* and *Events Sponsorship*.

Donation request examples include trophies/awards; contribution to a charity for operations; contribution to travel/equipment for an individual representing their club or organisation outside of Livingstone Shire.

COMMENTARY

The most recent application for a donation of over \$500 was presented to the Council table in June 2025. This application promoted discussion amongst Mayor and Councillors which sparked a review of the *Livingstone Shire Council Donations Policy and Procedure* to improve clarity and enhance decision making.

The *Livingstone Shire Council Donations Policy and Procedure* has been reviewed to include specific categories and maximum amounts available (see Attachments). Categories have been developed to include a variety of types of donation applications received. A new category has been introduced for local not for profit organisations/clubs/associations/groups completing due diligence and/or planning/development requirements (e.g. environmental study, planning advice, bushfire assessment).

The Capricorn Helicopter Rescue donation is not referenced in this policy as it is decided by Council resolution as a separate matter (the amount determined does come from the same budget allocation as Donations).

PREVIOUS DECISIONS

The Livingstone Shire Council Donations Policy and Procedure was adopted in September 2024.

ACCESS AND INCLUSION

The Livingstone Shire Council Donations Policy and Procedure as well as associated application forms are publicly available on Council's website. Officers are also available to support applicants complete the forms if required.

ENGAGEMENT AND CONSULTATION

Revision of the policy was based on feedback from applicants, internal stakeholders, Mayor and Councillors and types of applications received since the introduction of the Policy.

HUMAN RIGHTS IMPLICATIONS

Section 4(b) of the Human Rights Act 2019 requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no identified adverse human rights implications associated with this report.

BUDGET IMPLICATIONS**Current Budget**

\$20,000 Capricorn Helicopter Rescue (to be determined by resolution when request is received).

\$5,000 All other donation applications.

Total spend to date from this budget since July 1 2025 = \$1,797.00

Budget Increase Proposal

\$25,000 – Capricorn Helicopter Rescue (to be determined by resolution when request is received).

\$10,000 – Individuals (maximum \$350 as per criteria); School Awards (maximum \$250 as per criteria); Groups (maximum \$1000 as per criteria).

\$10,000 – Local Not for Profit Groups/Clubs/Associations for land planning/development/due diligence activities (maximum \$2,000 as per criteria).

The budget allocation will be reviewed at the end of 25/26 to determine whether \$45,000 is the appropriate amount to allocate per annum.

LEGISLATIVE CONTEXT

The Governance team has reviewed the policy to ensure relevant legislation is referenced.

LEGAL IMPLICATIONS

A clear and transparent policy outlining how donations are assessed and approved assists in ensuring Council meets its obligations under the *Local Government Act 2009* when dispersing funds.

STAFFING IMPLICATIONS

Actions arising from this report can be accommodated within existing staffing capacity.

RISK ASSESSMENT

Reputation – Without a robust Policy and Procedure Council risks reputational damage in regard to how donations amounts and recipients are determined. The revision of this policy assists in mitigating this risk.

Financial – Council currently provides \$400,000 per annum across multiple funding programs (Community Grants, RADF, Events Sponsorship and Donations). It is expected that these funds will require increases over the next few years due to rising costs of products and services. There is a risk that continually increasing these funds is not financially sustainable.

Reputation – There is a risk that community will perceive that Council is spending funds on non-essential activity and should instead redirect these funds to Council core business.

CORPORATE PLAN REFERENCE***Transparent, Accountable and Progressive Leadership***

Community Plan Outcome - 4.5 Sustainably manage finances, assets and resources through strong governance

CONCLUSION

This report provides a revised Livingstone Shire Council Donations Policy and Procedure for consideration and a recommendation to increase the donations budget by \$20,000.

Council continues to receive requests for donation from various members and groups within the Shire. Having an adopted policy and procedure to guide how applications are processed and allocated ensures transparency and consistency.

13.11 - POLICY REVIEW - LIVINGSTONE SHIRE COUNCIL DONATIONS POLICY

Donations Policy tracked changes

Meeting Date: 16 September 2025

Attachment No: 1



DONATIONS POLICY

COMMUNITY POLICY

1. Scope

The Donations Policy (this 'Policy') applies to all requests for monetary donations independent of Livingstone Shire Council grants, sponsorship and/or in-kind support programs.

2. Purpose

Council is requested from time to time to provide a monetary donation to individuals, community groups, charities and other organisations that do not fulfil the criteria for any of Livingstone Shire Council's established funding programs (Community Assistance Programs Policy). This Policy establishes a framework within which donation requests can be applied for, approved and administered.

3. References (legislation/related documents)

Legislative reference

Local Government Act 2009
Local Government Regulation 2012
Crime and Correction Act 2001
Public Sector Ethics Act 1994

Related documents

Community Assistance Programmes Policy
Code of Conduct (Employees)
Financial Delegations Directive
The Community Plan 2030

4. Definitions

To assist in interpretation, the following definitions shall apply:

Applicant	Individuals, groups, businesses, organisations or community/sporting groups seeking assistance from Council by way of monetary donation.
Council	Livingstone Shire Council.
Donation	The act of giving money to help a person or organisation.
Not for Profit Organisation	An organisation that is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect.

Donations Policy

Adopted/Approved: Adopted, 17 September 2024 Draft

Version: -1.19

Page 1 of 3

Business Unit: Community and Cultural Services

Portfolio: Communities

5. Policy Statement

Livingstone Shire Council recognises the important contribution community organisations and individuals make to the safety, health, equity, vibrancy and inclusiveness of their communities. Council's donation program is available to not-for-profit organisations and individuals that provide a recognised contribution to the Shire.

Council's preferred method of providing funding is through Council's Community Assistance Program, however there are some requests that do not meet the eligibility criteria of existing funding programs.

The level of assistance available is limited by Council's budgetary allocation which is set each financial year. No applicant can be guaranteed funding, nor can any applicant be guaranteed to receive the full amount requested. Applicants can only apply for one donation per year.

5.1 Eligibility Criteria

5.1.1 Groups and/or Organisations:

- 1) The majority of services and/or activities of the group or organisation must benefit Livingstone residents and improve the overall liveability of the Shire;
- 2) The initiative is not eligible for any funding programs listed in the Community Assistance Policy;
- 3) The initiative is relevant to goals and strategies within the Community Plan;
- 4) Evidence of demonstrated attempts to raise funds from other sources; and
- 5) Has no outstanding payment owed to Council.

For example, a trophy or award for an event/awards ceremony OR a donation to a charity for their operations.

5.1.2 Individuals:

- 1) Resident of Livingstone Shire Council;
- 2) Not eligible for any funding programs listed in the Community Assistance Policy;
- 3) Relevant to goals and strategies within the Community Plan;
- 4) Evidence of demonstrated attempts to raise funds from other sources including, where relevant, other government initiatives (e.g. Queensland Government Athlete Assistance);
- 5) Has no outstanding payment owed to Council.

For example, contribution towards travel/equipment to represent their club/organisation at a sporting event outside Livingstone Shire.

5.1.3 Exclusions:

Under this policy Livingstone Shire Council does not provide donations for:

Commercial groups, organisations or businesses;

- Government agencies or Departments of Local, State or Federal Government;
- Purchase of food and beverages; or
- Part or all of Council rates/fees/charges;
- Masters Games competitors as these competitions are self nominated; or
- Participation in a competition, championship, exhibition or showcase held within Livingstone Shire.

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Donations Policy

Adopted/Approved: Adopted, 17 September 2024 Draft

Version: -1.10

Business Unit: Community and Cultural Services

Portfolio: Communities

Page 2 of 3

5.2 Application Process

Applications can be made at any time by applicants by completing the Livingstone Shire Donation Request Form [available on Council's website](#).

Commented [US1]: I located this form on Council's website and see that it is for 'individuals'. Do we have a different form for Groups and/or Organisations?

5.3 Assessment Process

Applications under five hundred dollars (\$500.00) will be assessed and approved via [General Manager](#) delegation.

Applications over five hundred dollars (\$500.00) will be assessed and approved via [Council General Manager](#) resolution.

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5.4 Notification

Applicants will be notified when their request has been received and the expected timeline for a decision.

6. Changes to this Policy

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

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

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2- 7. [Repeals/Amendments](#)

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Version	Date	Action
1.0	17/09/24	Policy Adopted

ALASTAIR DAWSON
INTERIM CHIEF EXECUTIVE OFFICER

Donations Policy

Adopted/Approved: [Adopted, 17 September 2024](#)[Draft](#)

Version: -1.10

Business Unit: Community and Cultural Services

Portfolio: Communities

Page 3 of 3

13.11 - POLICY REVIEW - LIVINGSTONE SHIRE COUNCIL DONATIONS POLICY

Donations Policy clean

Meeting Date: 16 September 2025

Attachment No: 2



DONATIONS POLICY

COMMUNITY POLICY

1. Scope

The Donations Policy (this 'Policy') applies to all requests for monetary donations independent of Livingstone Shire Council grants, sponsorship and/or in-kind support programs.

2. Purpose

Council is requested from time to time to provide a monetary donation to individuals, community groups, charities and other organisations that do not fulfil the criteria for any of Livingstone Shire Council's established funding programs (Community Assistance Programs Policy). This Policy establishes a framework within which donation requests can be applied for, approved and administered.

3. References (legislation/related documents)

Legislative reference

Local Government Act 2009

Local Government Regulation 2012

Crime and Correction Act 2001

Public Sector Ethics Act 1994

Related documents

Community Assistance Programmes Policy

Code of Conduct (Employees)

Financial Delegations Directive

Community Plan 2030

4. Definitions

To assist in interpretation, the following definitions shall apply:

Applicant	Individuals, groups, businesses, organisations or community/sporting groups seeking assistance from Council by way of monetary donation.
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Donation	The act of giving money to help a person or organisation.
Not for Profit Organisation	An organisation that is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect.

5. Policy Statement

Livingstone Shire Council recognises the important contribution community organisations and individuals make to the safety, health, equity, vibrancy and inclusiveness of their communities. Council's donation program is available to not for profit organisations and individuals that provide a recognised contribution to the Shire.

Council's preferred method of providing funding is through Council's Community Assistance Program, however there are some requests that do not meet the eligibility criteria of existing funding programs.

The level of assistance available is limited by Council's budgetary allocation which is set each financial year. No applicant can be guaranteed funding, nor can any applicant be guaranteed to receive the full amount requested. Applicants can only apply for one donation per year.

5.1 Eligibility Criteria

5.1.1 Groups and/or Organisations:

- 1) The majority of services and/or activities of the group or organisation must benefit Livingstone residents and improve the overall liveability of the Shire;
- 2) The initiative is not eligible for any funding programs listed in the Community Assistance Policy;
- 3) The initiative is relevant to goals and strategies within the Community Plan;
- 4) Evidence of demonstrated attempts to raise funds from other sources; and
- 5) Has no outstanding payment owed to Council.

For example, a trophy or award for an event/awards ceremony OR a donation to a charity for their operations.

5.1.2 Individuals:

- 1) Resident of Livingstone Shire Council;
- 2) Not eligible for any funding programs listed in the Community Assistance Policy;
- 3) Relevant to goals and strategies within the Community Plan;
- 4) Evidence of demonstrated attempts to raise funds from other sources including, where relevant, other government initiatives (e.g. Queensland Government Athlete Assistance);
- 5) Has no outstanding payment owed to Council.

For example, contribution towards travel/equipment to represent their club/organisation at a sporting event outside Livingstone Shire.

5.1.3 Exclusions:

Under this policy Livingstone Shire Council does not provide donations for:

Commercial groups, organisations or businesses;

- Government agencies or Departments of Local, State or Federal Government;
- Purchase of food and beverages;
- Part or all of Council rates/fees/charges;
- Masters Games competitors as these competitions are self nominated; or
- Participation in a competition, championship, exhibition or showcase held within Livingstone Shire.

5.2 Application Process

Applications can be made at any time by applicants by completing the Livingstone Shire Donation Request Form available on Council's website.

5.3 Assessment Process

Applications under five hundred dollars (\$500.00) will be assessed and approved via Manager delegation.

Applications over five hundred dollars (\$500.00) will be assessed and approved via General Manager resolution.

5.4 Notification

Applicants will be notified when their request has been received and the expected timeline for a decision.

6. Changes to this Policy

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

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

7. Repeals/Amendments

Version	Date	Action
1.0	17/09/24	Policy Adopted

ALASTAIR DAWSON
INTERIM CHIEF EXECUTIVE OFFICER

13.11 - POLICY REVIEW - LIVINGSTONE SHIRE COUNCIL DONATIONS POLICY

Donations Procedure tracked changes

Meeting Date: 16 September 2025

Attachment No: 3



DONATIONS PROCEDURE

1. Scope

The Donations Procedure (this 'Procedure') applies to all requests for monetary donations independent of Livingstone Shire Council grants, sponsorship and/or in-kind support programs.

2. Purpose

Council is requested from time to time to provide a monetary donation to individuals, not for profit community groups, charities and other organisations that do not fulfil the criteria for any of Livingstone Shire Council's established funding programs (Community Assistance Program Policy). This procedure establishes the process within which donation requests can be applied for, approved and administered.

3. Related Documents

Primary

Donations Policy

Legislative reference

Crime and Correction Act 2001

Local Government Act 2009

Local Government Act Regulation 2012

Public Sector Ethics Act 1994

Related documents

Community Assistance Programmes Policy

Code of Conduct (Employees)

Donation Received Form

Financial Delegations Directive

The Community Plan 2030

Livingstone Shire Donation Request Form

Payment Exception Authority Form

4. Definitions

To assist in interpretation, the following definitions shall apply:

Applicant	Individuals, <u>—</u> groups, <u>—</u> businesses, <u>—</u> organisations or community/ sporting groups seeking assistance from Council by way of monetary donation.
Council	Livingstone Shire Council.
Donation	The act of giving money to help a person or organisation.
Not for Profit Organisation	An organisation that is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect.

Donations Procedure

Adopted/Approved: Approved, 3 September 2024 Draft

Portfolio: Communities

Version: 1.10

Business Unit: Community and Cultural Services

Page 1 of 4

5. Procedure

5.1 Eligibility Criteria

5.1.1 Categories

Category 1 – Schools – Awards Only

- a) For awards conferred upon students enrolled in schools within the Livingstone Shire. \$250 maximum per school per annum.

Category 2 -4) – Groups and/or Organisations – General

- a) The majority of services and/or activities of the group or organisation must benefit Livingstone residents and improve the overall liveability of the Shire;
- b) The initiative is not eligible for any funding programs listed in the Community Assistance Policy;
- c) The initiative is relevant to goals and strategies within the Community Plan;
- d) Evidence of demonstrated attempts to raise funds from other sources, including where relevant, other government initiatives (eg Queensland Government grant funding); and
- e) Has no outstanding payment owed to Council.

For example, a trophy or award for an event/awards ceremony OR a donation to a charity for their operations. \$1,000 maximum per group per annum.

Category 3 – Groups and/or Organisations – Land Use and Development Support

- a) The majority of services and/or activities of the group or organisation must benefit Livingstone residents and improve the overall liveability of the Shire;
- b) The initiative is not eligible for any funding programs listed in the Community Assistance Policy;
- c) The initiative is relevant to goals and strategies within the Community Plan;
- d) The group and/or organisations is in the process of land use planning and/or development and this funding will assist in progressing this; and
- a)e) Has no outstanding payment owed to Council.

2) – Individuals

Category 4 – Individual Excellence in Sport, Academics or the Arts.

- a) Resident of Livingstone Shire;
- b) Not eligible for any funding programs listed in the Community Assistance Policy;
- c) Relevant to goals and strategies within the Community Plan;
- e)d) Selected to participate representing Livingstone, Queensland or Australia in an officially recognised State, National or International championship, competition, exhibition or showcase;
- d)e) Evidence of demonstrated attempts to raise funds from other sources including, where relevant, other government initiatives (eg Queensland Government Athlete Assistance); and
- f) Has no outstanding payment owed to Council.

Funds must be utilised by the individual to meet the costs associated with the championship, competition, exhibition or showcase including clothing, travel or accommodation expenses.

Applicants are eligible to apply for the maximum following amounts:

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<u>Within Queensland</u>	<u>\$150</u>
<u>Outside of Queensland (within Australia)</u>	<u>\$250</u>
<u>Outside of Australia</u>	<u>\$350</u>

For example, contribution towards travel/equipment to represent their club/organisation at a sporting event outside Livingstone Shire.

5.1.2 3) Ineligible Requests

Under the Donations Policy, donations are not provided for:

- Commercial groups, organisations or businesses;
- Government agencies or Departments of Local, State or Federal Government;
- Purchase of food or beverages; or
- Masters Games competitors as these competitions are through self nomination self-nomination;
- Championship, competition, exhibition or showcase held within Livingstone Shire; or
- Part or all of Council rates/fees/charges.

5.2 Application Process

Applications can be made at any time by applicants by completing the Livingstone Shire Donation Request Form. The Donation Request Form is available on Council's website and customer service points and can be returned at any Council customer service point or via email to enquiries@livingstone.qld.gov.au.

Submitted Donation Request Forms are sent to the General Manager of Communities.

5.3 Assessment Process

Applications under five hundred dollars (\$500.00) will be assessed and approved via ~~via~~ General Manager delegation and applications over five hundred dollars (\$500.00) will be approved via ~~Council resolution~~ General Manager delegation. All eligible applications are assessed against the below criteria:

- Organisations and/or individuals can demonstrate alignment to the Community Plan;
- Organisations ~~and/or~~ individuals can demonstrate an advantage for the broader community of the Shire; and
- Organisations and/or individuals have not received adequate funding, sponsorship and/or in-kind support from other sources.

5.4 Notification Process

Applicants will be notified within forty-eight hours (48) that their application has been received and the expected timeline for a decision.

If successful, the recipient will be required to sign a Donation Received Form as acceptance of the donation and complete a Payment Exception Authority Form to allow money to be transferred.

As soon as practicable after an amount has been allocated from the Donations ~~Fund~~ budget, Council will publish information on their website stating the name of each recipient and the amount and purpose of the allocation.

5.5 Budget

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Adopted/Approved: Approved, 3 September 2024 ~~Draft~~

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Council nominates an amount to distribute in accordance with the Livingstone Shire Donations Policy and Procedure as part of budget preparations annually. This amount will be reviewed each budget cycle. If the budget is expended prior to the end of the financial year, this information will be published on Council's website.

6. Changes to this Procedure

This Procedure is to remain in force until otherwise amended/replaced or other circumstances.

7. Repeals/Amendments

Version	Date	Action
1.0	03/09/2024	New Procedure Approved

SONIA TOMKINSON-ANDREA ELLIS

ACTING GENERAL MANAGER COMMUNITIES

Donations Procedure

Adopted/Approved: ~~Approved, 3 September 2024~~Draft

Portfolio: Communities

Version: 1.10

Business Unit: Community and Cultural Services

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13.11 - POLICY REVIEW - LIVINGSTONE SHIRE COUNCIL DONATIONS POLICY

Donations Procedure clean

Meeting Date: 16 September 2025

Attachment No: 4



DONATIONS PROCEDURE

1. Scope

The Donations Procedure (this 'Procedure') applies to all requests for monetary donations independent of Livingstone Shire Council grants, sponsorship and/or in-kind support programs.

2. Purpose

Council is requested from time to time to provide a monetary donation to individuals, not for profit community groups, charities and other organisations that do not fulfil the criteria for any of Livingstone Shire Council's established funding programs (Community Assistance Program Policy). This procedure establishes the process within which donation requests can be applied for, approved and administered.

3. Related Documents

Primary

Donations Policy

Legislative reference

Crime and Correction Act 2001

Local Government Act 2009

Local Government Act Regulation 2012

Public Sector Ethics Act 1994

Related documents

Community Assistance Programmes Policy

Code of Conduct (Employees)

Financial Delegations Directive

Community Plan 2030

Livingstone Shire Donation Request Form

Payment Exception Authority Form

4. Definitions

To assist in interpretation, the following definitions shall apply:

Applicant	Individuals, groups, businesses, organisations or community/sporting groups seeking assistance from Council by way of monetary donation.
Council	Livingstone Shire Council.
Donation	The act of giving money to help a person or organisation.
Not for Profit Organisation	An organisation that is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect.

5. Procedure

Donations Procedure

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5.1 Eligibility Criteria

5.1.1 Categories

Category 1 – Schools – Awards Only

- a) For awards conferred upon students enrolled in schools within the Livingstone Shire. \$250 maximum per school per annum.

Category 2 -Groups and/or Organisations – General

- a) The majority of services and/or activities of the group or organisation must benefit Livingstone residents and improve the overall liveability of the Shire;
- b) The initiative is not eligible for any funding programs listed in the Community Assistance Policy;
- c) The initiative is relevant to goals and strategies within the Community Plan;
- d) Evidence of demonstrated attempts to raise funds from other sources, including where relevant, other government initiatives (eg Queensland Government grant funding); and
- e) Has no outstanding payment owed to Council.

For example, a trophy or award for an event/awards ceremony OR a donation to a charity for their operations. \$1,000 maximum per group per annum.

Category 3 – Groups and/or Organisations – Land Use and Development Support

- a) The majority of services and/or activities of the group or organisation must benefit Livingstone residents and improve the overall liveability of the Shire;
- b) The initiative is not eligible for any funding programs listed in the Community Assistance Policy;
- c) The initiative is relevant to goals and strategies within the Community Plan;
- d) The group and/or organisations is in the process of land use planning and/or development and this funding will assist in progressing this; and
- e) Has no outstanding payment owed to Council.

Category 4 – Individual Excellence in Sport, Academics or the Arts.

- a) Resident of Livingstone Shire;
- b) Not eligible for any funding programs listed in the Community Assistance Policy;
- c) Relevant to goals and strategies within the Community Plan;
- d) Selected to participate representing Livingstone, Queensland or Australia in an officially recognised State, National or International championship, competition, exhibition or showcase;
- e) Evidence of demonstrated attempts to raise funds from other sources including, where relevant, other government initiatives (eg Queensland Government Athlete Assistance); and
- f) Has no outstanding payment owed to Council.

Funds must be utilised by the individual to meet the costs associated with the championship, competition, exhibition or showcase including clothing, travel or accommodation expenses.

Applicants are eligible to apply for the maximum following amounts:

Within Queensland	\$150
Outside of Queensland (within Australia)	\$250
Outside of Australia	\$350

5.1.2 Ineligible Requests

Under the Donations Policy, donations are not provided for:

- Commercial groups, organisations or businesses;
- Government agencies or Departments of Local, State or Federal Government;
- Purchase of food or beverages;
- Masters Games competitors as these competitions are through self-nomination;
- Championship, competition, exhibition or showcase held within Livingstone Shire; or
- Part or all of Council rates/fees/charges.

5.2 Application Process

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Submitted Donation Request Forms are sent to the General Manager of Communities.

5.3 Assessment Process

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- Organisations and/or individuals can demonstrate alignment to the Community Plan;
- Organisations and/or individuals can demonstrate an advantage for the broader community of the Shire; and
- Organisations and/or individuals have not received adequate funding, sponsorship and/or in-kind support from other sources.

5.4 Notification Process

Applicants will be notified within forty-eight hours (48) that their application has been received and the expected timeline for a decision.

If successful, the recipient will be required to sign a Donation Received Form as acceptance of the donation and complete a Payment Exception Authority Form to allow money to be transferred.

As soon as practicable after an amount has been allocated from the Donations budget, Council will publish information on their website stating the name of each recipient and the amount and purpose of the allocation.

5.5 Budget

Council nominates an amount to distribute in accordance with the Livingstone Shire Donations Policy and Procedure as part of budget preparations annually. This amount will be reviewed each budget cycle. If the budget is expended prior to the end of the financial year, this information will be published on Council's website.

6. Changes to this Procedure

This Procedure is to remain in force until otherwise amended/replaced or other circumstances.

7. Repeals/Amendments

Version	Date	Action
1.0	03/09/2024	New Procedure Approved

**ANDREA ELLIS
ACTING GENERAL MANAGER COMMUNITIES**

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 cannot be delayed until the next scheduled Council or Committee Meeting.

15 CLOSED SESSION

In accordance with the provisions of section 254J of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J of the *Local Government Regulation 2012*, for the reasons indicated.

16.1 Request for Further Views - Application to Purchase Part of Unallocated State Land at Stanage Bay - Lot 5 AP16118

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

16.2 Request for Council's Views - Renewal of State Leases at Keppel Gateway Marina, Rosslyn Bay

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

16 CONFIDENTIAL REPORTS

16.1 REQUEST FOR FURTHER VIEWS - APPLICATION TO PURCHASE PART OF UNALLOCATED STATE LAND AT STANAGE BAY - LOT 5 AP16118

File No: fA73129

Attachments:

1. State Mapping Images
2. Aerial Images
3. Email from the Department

Responsible Officer: Sharon Sommerville - Manager Parks and Facilities
Andrea Ellis - Acting General Manager Communities
Alastair Dawson - Interim Chief Executive Officer

Author: Christine Macdonald - Principal Property Officer
Alison Morris - Property Officer

Previous Items: 16.1 - Request for Council's Views on an Application to Purchase Part of Unallocated State Land at Stanage Bay - Standing Committee - Development & Environment - 06 May 2025
6.2 - Request for Further Views - Application to Purchase Part of Unallocated State Land at Stanage Bay - Lot 5 AP16118 - Briefing Session - 02 Sep 2025

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

SUMMARY

This report pertains to a request from the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development seeking Council's views on an application from an adjoining owner to purchase part of unallocated state land, described as Lot 5 AP16118, in Stanage Bay.

**16.2 REQUEST FOR COUNCIL'S VIEWS - RENEWAL OF STATE LEASES AT
KEPPEL GATEWAY MARINA, ROSSLYN BAY****File No:** fA81119**Attachments:**

1. Letter from the Department
2. Map Image
3. Current Special Lease 203454 Terms
4. Current Special Lease 203450 Terms

Responsible Officer: Sharon Sommerville - Manager Parks and Facilities
Andrea Ellis - Acting General Manager Communities
Alastair Dawson - Interim Chief Executive Officer**Author:** Christine Macdonald - Principal Property Officer
Alison Morris - Property Officer

This report is considered confidential in accordance with section 254J(3)(i), of the *Local Government Regulation 2012*, as it contains information relating to a matter that local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

SUMMARY

This report pertains to a request from the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development seeking Council's views or requirements on the renewal of two special leases for Keppel Gateway Marina, Rosslyn Bay.

17 CLOSURE OF MEETING