



ORDINARY COUNCIL MEETING

AGENDA

3 MARCH 2026

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 3 March 2026 commencing at 9:00 AM (Development & Strategic Planning) for transaction of the enclosed business.

Alastair Dawson
INTERIM CHIEF EXECUTIVE OFFICER
26 February 2026

Next Meeting Date: 17 March 2026

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 Lance Warcon 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 Lance Warcon
Councillor Andrea Friend

Officers in Attendance:

Alastair Dawson – Interim Chief Executive Officer
Michael Kriedemann – General Manager Infrastructure
Katrina Paterson – General Manager Communities and Environment
Andrea Ellis – General Manager Corporate Services
Kristy Mansfield - Chief People and Performance Officer
Graham Scott – Project Director Blueprint Livingstone

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 26 February 2026

5 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

6 DEPUTATIONS**6.1 9:00AM - DEPUTATION - D-221-2025 - 701-709 KEPPEL SANDS ROAD,
TUNGAMULL**

File No: qA81488
Attachments: Nil
Responsible Officer: Alastair Dawson - Interim Chief Executive Officer
Author: Lynda Bayliss - Executive Support Officer
Greg Abbotts - Manager Planning and Development

SUMMARY

Phil and Michelle McDonald will present in relation to - D-221-2025 - Dwelling House and Ancillary Building & Reconfiguring a Lot (1 Lot into 2 Lots) - 701-709 Keppel Sands Road, Tungamull.

OFFICER'S RECOMMENDATION

THAT the deputation be received.

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 NOTICES OF MOTION

Nil

10 QUESTIONS ON NOTICE

Nil

11 COMMITTEE REPORTS

Nil

12 AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS

Nil

13 REPORTS

13.1 D-221-2025 - MCU FOR DWELLING HOUSE AND ANCILLARY BUILDING & ROL (1 INTO 2)

File No: D-221-2025

Attachments:

1. [Locality and Overlay Plans](#)
2. [Reconfiguration of a Lot Plan](#)
3. [MCU Site Plans](#)

Responsible Officer: Greg Abbotts - Manager Planning and Development
Katrina Paterson - General Manager Communities and Environment
Alastair Dawson - Interim Chief Executive Officer

Author: Shari Rankin - Coordinator Development Assessment

SUMMARY

Applicant: P G McDonald and M M McDonald and S L McPhee and D C F Rowe C/- Gracemere Surveying and Planning Consultants Pty Ltd

Consultant: Gracemere Surveying and Planning Consultants Pty Ltd

Real Property Address: L 0 , L 1, L 2 SP 331411

Area of Site: 45 ha

Planning Scheme: *Livingstone Planning Scheme 2018*

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: OM01 Acid sulfate soils
OM02 Agricultural land
OM07 Biodiversity and habitat vegetation
OM12 Bushfire hazard
OM18 Landslide hazard area
OM21 Scenic amenity

Existing Development: Dwelling house and ancillary structures, small scale farming

Level of Assessment: Impact Assessable

Submissions: 2 Submissions received

Referral matters: Infrastructure – State transport infrastructure (10.9.4.2)

Infrastructure Charge Area: Outside the Priority Infrastructure Area

Application received:	24 June 2025
Application properly made:	9 July 2025
Confirmation notice issued:	22 July 2025
Public notification period:	18 September - 13 October 2025
Notice of compliance received:	15 October 2025

Application referred to State agency:	30 July 2025
State agency response:	27 August 2025
Decision period commenced:	24 October 2025
Council briefing date:	24 February 2025
Council meeting date:	3 March 2025

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for a Material Change of Use for a Dwelling House and Ancillary Building, and Reconfiguring a Lot (1 Lot into 2 Lots), made by P G McDonald, M M McDonald, S L McPhee, and D C F Rowe, on Lot 0 on SP331411, Lot 1 on SP331411 , and Lot 2 on SP331411 and located at 701-709 Keppel Sands Road, Tungamull, Council resolves to Refuse the application pursuant to Section 60(3)(c) of the *Planning Act 2016*.

BACKGROUND

Council records indicate that Duty Planner advice was provided on 26 July 2019 (prior to the establishment of the building format plan), and 26 May 2025 (after the establishment of the building format plan) advising that subdivision would not meet the minimum required lot size and would not be supported by Council Officers.

PROPOSAL

The proposal is to reconfigure the existing building format plan into two standard lots as well as for a material change of use to facilitate the construction of a new dwelling house on one of the resultant lots. The minimum lot size for the Rural zone is 60 hectares, as required by the Planning Scheme. An overview of the proposed subdivision is included in Table 1.

TABLE 1 – OVERVIEW OF SUBDIVISION

LOT	SIZE
Proposed Lot 1	37.34 hectares
Proposed Lot 2	6.97 hectares

Proposed Lot 2 currently contains a steel shed structure but does not contain any habitable structures. This application seeks approval for the establishment of a single dwelling house on this lot. The proposed dwelling will be a low set, slab-on-ground residence, a detached 8m x 10 m carport will be located adjacent to the dwelling, providing dedicated covered parking spaces. Proposed Lot 1 will retain its existing improvements, no further built development is proposed on this lot.

Both proposed lots will continue to be accessed via the existing formed driveway within Easement A on RP616956, which provides direct vehicular access to Keppel Sands Road. Water will be supplied via a combination of on-site rainwater storage tanks, and an existing water bore located near the Keppel Sands Road frontage. Each dwelling will have its own rainwater tank, and the existing bore will be utilised as a supplementary water source. The existing dwelling on proposed Lot 1 is currently serviced by an on-site septic system. A new system will be installed to service the proposed dwelling on proposed Lot 2. Due to the large size and rural nature of the site, it is proposed that stormwater can be managed entirely on-site through natural infiltration and overland flow. The site is already connected to overhead electricity and Telstra telecommunications infrastructure, and these services will be extended to the proposed dwelling.

SITE AND LOCALITY

The subject site is an irregular shaped quadrilateral Lot with an area of 443,200 square metres (45 ha) and currently contains a Dwelling house and shed structure on the eastern portion of the site along the boundary and shed structure on the southern portion of the site toward the road frontage.

The site has two slopes. There is a peak at 110 metres Australian Height Datum located in the densely vegetated northern area of the site. The site also has a gradual slope west-east from 50 metres Australian Height Datum to 10 metres Australian Height Datum. The site is characterised by approximately 20 hectares of extensive mature vegetation at the rear of the site, the remaining balance of the land is utilised for lifestyle rural purpose with a cleared grassed area towards the frontage of the lot.

The site is located within an established rural area and is connected to electricity and telecommunication infrastructure only. The locality is characterised by predominately rural uses and includes horticulture and cattle farming operations to the east and rural lifestyle uses in its surrounds.

PLANNING ASSESSMENT

The assessment has been carried out against the matters identified in section 45(5) of the *Planning Act 2016* (Table 2).

TABLE 2 – ASSESSMENT IN ACCORDANCE WITH S45(5) OF THE ACT

ASSESSMENT BENCHMARKS IN THE CATEGORISING INSTRUMENT	
<i>Livingstone Planning Scheme 2018</i> Version 4, in effect 2 May 2025	Strategic Framework – Settlement pattern theme Strategic Framework – Natural environment and hazards theme Strategic Framework – Natural resources and economic development theme Rural zone code Biodiversity overlay code Bushfire hazard overlay code Landslide hazard overlay code Scenic amenity overlay code
MATTERS PRESCRIBED BY REGULATION	
<i>Central Queensland Regional Plan</i> October 2013	Chapter 4 – Regional outcomes and policies
<i>State Planning Policy,</i> July 2017	Part E: State interest policies and assessment benchmarks
Local Government Infrastructure Plan in the <i>Livingstone Planning Scheme 2018</i> Version 3, in effect 15 February 2021	Chapter 4 – Local Government Infrastructure Plan
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
Common material	All material about the application Council has received before the application is decided.
Submissions provided on the application	All relevant matters raised in submissions.
RELEVANT MATTERS	
Nil.	

The above matters relevant to Council as assessment manager have been assessed by relevant planning, engineering, environmental health, natural resource management and other technical officers as required. An overview of the assessment of the above matters is detailed below –

Internal advice and assessment

Development Engineering – 25 June 2025

Support, subject to standard conditions regarding water supply and sewerage treatment.

Natural Resource Management – 2 July 2025

No comments or conditions.

Public and Environmental Health – 25 June 2025

No comments or conditions.

External referral

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning as a concurrence agency/advice agency given the site is identified as being within 25 meters of a State controlled transport corridor in accordance with Schedule 10 Part 9 Subdivision 2 Division 4 Table 1 Item 1 and Schedule 10 Part 9 Division 4 Subdivision 2 Table 4 Item 1 of the *Planning Regulation 2017*. The Department assessed the application and did not request further information. Following a response to the information request, the Department provided conditions on 27 August 2025

State Planning Policy – July 2017

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

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

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

Liveable Communities: Not applicable as the development is not in an urban area.

Environment and Heritage - Water quality: Not applicable as the proposed development will not result in more than 6 additional lots or dwellings.

Natural hazards, risk and resilience: Applicable as the subject site is located within a bushfire prone area.

Erosion prone areas within a coastal management district:	
Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere and is: (a) coastal-dependent development; or (b) temporary, readily relocatable or able to be abandoned development; or (c) essential community infrastructure; or (d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.	<p>Complies</p> The proposed development is not located within a coastal management district.

Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.	Not applicable
Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:	
Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.	Performance based solution provided The proposed development avoids the mapped medium potential bushfire hazard area, the proposed dwelling is located in the cleared area in the front half of the lot and has appropriate setbacks from the hazardous vegetation mapped on the site.
All natural hazard areas:	
Development supports and does not hinder disaster management response or recovery capacity and capabilities.	Complies The proposal will not change access to the site or adjoining sites, not changing or limiting recovery responses.
Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.	Complies The proposed development does not increase the severity of the natural hazard to the site or surrounding properties as landforms and vegetation will not change as a result of development.
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.	Complies Hazardous material will not be stored on site beyond what is required for household use.
The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.	Complies Changes to the natural landforms and vegetation on the site will not occur as a result of development.

Central Queensland Regional Plan

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

Livingstone Planning Scheme 2018

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

Strategic Framework

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

- (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) Access and mobility;
 - (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;
- (iii) Natural resources and economic development.

3.3 Settlement Pattern Theme

3.3.5 Rural Places

The site is located in a rural area where non-rural activities should only occur if they have a direct nexus with a specific natural resource and do not compromise the operation or potential of rural activities on the site or adjoining land. There are established rural activities, including horticulture and cattle farming operations, on the adjoining site to the east (1). The establishment of a dwelling house has potential to negatively affect these operations. Development in rural places should not result in fragmentation of land which is suitable for primary production (5), the land has been identified as Class A and B agricultural land and should not be further fragmented as it has been identified as rural land needing retention in larger lot sizes. 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 (8). The subject site is not located within the vicinity of these townships, and there is no demonstrated significant need for additional supply or an overriding community benefit within the Keppel Sands area (9). The proposed subdivision is not consistent with the strategic intent of the Livingstone Planning Scheme 2018, as it is not within an identified future development area, and further fragmentation of the site would be inconsistent with the existing rural character. Given the above, the proposed development does not support the specific outcomes identified under the Rural Places Settlement Pattern Theme of the Strategic Framework.

3.4 Natural Environment and Hazards Theme

3.4.2 Areas of Ecological Significance

The development complies with the outcomes by ensuring that it avoids any adverse impacts on areas of ecological significance mapped on the site, particularly the vegetation area and habitat corridor located at the rear. The development is located towards the site's frontage, completely avoiding any clearing or encroachment on these sensitive areas. By placing the dwelling at the front of the site, the development ensures that it does not interfere with the protected habitat, thereby safeguarding these areas from pollution, habitat loss, soil degradation, and other negative environmental impacts (3). The development avoids fragmentation of habitat areas, ensuring the integrity of native fauna and flora populations (5). The location of the proposed dwelling and its associated buffers minimises effects on

the movement of native fauna, and hydrological functions of any nearby waterways, while preventing further degradation to the ecological values of the site (2). Given the above, the proposed development supports the specific outcomes identified under the Natural Environment and Hazards Theme of the Strategic Framework.

3.8 Natural Resources and Economic Development Theme

3.8.2 Rural Land

The proposed one into two lot subdivision would result in the fragmentation of an existing rural allotment that is mapped as Agricultural Land Class A and B. The subdivision would create additional smaller lots thereby reducing the overall land area available for viable agricultural or rural-based activities. This fragmentation diminishes the long-term productive capacity of the land and introduces additional land use constraints that are inconsistent with the intent to maintain larger, rural holdings suitable for rural production. The construction of a dwelling on the newly created allotment would further limit the land's potential for productive rural use by introducing a sensitive land use that is not directly related to rural production. The presence of a dwelling would likely lead to land use conflicts, particularly with the adjoining property to the east, which supports an established rural activity. Such conflicts could restrict the operational capacity of that existing enterprise, potentially compromising both the subject site and adjoining properties ongoing productive use. Accordingly, the proposed development does not support the specific outcomes identified under the Natural Resources and Economic Development Theme of the Strategic Framework.

The performance assessment of the proposal demonstrates that the development will compromise the Strategic Framework. **Rural Zone Code**

The purpose of the rural zone code is:

- (1) to identify the desired character and amenity for the zone and to protect it from incompatible development;
- (2) to provide predominantly for a wide range of uses from within the rural activities group, particularly those involved primary production, and to protect these from land use conflict that may result from the development of sensitive land use and other non-rural uses;
- (3) to protect or manage significant natural resources and processes to maintain the capacity for primary production;
- (4) to provide for the development of a limited range of other uses that are compatible with rural areas and rural activities, where they do not limit or compromise the potential for the development of uses involved in primary production;
- (5) to establish two precincts within the zone where particular development outcomes are specified, and the precincts are identified as follows:
 - (a) the Capricorn Coast Rural Precinct;
 - (b) the Yaamba Historic Township Precinct; and
- (6) to facilitate the achievement of the overall outcomes sought for the zone.

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

- (1) the development is:
 - (a) a use within the rural activities group; or
 - (b) a use which:
 - (i) is compatible with and supports a use within the rural activities group; or
 - (ii) does not limit or compromise the development of a use within the rural activities group on an adjoining rural zoned lot;

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- (2) the development of a use from within the rural activities group is a preferred use within the zone in the following circumstances:
- (a) it is designed, sited and operated to mitigate significant adverse impacts on sensitive land use; and
- (b) the use:
- (i) is animal husbandry; or
 - (ii) is animal keeping; or
 - (iii) is aquaculture; or
 - (iv) is cropping; or
 - (v) is extractive industry; or
 - (vi) is intensive animal industry; or
 - (vii) is intensive horticulture; or
 - (viii) is a permanent plantation; or
 - (ix) is a roadside stall; or
 - (x) is a rural industry; or
 - (xi) is a wholesale nursery; or
 - (xii) is a winery; and
- (3) the development of a use from within the accommodation activities group occurs within the zone only in the following circumstances:
- (a) it is ancillary to the use of the land for a use within the rural activities group;
- (b) 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;
- (c) 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;
- (d) it is appropriately separated and buffered from uses that are likely to result in adverse impacts on amenity; and
- (e) the use:
- (i) is a caretaker's accommodation; or
 - (ii) is a dwelling house; or
 - (iii) is a dwelling unit; or
 - (iv) is a home based business; or
 - (v) is rural worker's accommodation;
 - (vi) is short-term accommodation (being a farm stay);
- (4) the development of other non-rural uses occur within the zone only in the following circumstances:
- (a) the use:
- (i) is compatible with development in the immediate area; or
 - (ii) has characteristics which tie it to a specific natural resource; or
 - (iii) requires large area of land that is not available in an area zoned for urban activities; and
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- (b) 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; and
 - (c) 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; and
 - (d) it is designed, sited and operated to mitigate significant adverse impacts on sensitive land use; and
 - (e) it is located at a site adjoining an appropriate road in the planning scheme road hierarchy; and
 - (f) the use:
 - (i) is within the business activities group and is:
 - (A) bulk landscape supplies; or
 - (B) a garden centre; or
 - (C) veterinary services; or
 - (ii) is within the recreation activities group and is:
 - (A) an environment facility; or
 - (B) outdoor sport and recreation; or
 - (C) a park; or
 - (iii) is within the special activities group and is:
 - (A) is emergency services; or
 - (B) a landing; or
 - (C) a transport depot containing no more than four (4) vehicles; or
 - (D) other uses within the special activities group if they are an essential component of infrastructure servicing the community; and
- (5) the development is compatible with a form that is characterised by:
- (a) development on lots which have appropriate areas and dimensions relative to the quality and potential of the land to be developed for uses from within the rural activities group, particularly those involved in primary production;
 - (b) buildings and structures having a height designed relative to the operational needs of the use, characteristics of the location, and the surrounding land use;
 - (c) use of vegetation screening, separation distances and buffering to manage impacts between adjoining land use;
 - (d) protection of a reasonable level of visual amenity when viewed from the street and public places; and
 - (e) development being appropriately integrated with any large tracts and corridors of remnant vegetation and habitat, and any State or local significant vegetation, habitat, wetlands or waterways, so as to protect landscape values and natural environment values; and
- (6) land that is identified as Agricultural Land Class A or Class B:
- (a) is retained for development that is unlikely to limit or compromise the capacity of the land to be used for primary production;
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- (b) is protected from fragmentation due the creation of inappropriate lot sizes for the location;
 - (c) is protected from inappropriate and incompatible development, unless:
 - (i) there is a proven overriding need in terms of public benefit for the development and no other site is suitable for that particular development; or
 - (ii) the development is small-scale, has low impacts and is focussed on tourism which is directly associated with a rural activity undertaken on the site or involves education, promotion, or sales associated with primary produce sourced from the site or local area; or
 - (iii) the potential undertaking of agriculture on the subject land (alone or in association with surrounding land) is not practicable; and
- (7) development maximises the potential to undertake uses from within the rural activities group by retaining lots in a suitable size and shape ((unless there is a demonstrated need adjacent to an identified township in accordance with Overall Outcome (7)(c) or if located in the Capricorn Coast Rural Precinct)) as specified in the minimum lot sizes and dimensions of the reconfiguration of a lot code and in this code as follows:
- (a) a minimum area of sixty (60) hectares only where located upon land identified as being entirely within Agricultural Land Class A or Class B; or
 - (b) a minimum area of one-hundred and fifty (150) hectares where located upon land that is not as being entirely within Agricultural Land Class A or Class B;
 - (c) a minimum area of two (2) hectares where located adjacent to the township of Cawarral, Mount Chalmers, or The Caves, and all of the following circumstances exist:
 - (i) the site is not located within the Capricorn Coast Rural Precinct or is not located within land identified as Agricultural Land Class A or Class B; and
 - (ii) the site is not included in, or within five (5) kilometres of land designated as urban, new urban, or future urban as shown on the Strategic Framework maps; and
 - (iii) the new lots do not limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot; and
 - (iv) it can be demonstrated that there is a need for additional supply of lots within a five (5) kilometre radius of the township zone; and
 - (v) the site is in proximity to primary school or a bus route; and
 - (vi) each new lot created has regular proportions; and
 - (vii) lots that adjoin rural zoned land are provided with adequate additional internal areas to provide separation and buffer areas; and
 - (viii) new lots do not take direct access from a State main road; and
 - (ix) a sufficient minimum number of lots is proposed in the one estate; and
 - (x) the land is capable of adequately providing for the on-site treatment and disposal of effluent and wastewater (where reticulated municipal sewerage is unavailable); and
 - (xi) the following infrastructure and services are provided:
 - (A) a bitumen sealed road of a suitable standard;
 - (B) approved municipal water supply; and

- (C) electricity and telecommunications; and
- (8) the development does not compromise the use of declared stock routes; and
- (9) the development is provided with adequate infrastructure and essential services.

The proposed reconfiguration of one lot into two lots, together with the establishment of a dwelling on the newly created allotment, does not achieve the purpose of the Rural Zone Code and is inconsistent with several overall outcomes of the code.

The proposed development is for a subdivision which will facilitate dwelling houses which is a use within the accommodation activities group and is not a preferred use within the zone as per overall outcome (2). The development fails to retain the land in a lot size suitable for rural purposes and does not meet the minimum lot size requirements of 60 hectares for land identified as Class A or B agricultural land (7). The proposed development does not involve a use from within the rural activities group and is not directly compatible with, or supportive of, rural production. The subdivision and dwelling introduce a non-rural, sensitive residential use that would likely limit or compromise the continued operation and future development of rural activities on both the subject site and adjoining property, which supports established horticultural and cattle farming operations (3). The subject site is located in the Keppel Sands area, well outside the identified townships in Outcome (7), and no demonstrated need or overriding community benefit has been provided to justify further fragmentation. In the absence of a demonstrated need, the subdivision is inconsistent with the planning framework's objective to manage growth in a coordinated and sustainable manner. Allowing subdivision in rural areas without clear justification undermines the strategic intent of the Rural Zone and contributes to the inefficient use of land that is intended to be preserved for productive rural purposes.

Given the above, the proposed development does not support the overall outcomes of the Rural Zone code.

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

Performance outcomes	Acceptable outcomes	Assessment Response
Where located in all areas of the zone (excluding the Yaamba Historic Township Precinct)		
Land use		
If a use within the accommodation activities group		
<p>PO1</p> <p>The development of a use within the accommodation activities group:</p> <p>(a) does not limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot;</p> <p>(b) does not limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group; and</p> <p>(c) is appropriately separated and buffered from uses that are likely to result in adverse impacts on amenity.</p>	<p>AO1.1</p> <p>The habitable buildings of a use from within the accommodation activities group have a setback from side and rear lot boundaries in accordance with the greater of the following:</p> <p>(a) if there is an established use from within the rural activities group located on an adjoining lot, a setback from the common boundary with that lot, which complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4; or</p> <p>(b) in compliance with the setback standards identified in Table SC10.1.1 of Schedule 10.</p>	<p>PO1 - Does not comply</p> <p>There is existing farming operations located to the east on Lot 1 on RP616185 which is used for agricultural production including livestock grazing and fruit orchards.</p> <p>The proposal would fall under sensitive land use circumstance 2 in Table SC4.1.1 which requires a separation of 150 m from building associated with animal husbandry and under Table SC4.1.2 300 m from any use within the rural activities group using chemicals that are likely to result in sensitive receptor exposure to chemical spray drift is required.</p> <p>The proposed dwelling location will have a setback of 150 m to the eastern boundary and as such is not appropriately separated from the existing rural use located to the</p>

Performance outcomes	Acceptable outcomes	Assessment Response
		east.
	<p>AO1.2 The habitable buildings of a use within the accommodation activities group have a setback from road frontage lot boundaries in accordance with the greater of the following:</p> <p>(a) if there is an established use from within the rural activities group located on a lot on the opposite side of the road, a distance from the road frontage boundary, which complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4; or</p> <p>(b) in compliance with the setback standards identified in Table SC10.1.1 of Schedule 10.</p>	<p>AO1.2 - Complies The dwelling will be set back approximately 230 m from the road frontage, given there is no rural use located on the opposite side of Keppel Sands Road this setback is considered appropriate.</p>
If a use within the rural activities group		
PO2-PO5		<p>PO2-PO5 - Not applicable Development is not for a use within the rural activities group.</p>
Additional outcomes for assessable development		
Where located in all areas of the zone (excluding the Capricorn Coast Rural Precinct and excluding the Yaamba Historic Township Precinct)		
Land Use		
<p>PO11 The use contributes to the development of the rural zone which is comprised of the following:</p> <p>(a) preferred uses for the zone (as identified in the overall outcomes for the zone); or</p> <p>(b) uses within the accommodation activities group (where in accordance with the circumstances identified in the overall outcomes for the zone); or</p> <p>(c) other uses that are not within the rural activities group or accommodation activities group (where in accordance with the circumstances identified in the overall outcomes for the zone).</p>	No acceptable outcome is nominated.	<p>PO11 - Does not comply The proposed use is within the accommodation activities group however does not fall under the circumstances identified in the overall outcomes of the zone given after the subdivision the dwelling will not be ancillary to a use within the rural activities group. It has the potential to limit or compromise the continuing operation of an established rural use on an adjoining lot as it is not appropriately separated and buffered from an adjoining use that has potential to cause adverse impacts on the amenity of the development, in particular air quality and odour from the chemical spraying from the established horticultural production.</p>
Where located in all areas of the zone (excluding the Yaamba Historic Township Precinct)		
<p>PO16 The development of a use within the rural activities group is designed and operated at an appropriate scale and intensity relative to the capacity of water</p>	No acceptable outcome is nominated.	<p>PO16 - Not applicable Use is not within the rural activities group.</p>

Performance outcomes	Acceptable outcomes	Assessment Response
resources and soil to sustain the development activity in an environmentally responsible manner.		
<p>PO17</p> <p>The development of a use within the rural activities group or a use being veterinary services, 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:</p> <ul style="list-style-type: none"> (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. 	No acceptable outcome is nominated.	<p>PO17 - Not applicable</p> <p>Development is not any of the uses listed.</p>
<p>PO18</p> <p>The use does not result in land and water quality degradation (above ground and underground) due to the following:</p> <ul style="list-style-type: none"> (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.	<p>PO18 - Complies</p> <p>The development have minimal effect on land and water quality degradation given the small scale and minimal works required.</p>
<p>PO19</p> <p>The use:</p> <ul style="list-style-type: none"> (a) avoids unnecessary clearing of native vegetation and habitat; and (b) minimises major earthworks. 	No acceptable outcome is nominated.	<p>PO19 - Complies</p> <p>The development will cause minimal environmental impact as the dwelling will be located away from the mapped native vegetation on site and does not require major earthworks.</p>
Where located within Agricultural Land Class A and Class B identified on an overlay		
<p>PO24</p> <p>Land that is identified as Agricultural Land Class A or Class B is developed only in the following circumstances:</p> <ul style="list-style-type: none"> (a) it is for a land use from 	No acceptable outcome is nominated.	<p>PO24 - Does not comply</p> <p>The proposed development will result in lots below 60 ha and a width less than 450 m. Additionally, the proposed use is not within the rural activities group and there is no</p>

Performance outcomes	Acceptable outcomes	Assessment Response
<p>within the rural activities group, which does not limit or compromise the capacity of the land to be used for primary production; or</p> <p>(b) it is for a land use that is not within the rural activities group, which is not irreversible, and which does not limit or compromise the capacity of the land to be used for primary production; or</p> <p>(c) it is proven that the land should not actually be identified as Agricultural Land Class A or Class B; or</p> <p>(d) other than in the Capricorn Coast Rural Precinct, it does not result in the creation of a lot having an area less than sixty (60) hectares and a width less than 450 metres; or</p> <p>(e) it is for a land use that is not within the rural activities group and there is an overriding need in terms of public benefit for the development and that the development cannot be located on alternative sites that are suitable for the development; or</p> <p>(f) the land is identified as Key Resource Area; or</p> <p>(g) the development is small-scale, has low impacts and is focused on tourism which is directly associated with a rural activity undertaken on the site or involves education, promotion, or sales associated with primary produce sourced from the site or local area; or</p> <p>(h) the potential undertaking of agriculture on the subject land (alone or in association with surrounding land) is not practicable.</p>		<p>overriding need in terms of public benefit.</p>
Appearance		
<p>PO26 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>PO26 - Complies The proposal is of small scale and should not adversely affect the visual amenity of the site.</p>
Stock Routes		
<p>PO27 The development does not limit or compromise the use of identified stock routes for stock movement or other compatible uses.</p>	<p>No acceptable outcome is nominated.</p>	<p>PO27 - Complies Stock routes are not identified within proximity to the site.</p>
Infrastructure		

Performance outcomes	Acceptable outcomes	Assessment Response
<p>PO28 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.</p>	<p>AO28.1 The development complies with the requirements of the Development Works Code.</p>	<p>AO28.1 - Complies See development works code assessment.</p>

As demonstrated in the above assessment, the proposal does not comply with Performance Outcomes O1, O11, and O24. The proposed dwelling is not adequately separated from the existing rural use to the east, the proposed use does not meet the circumstances outlined in the overall outcomes of the zone, and there is no evidence of an overriding need or public benefit resulting from the development. If approved, the proposal would pose a risk of land use conflict with existing rural activities. Accordingly, the proposal cannot be supported, as there are no reasonable conditions that could be imposed to ensure compliance with the relevant assessment benchmarks of the code.

Reconfiguring a Lot Code

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.

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

- (1) lot reconfiguration results in a pattern of urban development which is broadly sequential, to maximise the efficiency of infrastructure provision and connect to surrounding movement and infrastructure networks ;
- (2) a variety and mix of lot sizes enable a range of development options to accommodate the preferred uses in each zone;
- (3) lots have suitable areas, dimensions and slope for the intended use, including space for vehicle access and parking, on-site services and recreation, appropriate for the zone;
- (4) lot reconfiguration avoids areas where there is an unacceptable risk from hazards, including flood, storm tide, slope instability and bushfire;
- (5) in urban areas and emerging communities, compact and walkable neighbourhoods are created, which connect to employment nodes, centres, open space, recreational areas, community services and educational opportunities;
- (6) lot reconfiguration does not increase the likelihood of significant land use conflict;
- (7) lot reconfiguration does not result in adverse impacts on natural topography, drainage systems, vegetation, ecological values, ecosystems and cultural heritage features;

- (8) lot reconfiguration does not result in adverse impacts on utility installations, major transport and movement networks, and other important infrastructure;
- (9) street and pathway design maximises opportunities to create landmarks, views and vistas;
- (10) lots are orientated in a way which facilitates the design of buildings that are appropriate for the local climatic conditions;
- (11) infrastructure is provided to new lots in a way which minimises whole of life cycle costs and maximises the use of sustainable technologies;
- (12) public open space is provided in a way which is accessible, safe and integrated with active and passive transport networks;
- (13) streets and roads are designed to maximise convenience and safety for all users.

The proposed subdivision does not facilitate the creation of lots of an appropriate size or configuration to accommodate the intended rural use of the land. The existing lot is mapped as Agricultural Land Class A and B, subdivision in this location would fragment the existing rural holding, reducing its capacity for productive use and introducing additional constraints inconsistent with maintaining viable agricultural operations (2) & (3). The proposal does not contribute to a sequential or coordinated pattern of development (1), the subdivision would create an isolated smaller lot in a rural area that is not identified for future growth, nor connected to existing or planned infrastructure networks. The proposed subdivision also has the potential to increase land use conflict, The creation of a smaller lot and the subsequent establishment of a dwelling would introduce a sensitive land use adjacent to an established horticultural and cattle farming operation on the adjoining property to the east. This increases the likelihood of amenity-related conflicts from noise, dust, odour, and rural operations, which may restrict the ongoing productive use of adjoining rural land (6). the proposed one-into-two subdivision is inconsistent with the purpose and overall outcomes of the Reconfiguring a Lot Code and does not represent an appropriate or sustainable outcome for rural land within the Livingstone Shire.

Below is an assessment of the development against the specific outcomes of the reconfiguring a lot code, which includes an assessment of the development against the relevant performance outcomes of the code.

Performance Outcomes		Acceptable Outcomes		Assessment Response	
Table 9.3.3.4.1 Outcomes for assessable development					
If boundary realignment					
PO1-PO3				PO1-PO3 - Not applicable Not a boundary realignment.	
If reconfiguring a lot associated with a prior related Material Change of Use					
PO4				PO4 - Not applicable Not related to prior MCU.	
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.		PO5 - Not applicable Given the small development scale, a structure plan is not required in this instance.	
	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		✓	
PO6		No acceptable outcome is nominated.		PO6 - Not applicable	

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>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. 	No acceptable outcome is nominated.	<p>PO7 - Does not comply The proposed dwelling is not appropriately separated from an existing rural use specified in Schedule 4 of the planning scheme.</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; (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. 	No acceptable outcome is nominated	<p>PO8 - Complies The proposed reconfiguration layout will not disturb the natural features of the site.</p>
<p>PO9 Lot reconfiguration does not facilitate development which would be visually obtrusive on skylines, headlands, or prominent landscape features.</p>	No acceptable outcome is nominated.	<p>PO9 - Complies The proposed development is low in scale and will unlikely create an adverse effect on the visual amenity of the area.</p>
<p>PO10 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 	No acceptable outcome is nominated.	<p>PO10 - Does not comply Lot reconfiguration increases the likelihood of land use conflict by facilitating development in an area that cannot provide a suitable separation distance from conflicting land use which is already established. This in turn will compromise the potential of the land and adjoining land to be used for its intended use.</p>

other major infrastructure networks.		
Lot design – size and dimension		
<p>PO11 Reconfiguration only occurs if it creates lot sizes and dimensions that:</p> <p>(a) Are consistent with the intended character of the zone, precinct or sub-precinct in which the land is 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>AO11.1 The lots are designed in accordance with the minimum lot size and dimensions specified within Table 9.3.3.4.2.</p>	<p>AO11.1 - Does not comply Resulting lot sizes will be below the minimum lot size identified. The development does not support the relevant performance outcome as it has potential to limit or compromise the ability to use rural land for its preferred uses.</p>
<p>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:</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>AO12.1 The lots are designed in accordance with the minimum lot sizes and dimensions specified within Table 9.3.3.4.2..</p> <p>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.</p>	<p>PO12 - Does not comply The proposed lots can provide constraint free building envelopes with sufficient space to provide for the listed amenities, however, does not support the use of the land for its intended purpose given the lot size is below what is specified.</p>
Lot size and dimensions where located in the emerging community zone		
PO13-PO14		PO13-PO14 - Not applicable Not located within the emerging community zone.
Lot design – rear lots		
<p>PO15 If the lot reconfiguration results in a rear lot, the resulting lots are designed in a manner which:</p> <p>(a) Retains suitable size and dimensions to enable an appropriate use of the lots;</p> <p>(b) Provides an appropriate</p>	<p>AO15.1 If the lot reconfiguration results in a rear lot, only one (1) rear lot is created.</p>	<p>AO15.1 - Complies Only one rear lot is created.</p>
	<p>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</p>	<p>AO15.2 - Does not comply Lots do not comply with the minimum size and dimension specified.</p>

<p>(c) level of amenity for the new lots and adjoining lots; Incorporates a direct means of access to the road network for the rear lot;</p> <p>(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 adjoin sensitive land use due to emissions likely to result from vehicular access; and (iv) Ensures that infrastructure services to the rear lot can be lawfully and easily constructed, monitored and maintained.</p>	<p>9.3.3.4.2, and the minimum lot area for the rear lot does not include the area of the access way.</p>	
	<p>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.</p>	<p>AO15.3 - Complies Rear lot gains access from a straight road.</p>
	<p>AO15.4 No more than two (2) rear lot access ways directly adjoin each other.</p>	<p>AO15.4 - Complies Lot access ways are collective and shared by an access easement along the western boundary of the lot.</p>
	<p>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.</p>	<p>AO15.5 - Complies Driveway is free from flood and inundation potential.</p>
	<p>AO15.6 If the lot reconfiguration results in a rear lot, the access way for the rear lot has a driveway that is designed and constructed.</p>	<p>AO15.6 - Complies Lots are in a rural zone and are up to a rural standard.</p>
	<p>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 the rural zone: twenty (20) metres.</p>	<p>AO15.7 - Complies Access easement is 20 m wide in accordance with rural standards.</p>
<p>Road and street network</p>		
<p>PO16-PO25</p>		<p>PO16-PO25 - Not applicable The proposed development will not create or change a road or change the pedestrian or public transport networks.</p>
<p>Climatic response</p>		
<p>PO26 Lot layout facilitates building design which minimises sun penetration in summer and maximises cooling breezes into buildings.</p>	<p>AO26.1 The long axis of street blocks is oriented generally east-west.</p> <p>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.</p> <p>AO26.3 Lots are offset to enable breezes to pass between buildings.</p>	<p>PO26 - Complies The resulting lots are large enough to not require a climatic response</p>
	<p style="text-align: center;">Off-set lots enable cooling breezes between buildings</p>	
<p>Development near infrastructure and special activities</p>		

PO27 Reconfiguring minimises exposure to risks and amenity impacts from major infrastructure and enables the safe and efficient operation of infrastructure.		PO27 - Not applicable The subject site is not within proximity to major infrastructure or special activities.
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.	PO28 - Complies The resulting lot sizes are large enough to contain on-site sewer and water which is considered appropriate for the development given the locality has no future planned urban development where onsite services would be considered incompatible.
Parks and open Space		
PO29-PO30 (i)		PO29-PO30 - Not applicable Parks and open space not required to be supplied.
Hazards		
PO31 Reconfiguration of a lot avoids creating unacceptable risk to human safety, property and the environment due to natural hazards and contaminated land.	No acceptable outcome is nominated.	PO31 - Complies The proposed development avoids natural hazard areas and does not disturb contaminated land.

As demonstrated in the above assessment, the proposal does not comply with Specific Outcomes PO7, PO10, AO11.2, PO12, and AO15.2. The proposed reconfiguration fails to meet the minimum lot size requirements and has the potential to create land use conflicts by not integrating appropriately with the surrounding locality. Furthermore, the proposal does not support the intended use of the land, as the reduced lot size is inconsistent with the specified standards. Subdivision at this location would fragment the existing rural holding, diminishing its productive capacity and introducing additional constraints that undermine the viability of agricultural operations. Given these factors, the proposed development cannot be supported, as there are no reasonable conditions that could be imposed to achieve compliance.

Development Works Code

The purpose of the development works code is:

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

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

- (1) adequate infrastructure and services are provided to support the reasonable expectations for the needs of the development in relation to the following:
 - (a) access and parking;

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

The following is an assessment of the proposal against the relevant assessment benchmarks of the code.

Table 9.3.2.4.1 – Outcomes for development that is accepted subject to requirements and assessable development		
Performance outcomes	Acceptable outcomes	Assessment Response
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 	AO1.1 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.	AO1.1 - Complies The proposed development has sufficient space to provide on-site parking.
	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, pick-up areas, loading and unloading areas, queuing areas, circulation and manoeuvring areas for the development are designed and constructed in accordance with the most up to date version of the Australian Standards as relevant to the development, including but not limited to the following: <ul style="list-style-type: none"> (a) <i>Australian Standard AS2890.1-1993: Parking Facilities – Off-street Car parking;</i> (b) <i>Australian Standard AS1428.1-2001: Design for access and mobility – General requirements for access – New building work;</i> 	AO1.2 - Not applicable Development is for accommodation activities.

Table 9.3.2.4.1 – Outcomes for development that is accepted subject to requirements and assessable development		
Performance outcomes	Acceptable outcomes	Assessment Response
accessibility; (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) <i>Australian Standard AS2890.2-1993: Off-street parking – Commercial vehicle facilities.</i>	
	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 land use located within the residential category zone or the township zone	AO1.3 - Not applicable For a use within the accommodation activities group
PO2 Access driveways are designed and sited: (a) to minimise disruption to public infrastructure; (b) to operate safely and efficiently taking into account the volume, frequency and type of vehicle traffic expected to be generated by the development; (c) to operate safely and efficiently taking into account the function of the adjoining road; and (d) to minimise impacts on the safety, efficiency, or function of the road network.		PO2 - Complies The proposal will utilise the existing shared access way on Keppel Sands Road.
Advertising devices		
PO3-PO5		PO3-PO5 - Not applicable Advertising devices have not been proposed.
Clearing of native vegetation		
PO6 Clearing does not result in any significant adverse impacts on the following: (a) values associated with large tracts of native vegetation which serve as habitat or viable biodiversity corridors; or	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:	AO6.1 - Complies Clearing will not occur on the site other than the location of the dwelling which is not in proximity to any mapped areas of environmental significance.

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

Performance outcomes	Acceptable outcomes	Assessment Response										
(b) 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).	(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.											
	<p>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 it is within the buffer distances in the following table:</p> <table border="1" data-bbox="592 689 995 1249"> <thead> <tr> <th data-bbox="592 689 810 745">Location</th> <th data-bbox="810 689 995 745">Buffer distance</th> </tr> </thead> <tbody> <tr> <td data-bbox="592 745 810 913">Top of the bank of a waterway classified as stream order one or stream order two</td> <td data-bbox="810 745 995 913">10 metres</td> </tr> <tr> <td data-bbox="592 913 810 1081">Top of the bank of a waterway classified as stream order three or stream order four</td> <td data-bbox="810 913 995 1081">25 metres</td> </tr> <tr> <td data-bbox="592 1081 810 1238">Top of the bank of a waterway classified as stream order five or higher order</td> <td data-bbox="810 1081 995 1238">50 metres</td> </tr> <tr> <td data-bbox="592 1238 810 1249">Wetland</td> <td data-bbox="810 1238 995 1249">100 metres</td> </tr> </tbody> </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	<p>AO6.2 - Complies Clearing will not occur on the site other than the location of the dwelling which is not in proximity to any mapped areas of environmental significance.</p>
	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 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: (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 approved development permit for material change of premises or a development permit for a reconfiguration of a lot.</p>	<p>AO6.3 - Complies Clearing will not occur on the site other than the location of the dwelling which is not in proximity to any mapped areas of environmental significance.</p>											
<p>PO7 Clearing does not result in land degradation due to soil erosion.</p>	<p>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</p>	<p>AO7.1 - Complies The dwelling is located in a low vegetated area and is unlikely to require the excessive removal of ground cover.</p>										

Table 9.3.2.4.1 – Outcomes for development that is accepted subject to requirements and assessable development		
Performance outcomes	Acceptable outcomes	Assessment Response
	qualified person, and the plan ensures that the erosion and sediment control measures are in accordance with best practice.	
Earthwork and retaining walls		
PO8-PO10		PO8-PO10 - Complies Minimal earthworks will be required to facilitate construction of the dwelling.
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.	AO11.1 - Complies Energy supply can be provided in accordance with the requirements of the relevant authority and the current servicing to the existing dwelling will be maintained. The proposed development is in a rural zone however can be supplied with reticulated grid energy.
	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.	AO11.2 - Complies
	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.	AO11.3 - Not applicable
Sewage and waste water treatment and disposal		
PO12 The development is provided with sewage and wastewater treatment and disposal infrastructure which: (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.	AO12.1 - Complies On-site wastewater treatment will be provided and the current servicing to the existing dwelling will be maintained.
	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.	AO12.2 - Not applicable
	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	AO12.3 - Complies

Table 9.3.2.4.1 – Outcomes for development that is accepted subject to requirements and assessable development		
Performance outcomes	Acceptable outcomes	Assessment Response
	Plumbing and Wastewater Code.	
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 Resulting lots with be large enough to disperse and absorb roof and allotment drainage without affecting surrounding land.
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.	AO14.1 - Complies Underground telecommunication infrastructure can be provided and the current servicing to the existing dwelling will be maintained.
	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.	AO14.2 - Complies
	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 (d) state emergency service facility.	AO14.3 - Not applicable
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; 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.	AO15.1 - Complies On-site water supply can be provided with rainwater tanks and by utilising the bore to the south of the proposed dwelling on the site, the current servicing to the existing dwelling will be maintained.
	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 <i>Capricorn Municipal Development Guidelines</i> .	AO15.2 - Not applicable
	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	AO15.3 - Complies

Table 9.3.2.4.1 – Outcomes for development that is accepted subject to requirements and assessable development		
Performance outcomes	Acceptable outcomes	Assessment Response
	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.	
Non-tidal artificial waterways		
PO16-PO17		PO16-PO17 - Not applicable No non-tidal artificial waterways are located on-site.
Roadwork		
PO18 All roadwork is designed and constructed in an economically cost-effective manner and ensures that the pedestrian, cycle and vehicle movement network: (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.	PO18 - Not applicable Roadwork not required.
Stormwater management		
PO19-PO20		PO19-PO20 - Complies Resulting lots will be large enough to manage their individual stormwater through disbursement and absorption throughout the lots without adversely affecting adjoining lots or infrastructure.
Waste water treatment and disposal (where discharging to a waterway or off-site)		
PO21		PO21 - Not applicable Wastewater treatment not discharging to a waterway off site.

As evident from the above assessment the proposed development complies with all the applicable assessment benchmarks of the development works code.

Biodiversity Overlay Code

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.

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

- (1) matters of environmental significance and corridors which link them are identified, protected, enhanced and rehabilitated to maintain ecological processes and biodiversity;
- (2) nature corridors or links are maintained and where appropriate, rehabilitated and expanded to support:
 - (a) the natural movement and proliferation of native species;
 - (b) ecological responses to climate change;
 - (c) the maintenance of large scale migratory lifecycle processes; and

- (d) connectivity between significant habitat areas and areas of remnant vegetation;
- (3) development does not cause significant adverse impacts on areas containing matters of environmental significance, by appropriately addressing impacts on issues including but not limited to the following:
 - (a) species or habitat loss or disturbance, including terrestrial and aquatic wildlife corridors;
 - (b) soil degradation, pollution, erosion, contamination, acidification or salinization;
 - (c) modification to natural processes; and
 - (d) reduction in water quality, ecological values and the natural hydrological regimes of surface and ground waters;
- (4) development maintains or increases the resilience of ecosystems and wildlife habitats to threatening processes, including the impacts of climate change;
- (5) development facilitates land tenure and other management arrangements for the long-term conservation of environmentally significant areas, ecological processes and biodiversity values;
- (6) corridors and associated buffers have dimensions which suitably provide for:
 - (a) movement of native fauna;
 - (b) viable habitat areas;
 - (c) minimisation of edge effects;
 - (d) maintenance of the hydrological functions of waterways or wetlands;
 - (e) appropriate access for sustainable recreation; and
 - (f) any additional maintenance and bushfire setback functions to be located outside the areas required for ecological purposes; and
- (7) fragmentation of existing habitat areas is minimised, particularly where it impacts on the future health of populations of native fauna and flora species.

The proposed development avoids the fragmentation of mapped environmentally significant areas, as these areas are located at the rear of the site. The proposed boundary and dwelling are situated outside the overlay area and will therefore not impact environmentally significant areas. As these areas will not be affected or altered by the development, a full assessment against the specific benchmarks of the code is not required to demonstrate compliance. Based on the above, the proposed development is considered to comply with the relevant assessment benchmarks of the code.

Bushfire Hazard Overlay Code

The purpose of the bushfire hazard overlay code 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.

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

- (1) development is located where bushfire hazard risk to personal safety and property is avoided or minimised and mitigated to acceptable levels;
- (2) highly vulnerable and community uses are not located in bushfire hazard areas;
- (3) vegetation which is identified as matters of State or local environmental significance is not cleared to achieve bushfire hazard minimisation;
- (4) natural processes and the protective function of landforms and vegetation are maintained in bushfire hazard areas;

- (5) access is provided for safe entry and exit requirements for residents during bushfire events;
- (6) development provides for the efficient operational requirements of fire fighters during bushfire events;
- (7) development is provided with adequate water supply and fittings for fire-fighting vehicles, and access arrangements for fire fighters;
- (8) emergency services facilities are located and designed to function effectively during and after a bushfire;
- (9) development does not create an unacceptable burden on disaster management response or recovery capacity and capabilities; and
- (10) development avoids the storage of hazardous materials in a bushfire hazard area.

Vegetation identified as matters of State or local environmental significance will not be required to be cleared for bushfire hazard minimisation purposes, ensuring that environmental values are appropriately protected while still maintaining adequate bushfire safety. The development can be conditioned to ensure that a sufficient and reliable on-site water supply is available to support firefighting services in the event of a bushfire. The proposal is unlikely to involve the storage of hazardous materials beyond that required for normal household use, thereby minimising the potential risk of intensifying bushfire impacts. Overall, the proposal satisfies the performance outcomes of the Bushfire Hazard Overlay Code by providing an appropriate level of safety for people and property without compromising environmental or amenity values.

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

Performance outcomes	Acceptable outcomes	Assessment response
Development other than 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		
<p>PO1</p> <p>Development does not expose people and property to unacceptable risk from bushfire hazard taking into account:</p> <p>(a) vegetation type;</p> <p>(b) slope;</p> <p>(c) aspect;</p> <p>(d) bushfire history;</p> <p>(e) ongoing maintenance; and</p> <p>(f) on-site and off-site fire hazard implications.</p> <p>Editor's note: Off-site impacts may include potential hazard from land up to ten (10) kilometres away from the site. For example, it may be relevant to consider how large tracts of forest away from the site may impact on the bushland that surrounds the site.</p> <p>Editor's note: <i>Schedule 6, Part 2 of the Planning Regulation, 2017</i>, makes specific development within a bushfire hazard overlay located on a lot smaller than 2,000m² which is zoned residential accepted development.</p>	<p>AO1.1</p> <p>Development is located within a building protection zone approved as part of a Development Permit for reconfiguration of a lot, and the building protection zone was determined in accordance with SC7.2 Bushfire hazard planning scheme policy.</p>	<p>AO1.1 - Complies</p> <p>The proposed dwelling is located within a low potential bushfire hazard area, which is considered appropriate for residential development.</p>
	<p>AO1.2</p> <p>If the development is not located within an approved building protection zone for the site in accordance with AO1.1, then the development occurs only if it is located in accordance with a bushfire management plan which has been prepared in accordance with SC7.2 Bushfire hazard planning scheme policy, and the bushfire management plan demonstrates that:</p> <p>(a) the development is not in a medium, high or very high bushfire hazard area; or</p> <p>(b) the outermost walls or living spaces of buildings on the site are separated from the edge of</p>	<p>AO1.2 - Not applicable</p> <p>A bushfire management plan has not been provided however the proposed dwelling is situated in a low potential bushfire hazard area, and is separated from hazardous vegetation.</p>

Performance outcomes	Acceptable outcomes	Assessment response
	<p>the bushfire hazard source, the greater of the following:</p> <ul style="list-style-type: none"> (i) sufficient distance to achieve a bushfire attack level no greater than 29kW/m²; or (ii) a distance of twenty (20) metres; or (iii) no less than 1.5 times the mature tree canopy height in the hazard hazardous vegetation. 	
	<p>AO1.3 Buildings and structures are located within a building protection zone which achieves the following:</p> <ul style="list-style-type: none"> (a) the inner zone and outer zone of the building protection zone have slopes under thirty-three (33) per cent; and (b) the inner zone has the following characteristics: <ul style="list-style-type: none"> (i) 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 (ii) tree canopy cover in the zone is less than ten (10) per cent; and (iii) tree canopy is located greater than two (2) metres from any part of the roofline of a building; and (c) the outer zone has the following characteristics: <ul style="list-style-type: none"> (i) it has a minimum distance of ten (10) metres plus one (1) metre for every degree of downslope vegetation; and (ii) tree canopy cover in the zone is less than thirty (30) per cent. 	<p>AO1.3 - Complies Although a designated Building Protection Zone has not been allocated, the proposed dwelling maintains a sufficient separation distance from mapped hazardous vegetation to achieve an appropriate level of bushfire safety.</p>
Land use		
<p>PO2 In areas determined to be at an unacceptable risk from bushfire hazards, development does not occur if it is for a use which:</p> <ul style="list-style-type: none"> (a) results in a significant concentration of people at any one time; or (b) results in a significant increase in people living or working in the area; or (c) involves institutional uses where evacuating people may be difficult; or (d) involves a significant number 	<p>No acceptable outcome is nominated.</p>	<p>PO2 - Complies Development is not located in area determined to be at an unacceptable risk.</p>

Performance outcomes	Acceptable outcomes	Assessment response
<p>of vulnerable people; or</p> <p>(e) involves essential public infrastructure; or</p> <p>(f) involves manufacture or storage of hazardous materials.</p>		
<p>PO3</p> <p>In areas determined to have bushfire hazard risk within tolerable levels, development occurs only if:</p> <p>(a) it adequately mitigates potential adverse impacts from bushfire hazard through siting, design, and other mitigation measures;</p> <p>(b) it supports safe and efficient evacuation and emergency services access to the site in the event of a bushfire; and</p> <p>(c) essential public infrastructure is not put at significant risk from destruction or failure during and immediately after bushfire events.</p>	<p>No acceptable outcome is nominated.</p>	<p>PO3 - Complies</p> <p>The proposed dwelling is located within a low potential bushfire hazard area, where the risk is considered tolerable. The dwelling maintains sufficient separation from hazardous vegetation and can be conditioned to provide an adequate firefighting water supply. Safe access and evacuation are available, and no essential infrastructure is at risk.</p>
Vegetation protection		
<p>PO4</p> <p>Buildings, structures and their associated buffer areas, access routes and fire management trails, are located to maximise the protection of vegetation in areas of high biodiversity or scenic value.</p> <p>Editor's note: For assessable development, building locations envelopes may be accepted in some cases, in place of buildings being illustrated on plans.</p> <p>Editor's note: Due to the conflict between the need for vegetation clearing for bushfire mitigation and the need for protecting vegetation with biodiversity values or scenic values, a site will need to be chosen where development has no significant adverse impacts on biodiversity values or scenic values, while achieving the required bushfire objectives.</p>	<p>AO4.1</p> <p>Buildings, structures and their associated buffer areas, access routes and fire management trails, avoid causing significant adverse impacts on the following:</p> <p>(a) areas identified as containing matters of environmental significance; and</p> <p>(b) areas identified as:</p> <p>(i) Scenic amenity management area A; or</p> <p>(ii) Scenic amenity management area B; or</p> <p>(iii) Coastal green break; or</p> <p>(iv) Coastline foreshore.</p>	<p>AO4.1 - Complies</p> <p>The proposed dwelling and associated works avoid areas identified as containing matters of environmental significance, as well as any mapped scenic amenity management areas, coastal green breaks, or coastline foreshores. Vegetation of environmental significance will not be cleared for bushfire hazard mitigation, ensuring the development does not cause significant adverse environmental or scenic impacts.</p>
Internal access		
<p>PO5</p> <p>Development ensures that the location, siting, and design of development and associated internal access ways:</p> <p>(c) avoid potential for entrapment during a bushfire; and</p> <p>(d) enable safe evacuation of the site during a bushfire for site occupants.</p>	<p>AO5.1</p> <p>Internal access ways have:</p> <p>(a) a minimum cleared width of six (6) metres;</p> <p>(b) a minimum cleared height of 4.8 metres;</p> <p>(c) a minimum formed width of four (4) metres;</p> <p>(d) a maximum gradient of twenty-five (25) per cent if sealed, or eighteen (18) per cent if unsealed;</p> <p>(e) where the length of the access way is greater than thirty (30) metres, an average gradient no greater than 14.4 per cent;</p> <p>(f) a cross fall no greater than eighteen (18) per cent if</p>	<p>AO5.1 - Complies</p> <p>The development utilises a shared access via the existing easement, which complies with access requirements and provides for safe and efficient evacuation in the event of a bushfire.</p>

Performance outcomes	Acceptable outcomes	Assessment response
	sealed, or 12.5 per cent if unsealed; (g) where there are dips or peaks, entry and exit angles no greater than 12.5 per cent; (h) adequate drainage to prevent soil erosion; (i) where the site: (i) is located within a reticulated municipal water supply area, a maximum length of seventy (70) metres from the development to an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of fifteen (15) tonnes; or (ii) is not located within a reticulated municipal water supply area, a maximum length of 200 metres from the development to an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of eight (8) tonnes.	
Emergency access		
PO6 Development has adequate access to external road networks which can be utilised by emergency vehicles, and provides safe evacuation in the event of a bushfire.	AO6.1 Where located on a property greater than two-thousand (2000) square metres in area, the development has direct access to a constructed all-weather public road which is capable of carrying emergency service vehicles.	AO6.1 - Complies The development utilises a shared access via the existing easement, which complies with access requirements and provides for safe and efficient evacuation in the event of a bushfire.
Water supply for firefighting purposes		
PO7 Development provides adequate water supply for firefighting purposes and the water supply is safely located and freely accessible for firefighting.	AO7.1 Development involving existing or new buildings having a gross floor area greater than fifty (50) square metres comply with the following: (a) the development site has access to a reliable municipal reticulated water supply with sufficient flow and pressure characteristics for fire-fighting purposes at all times (the minimum pressure and flow is 10 litres per second at 200 kPa; or (b) all buildings are located within ten (10) metres of a water tank, which: (i) is constructed with fire-proof materials or is located underground with above-ground access points; (ii) meets the minimum water supply requirements	AO7.1 - Conditioned The development can be conditioned to ensure a sufficient on-site water supply is available for firefighting purposes.

Performance outcomes	Acceptable outcomes	Assessment response
	<p>outlined in Table 8.2.4.4.3;</p> <p>(iii) is located more than nine (9) metres from any potential fire hazards (such as venting gas bottles and combustible structures);</p> <p>(iv) is located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance;</p> <p>(v) is fitted with fire brigade tank fittings consisting of:</p> <p>(A) for above ground tanks, a fifty (50) millimetre ball valve and male camlock coupling and metal pipe fittings; or</p> <p>(B) for underground tanks, an access hole having a minimum diameter of 200 millimetres to allow access for suction lines; and</p> <p>(vi) is identified by directional signage clearly provided at the street access point.</p> <p>Editor's note: Water supply for fire-fighting is in addition to water supply for household use. Where a non-reticulated supply of water is required, swimming pools, creeks and dams should not be used as a substitute for a dedicated static supply as these sources of water are not reliable during drought conditions.</p>	
Activities involving hazardous material		
<p>PO8</p> <p>The manufacture or storage of hazardous materials does not increase the risk of fire hazard.</p>	<p>AO8.1</p> <p>Development does not involve the manufacture or storage of hazardous materials beyond that which is commonly associated with domestic use.</p>	<p>AO8.1 - Complies</p> <p>No hazardous material will be stored on site.</p>
Landscaping and fencing		
<p>PO9</p> <p>Landscaping does not create an unacceptable risk to people or property and provides for ongoing management of risk to the development and people from a bushfire.</p>	<p>AO9.1</p> <p>Development complies with a landscaping plan which:</p> <p>(a) is prepared in compliance with an approved bushfire management plan;</p> <p>(b) preserves the requirements of any building protection zone; and</p> <p>(c) does not increase the exposure of a habitable building not located in a building protection zone to a bushfire hazard.</p>	<p>AO9.1 - Not applicable</p> <p>Landscaping plan not proposed.</p>
<p>PO10</p> <p>Development utilises fencing that:</p> <p>(a) does not contribute to the spread of bushfire;</p>	<p>AO10.1</p> <p>Fences are constructed:</p> <p>(a) using non-combustible or fire retardant materials within</p>	<p>AO10.1 - Conditioned</p> <p>Can be conditioned.</p>

Performance outcomes	Acceptable outcomes	Assessment response
(b) provides access for fire-fighting purposes; (c) facilitates the safe movement of fauna in rural areas.	twenty (20) metres of any building used for accommodation; (b) with gates that can be freely accessed for fire-fighting purposes (if applicable); and (c) to not impede the safe movement of fauna (where applicable).	

As evident from the above assessment the proposed development can comply with or can be conditioned to comply with the relevant assessment benchmarks of the bushfire hazard overlay code.

Landslide Hazard Overlay Code

The purpose of the landslide hazard overlay is to ensure that:

- (1) development does not materially increase the extent or the severity of landslide hazard; and
- (2) risk to life, property, community and the environment during landslide events is avoided or minimised and mitigated to an acceptable level.

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

- (1) development is compatible with the level of risk associated with the landslide;
- (2) development avoids a potential landslide hazard, or minimises and mitigates risk to personal safety and property to an acceptable level;
- (3) the development is resilient to landslide hazard events by ensuring siting and design accounts for the potential risks of the landslide hazard to property;
- (4) the development directly, indirectly and cumulatively avoids an unacceptable increase in severity of the landslide hazard and does not materially increase the potential for damage on the site or to other properties;
- (5) matters of State or local environmental significance are not adversely impacted on in order to achieve hazard minimisation or mitigation;
- (6) the development avoids the release of hazardous materials as a result of a landslide hazard event; natural processes and the protective function of landforms and/or vegetation are maintained in landslide hazard areas; and
- (7) development does not create an unacceptable burden on disaster management response or recovery capacity and capabilities.

The proposed development avoids areas identified within the Landslide Hazard Overlay, as the mapped hazard area is located to the rear of the site. The proposed boundary and dwelling are positioned outside the overlay area and therefore will not be affected by, or contribute to, landslide risk. As the development does not impact or alter any areas subject to landslide hazard, a full assessment against the specific benchmarks of the Landslide Hazard Overlay Code is not required to demonstrate compliance. Based on the above, the proposed development is considered to comply with the relevant assessment benchmarks of the code.

Scenic Amenity Overlay Code

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.

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

- (1) development integrates all aspects of engineering, architecture, building, operational work and landscaping with the natural features and characteristics of the site, to minimise adverse effects on the environment and the landscape; and

- (2) areas identified as having landscape values are protected from development or the effects of development that may reduce those values in terms of:
- (a) physical changes to the natural environment;
 - (b) damage or removal of vegetation; and
 - (c) prominence of development within its landscape setting and the extent of associated visual detraction.

The proposed development has been designed to maintain the site's scenic and visual qualities, with the building location and lot layout ensuring that existing landscape values are preserved. The mapped Scenic Amenity Overlay affects areas towards the rear of the site, while the proposed dwelling and boundary are located outside this area, avoiding any visual intrusion or adverse landscape impact. As the development does not compromise the scenic character or visual integrity of the locality, a detailed assessment against the specific benchmarks of the Scenic Amenity Overlay Code is not considered necessary. Accordingly, the proposal is considered to comply with the relevant assessment benchmarks of the code.

PREVIOUS DECISIONS

Each decision is made on its merits at the time of assessment and with the best planning information available.

ENGAGEMENT AND CONSULTATION

The proposal was the subject of public notification between 18 September and 13 October 2025, as per the requirements of the *Planning Act 2016*, and two submissions were received. Of these submissions, two are considered to be properly made in accordance with the *Planning Act 2016*.

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

Issue	Officer Comment
Non-compliance with the minimum lot size	Submitters noted the proposed lot size is inconsistent with the planning scheme and approval would not support the strategic intent of the rural zone.
Encroachment and Unauthorised Use of Easement and Adjacent Lot	Concerns were raised over fencing that has been installed extending approximately 5–10 metres into the adjoining easement and a further 5–10 metres into Lot 3 on RP616956, apparently for private use. This encroachment is unauthorised and restricts lawful access to, and the intended use of, the 20-metre-wide easement and adjoining lot.
Agricultural Operations	Submitters raised concerns regarding the existing livestock keeping and agricultural production on the adjoining lot to the east noting there is a risk of spray drift, noise and odours associated with such activities noting that the approval should not limit or restrict these operations.

BUDGET IMPLICATIONS

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

LEGISLATIVE CONTEXT AND LEGAL IMPLICATIONS

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

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

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 objectives that support growth, liveability and sustainability.

CONCLUSION

As demonstrated in the above assessment, the proposal is inconsistent with the Strategic Framework, and Performance outcomes and overall outcomes of the Rural Zone Code and Reconfiguring a Lot Code. The proposal cannot be conditioned to meet the minimum lot size due to the current lot size. In the absence of relevant matters to outweigh the high-level conflicts with the Strategic Framework, Council officers cannot support the proposed development.

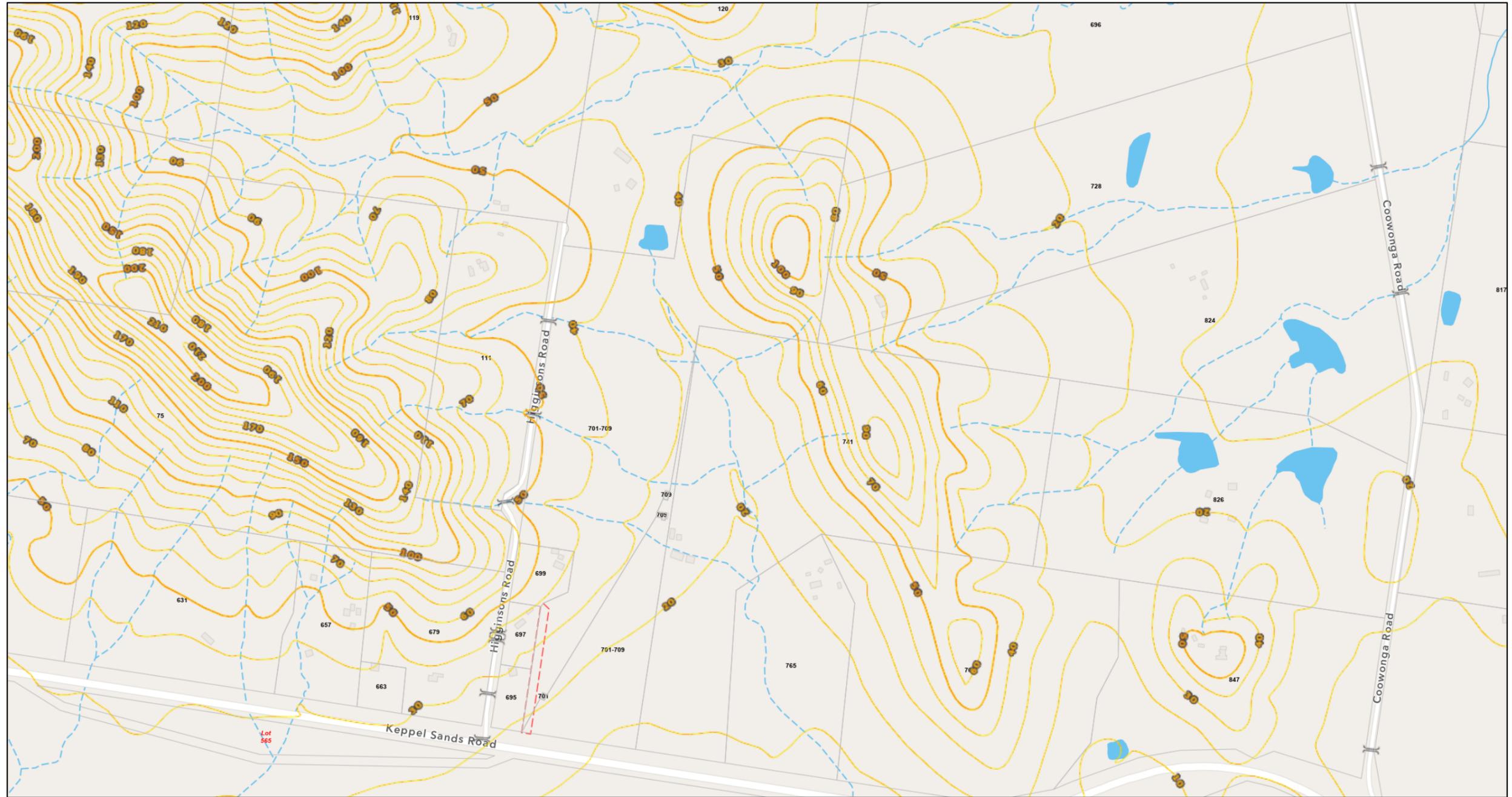
**13.1 - D-221-2025 - MCU FOR
DWELLING HOUSE AND ANCILLARY
BUILDING & ROL (1 INTO 2)**

Locality and Overlay Plans

Meeting Date: 3 March 2026

Attachment No: 1

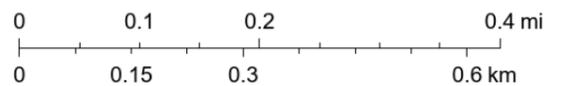
Council's Infrastructure and Contour Map



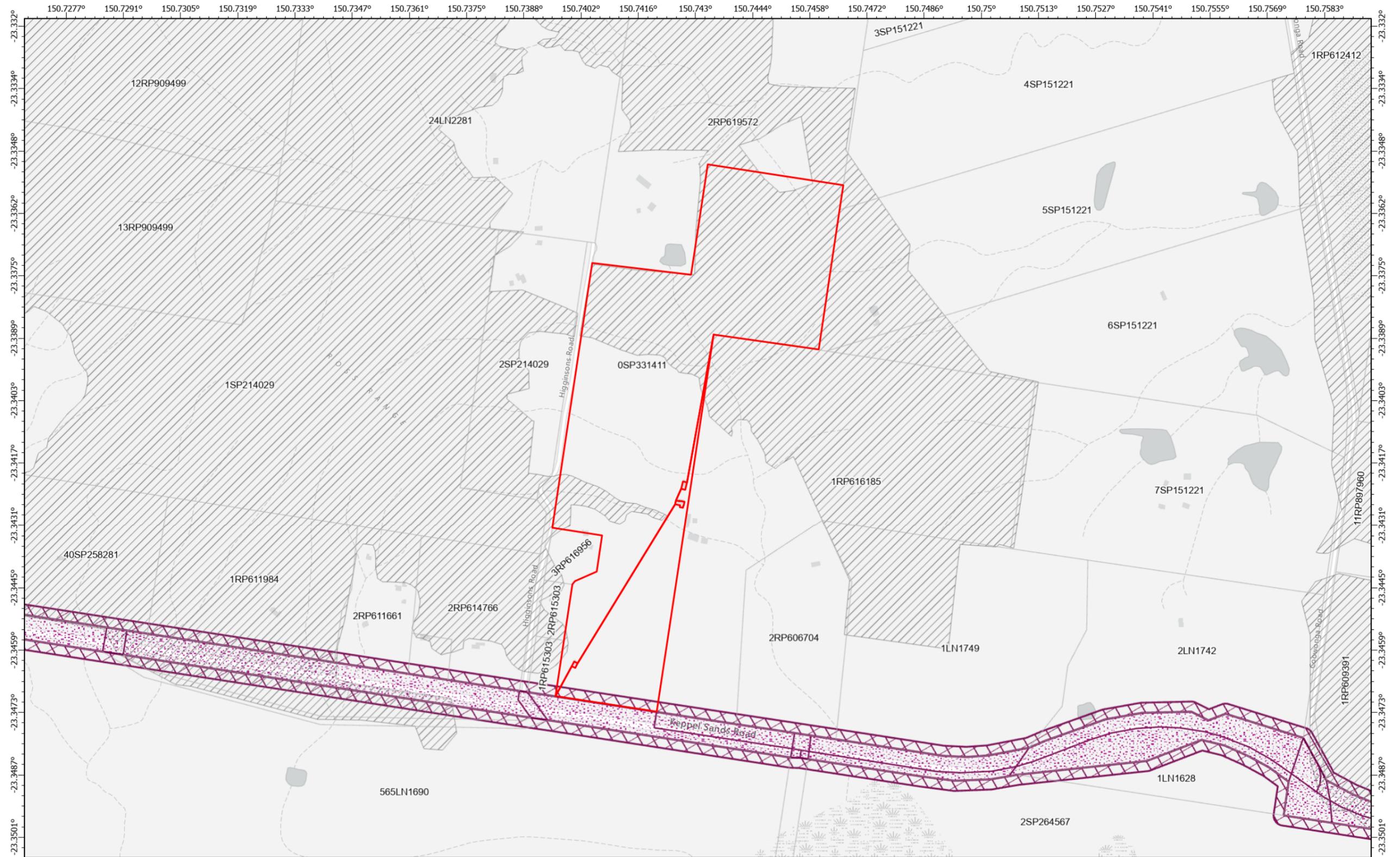
May 16, 2025

1:9,028

- | | | | | | | |
|-----------------|-------------------|--------------------------|----------------------------------|-------------------------------|-------------------------|--------------------------|
| Contour | Reservoirs | Water Service | Sewer Gravity Mains | Sewer Rising Mains Private | Open Channel | Subsoil Drain Private |
| Index | Water Mains | Abandoned Mains | Sewer Rising Mains | Sewer Mains Abandoned Private | Subsoil Drain | Surface Drain Private |
| Intermediate | Trunk Main | Private Water Mains | Sewer Mains Abandoned | Minor Culverts | Retention Basins | Retention Basins Private |
| Structures | Reticulation Main | Private Water Service | Sewer Network Structures Private | Major Culvert | Culverts Private | Effluent Structures |
| Intake | Raw Water Main | Sewer Network Structures | Pump Station | Minor Culvert | Headwalls Private | Effluent Mains |
| Pump Station | Scour Line | Pump Station | Treatment Plant | Headwalls | Stormwater Main Private | Property Address Search |
| Treatment Plant | Unknown Main Type | Treatment Plant | Sewer Gravity Mains Private | Stormwater Main | Open Channel Private | |



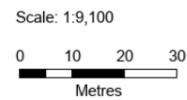
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, © State of Queensland (Department of Resources) 2024



Date: 16/05/2025

DA Mapping System - Export Map

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-  Cadastre (10k)
- Regulated vegetation management map (Category A and B extract)
-  Category B on the regulated vegetation management map
-  Area within 25m of a State-controlled road
-  State-controlled road

DA Mapping System - Export Map

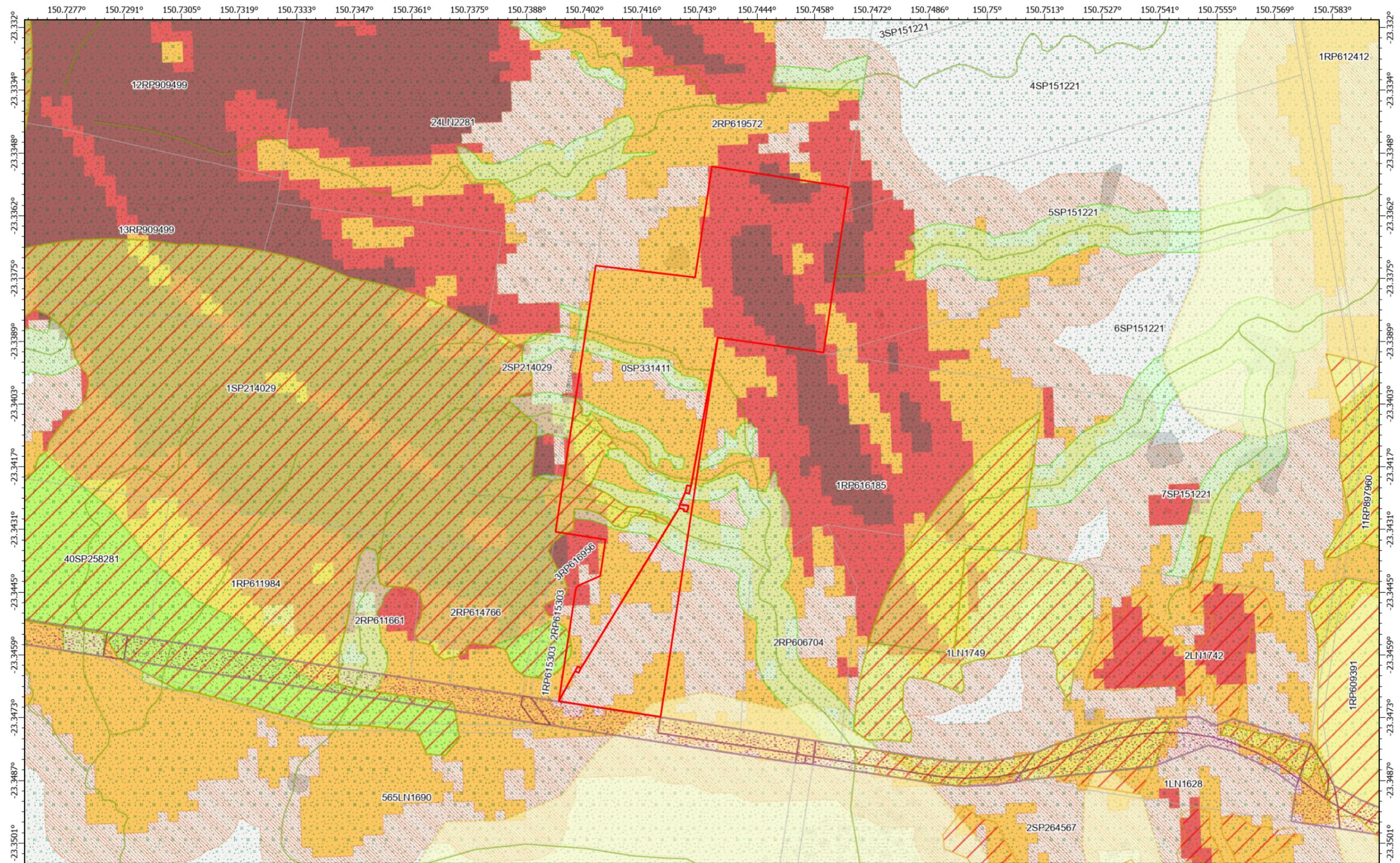
Disclaimer This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. Note that this is a print screen only. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties. This information is supplied subject to the full terms and conditions available on the department's website.

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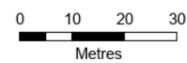
State Planning Policy IMS - Export Map

Making or amending a local planning instrument and designing land for local infrastructure

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Scale: 1:9,100



Date: 16/05/2025

Queensland Government

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-  Cadastre (10k)
-  MSES - Regulated vegetation (intersecting a watercourse)
-  MSES - Wildlife habitat (endangered or vulnerable)
-  State-controlled road
-  Flood hazard area - Level 1 - Queensland floodplain assessment overlay
-  Flood hazard area - local government flood mapping area
-  MSES - Regulated vegetation (category B)
-  MSES - Regulated vegetation (category R)
-  MSES - Regulated vegetation (essential habitat)
- Bushfire prone area
- CLASS
-  Very High Potential Bushfire Intensity
-  High Potential Bushfire Intensity
-  Medium Potential Bushfire Intensity
-  Potential Impact Buffer

State Planning Policy IMS - Export Map

Making or amending a local planning instrument and designing land for local infrastructure

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Date: 16/05/2025

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13.1 - D-221-2025 - MCU FOR DWELLING HOUSE AND ANCILLARY BUILDING & ROL (1 INTO 2)

Reconfiguration of a Lot Plan

Meeting Date: 3 March 2026

Attachment No: 2

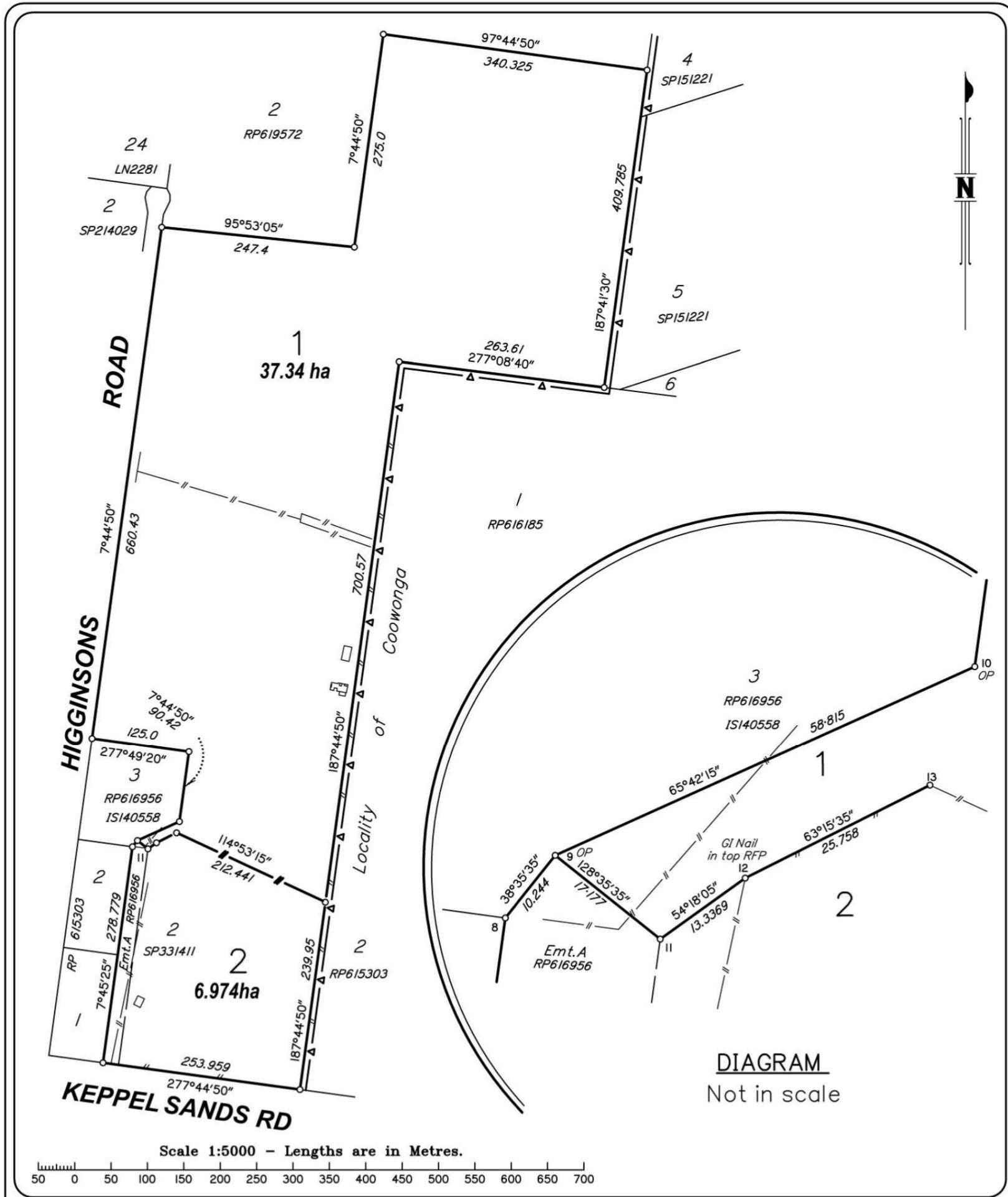
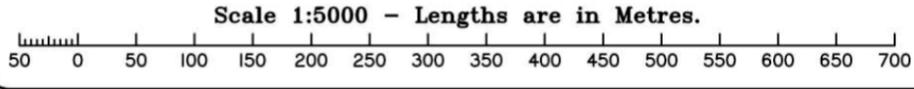


DIAGRAM
Not in scale



Plan of:

Proposed Lots 1 & 2

Cancelling Lots 1 & 2 and
common Property on SP331411

LOCALITY	TUNGAMULL
LOCAL GOVERNMENT	Livingstone Shire Council
HORIZONTAL DATUM	MGA Zone 56
MERIDIAN	SP 331411
VERTICAL DATUM	-----

PLAN SCALE	1:5000
AUTOCAD SCALE	1:1000
DATE	19-05-2025
DRAWN	Athira
SHEET 1 OF 1	
REF.	221229-02

This plan was prepared to accompany a Reconfiguration of a Lot Application to Livingstone Shire Council and should not be used for any other purpose. The dimensions and areas shown here are approximate only and subject to field survey, therefore, no reliance should be placed on the information shown on this plan, especially for financial dealings. This note is an integral part of this plan.

GSPC
 (Gracemere Surveying and Planning Consultants Pty Ltd)
 ABN: 40 124 780 445
 PO Box 379 Gracemere QLD 4702
 Rockhampton & Toowoomba
 PH: (07) 4922 7033 email: admin@gspc.com.au FAX: (07) 4922 7044

**13.1 - D-221-2025 - MCU FOR
DWELLING HOUSE AND ANCILLARY
BUILDING & ROL (1 INTO 2)**

MCU Site Plans

Meeting Date: 3 March 2026

Attachment No: 3

SITE LOCATION

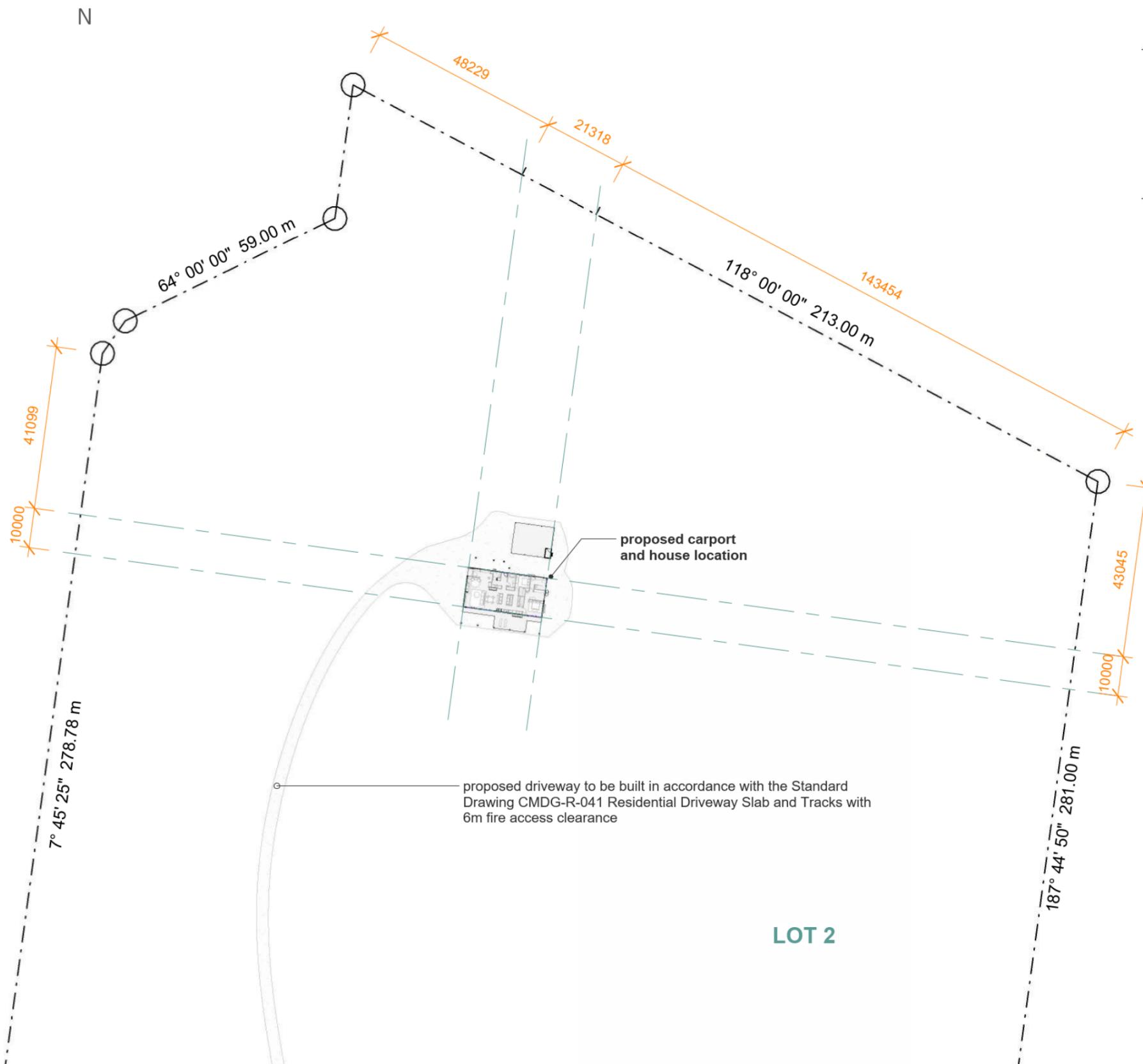
Address: 701 Keppel Sands Road
Tungamull, QLD 4703

Wind category: C3

RPD

2 RP 619572

Locality: Tungamull
Council: Livingstone Shire



① Set-out Detail Site Plan
1 : 1000

SHELLEY MCPHEE & DES ROWE, AT 701 KEPPEL SAND ROAD, TUNGAMULL



① Site
1 : 2000

SHELLEY MCPHEE & DES ROWE, AT 701 KEPPEL SAND ROAD, TUNGAMULL

13.2 D-405-2025 - REQUEST FOR FEE REDUCTION FOR OPW STAGE 1 OF RELOCATABLE HOME PARK

File No: D-405-2025
Attachments: Nil
Responsible Officer: Shari Rankin - Coordinator Development Assessment
Greg Abbotts - Manager Planning and Development
Katrina Paterson - General Manager Communities and Environment
Alastair Dawson - Interim Chief Executive Officer
Author: Jodie Roche - Development Officer

SUMMARY

INA Operations Pty Ltd have made representations to Council seeking a reduction in the development application fees for Operational Works for Earthworks, Roadworks, Stormwater Works and Water Works - Stage 1 Relocatable Home Park, located at Lot 6000 Taranganba Road, Taroomball (Lot 6000 on SP346289) due to minimal Council assets being created for this development.

OFFICER'S RECOMMENDATION

THAT Councillors resolve to support the reduced application fee of \$10,342.50, based on the appropriate cost-recovery fee calculation for the assessment of this particular development application.

BACKGROUND

Operational Works fees are calculated on a tiered cost of works. The calculated fee for this development, being valued at \$6,853,357.50, would result in an application fee of \$59,133.40.

This development comprises three stages of civil works, with the current application pertaining to Stage 1. Each subsequent stage is likely to attract fees of a similar magnitude based on the cost of works. Any reduction granted for Stage 1 would therefore likely be sought for the remaining stages, and could also influence future applications for relocatable home park developments within the Shire.

The applicant contends that this type of development differs significantly from traditional residential subdivisions, noting that the majority of the infrastructure will be privately owned. As such, minimal assets will ultimately transfer to Council for ongoing ownership or maintenance. The applicant therefore argues that the level of assessment required for this Operational Works application is substantially reduced, with fewer inspections anticipated during construction.

The applicant further submits that applying the current Fees and Charges Schedule to this development type overstates the extent of Council's involvement necessary to ensure compliance with the overarching Material Change of Use approval. They have suggested that a fee of \$10,000.00 would be sufficient to cover Council's assessment costs.

While it is acknowledged that all proposed infrastructure will be predominantly privately owned, it is noted that other development types containing aspects of privately owned components are still subject to the full applicable fee. However, relocatable home parks tend to involve high construction values and comparatively limited Council asset involvement, which can result in a high assessed fee despite reduced regulatory assessment requirements.

Although there is some merit in considering a fee reduction for this development type on a cost-recovery basis, a broader review of fees specifically for relocatable home parks may be more appropriate to ensure consistency and transparency.

For this particular Stage 1 Operational Works application for Ingenia, it is also noted that some privately owned infrastructure will rely on, or ultimately discharge into, future Council land and those discharge points will become a Council asset. In addition, a small portion of sewerage infrastructure is proposed and will also become a Council asset. These two elements require assessment by Council Officers, alongside consideration of the development as a whole.

Based on the above, the following is a calculation of the cost of assessment and inspection on a cost recovery basis:

Administrative costs	Cost Recovery per hour rate	Number of hours	Total
Application lodgement processing & admin check	\$174.00	1	\$174.00
System workflow & registering documentation maintenance (throughout)	\$174.00	3	\$522.00
Preparation and issue of notices (throughout)	\$174.00	2	\$348.00
Construction phase system workflow & registering documentation (throughout)	\$174.00	2	\$348.00
Total amount			\$1,392.00
Development Engineering Technical assessment & inspection costs			
Assessing plans as a whole for approval to ensure in accordance with MCU	\$186.00	6	\$1,116.00
Preparation, drafting and finalising documentation /memos/system workflows	\$186.00	3	\$558.00
Inspecting stormwater discharge points and sewer infrastructure connection & off-Defects inspection	\$186.00	7 inspections @ 1 hour per inspection	\$1,302.00
As-Constructed Data assessment & documentation	\$186.00	3	\$558.00
Total amount			\$3,534.00
Development Officer assessment & administrative costs			
Initial review, properly made check and payment notice issue	\$186.00	2	\$372.00
Preparation, drafting and finalising documentation /memos/system workflows (throughout)	\$186.00	4	\$744.00
Construction phase - Preparation, drafting and finalising documentation /memos/system workflows (from Pre-Start meeting to Off-Defects)	\$186.00	4	\$744.00

Assessment Report preparation and finalisation processes	\$186.00	6	\$1,116.00
Coordinator review and approval	\$186.00	2	\$372.00
Total amount			\$3,348.00
Combined Total		45	\$8,274.00
25% contingencies added			\$2,068.50
		Cost Recovery Total:	\$10,342.50

Accordingly, the application fee would be reduced to **\$10,342.50** which is considered an appropriate cost-recovery fee for the assessment of this particular development application.

PREVIOUS DECISIONS

No previous Council meeting decisions have been made in regard to this operational works application.

BUDGET IMPLICATIONS

A reduction of the application fee would not create immediate or long-term impacts on the organisational budget and is considered to be an appropriate application fee based on the actual cost-recovery calculation for this particular application.

LEGISLATIVE CONTEXT AND LEGAL IMPLICATIONS

Nil

RISK ASSESSMENT

There is an inherent organisational risk that considering a reduction of the application fee for operational works applications which are predominantly private owned infrastructure could create a precedence for other similar operational works applications.

It is anticipated that any future request would only be considered based on the specific details and proposed works of that application and that this decision does not set a precedence for a reduced application fee for operational works for relocatable home parks.

Where other applicants may request a reduction of the fee where their relocatable home park developments are predominantly privately owned infrastructure, each request would be subject to a review of the detailed plans and estimate cost-recovery fee for assessing such an application, considering that there is merit in considering a reduction of fees for these types of operational works applications as relocatable home parks tend to involve high construction values and comparatively limited Council asset involvement, which can result in a high assessed fee despite reduced regulatory assessment requirements.

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

13.3 D-230-2025 - REQUEST FOR WAIVER OF LEVIED INFRASTRUCTURE CHARGES**File No:** D-230-2025**Attachments:**

1. [Locality Plan](#)
2. [MCU Site Plan](#)

Responsible Officer: **Greg Abbotts - Manager Planning and Development**
Katrina Paterson - General Manager Communities and Environment
Alastair Dawson - Interim Chief Executive Officer**Author:** **Shari Rankin - Coordinator Development Assessment**

SUMMARY

L A Lloyd has made representations to Council seeking the waiver of levied infrastructure charges for Material Change of Use for a Pet Crematorium located at 383 Pine Mountain Drive, Mulara (Lot 8 SP220202).

OFFICER'S RECOMMENDATION

THAT concerning the request for a waiver of levied infrastructure charges, made by L A Lloyd, in relation to Material Change of Use for a Pet Crematorium located at 383 Pine Mountain Drive, Mulara (Lot 8 SP220202), Council resolves to refuse the request to waive the charges.

BACKGROUND

The applicant has made representations to Council seeking a waiver of the levied infrastructure charges which total \$6,368.85, on the basis that the development will not generate any material additional demand on the trunk infrastructure network.

The applicant seeks a waiver of the infrastructure charges on the following grounds:

- The proposed site is limited in scale, with vehicle movements generally restricted to the collection and return of pets to veterinary clinics approximately twice weekly;
- The site is located outside the Priority Infrastructure Area and is not connected to town water, sewerage or stormwater;
- Because of this, they believe the use will not place any real demand on Council infrastructure;
- A 2018 approval for a crematorium use on a different rural site was not subject to infrastructure charges; and
- The applicant considers that the financial and administrative burden associated with the application process has been unreasonable.

Officers do not support a waiver of the infrastructure charges for the following reasons:

- Infrastructure charges are levied in accordance with Council's *Adopted Infrastructure Charges Resolution* and the statutory requirements of the *Planning Act 2016*.
 - The obligation to pay infrastructure charges is triggered by the new approved use, irrespective of the applicant's interpretation of the scale or anticipated intensity of the operation.
 - Infrastructure charges fund a broad range of trunk infrastructure, including transport networks, community facilities, public parks, and other essential services, not solely water and sewerage.
 - A site's lack of connection to reticulated services does not exempt it from infrastructure charges.
-

- The 2018 approval not subject to infrastructure charges cited by the applicant was assessed under a different *Adopted Infrastructure Charges Resolution* and therefore does not establish a precedent under the current legislative and policy framework.
- Financial or administrative challenges experienced by the applicant during the development assessment process do not constitute grounds to waive statutory infrastructure charges.
- The applicant has not provided any lawful or policy-based justification that would enable Council to waive the charge in this instance.

PREVIOUS DECISIONS

A development application for a development permit for a Material Change of Use for a Pet Crematorium (D-66-2018) was approved by Council on 17 July 2018. An infrastructure charge was not levied for this development as under the *Adopted Infrastructure Charges Resolution (No.3) 2018* the use was listed as having nil charge.

BUDGET IMPLICATIONS

Council levies infrastructure charges as part of the development assessment process. These charges apply when reconfiguring a lot, material change of use or building works occurs that generates additional demand on trunk infrastructure networks.

Charges collected or assets constructed contribute to the provision of essential trunk infrastructure to service development.

LEGISLATIVE CONTEXT AND LEGAL IMPLICATIONS

Pursuant to section 119 of the Planning Act 2016, Council decided to give an infrastructure charges notice relevant to the development based on the developments increased demand on trunk infrastructure.

RISK ASSESSMENT

A financial risk applies to this request in terms of not recovering the levied charge as prescribed under the *Adopted Infrastructure Charges Resolution (No.7) 2025*.

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

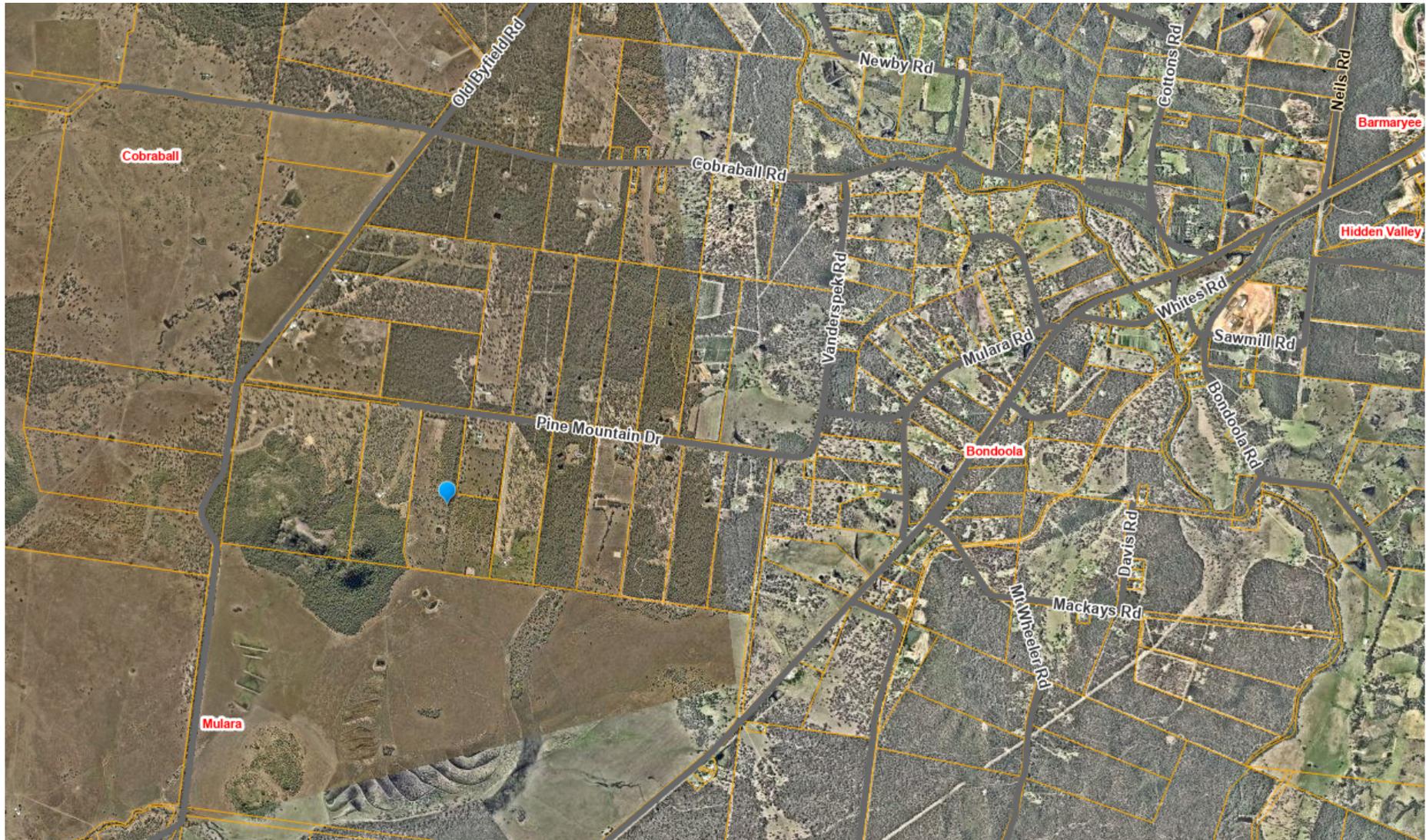
That in relation to the request to waive the levied infrastructure charges, officers have considered the request by the applicant and do not support the waiver.

**13.3 - D-230-2025 - REQUEST FOR
WAIVER OF LEVIED
INFRASTRUCTURE CHARGES**

Locality Plan

Meeting Date: 3 March 2026

Attachment No: 1



13.3 - D-230-2025 - REQUEST FOR WAIVER OF LEVIED INFRASTRUCTURE CHARGES

MCU Site Plan

Meeting Date: 3 March 2026

Attachment No: 2

1.2 Shed structure distance from the boundary fence



13.4 POLICY REVIEW- RISK BASED LAND USE COMPLIANCE POLICY**File No:** qA82040**Attachments:**

1. **Current Risk Based Land Use Compliance Policy**[↓](#)
2. **Marked up Copy with Changes**[↓](#)
3. **Final Copy**[↓](#)

Responsible Officer: **Greg Abbotts - Manager Planning and Development**
Katrina Paterson - General Manager Communities and Environment
Alastair Dawson - Interim Chief Executive Officer**Author:** **Greg Abbotts - Manager Planning and Development**
Nat Druery - Coordinator Public Environments

SUMMARY

The Risk Based Land Use Compliance Policy has been reviewed and is being presented to Council for consideration and adoption.

OFFICER'S RECOMMENDATION

THAT Council adopts the revised Risk Based Land Use Compliance Policy.

BACKGROUND

The Risk Based Land Use Compliance Policy was first implemented in 2018. The policy was developed to provide guidance and direction for allocation of resources when undertaking reactive compliance and enforcement actions associated with, planning, building, environmental health and plumbing and drainage.

The policy was last reviewed in November 2021.

Officers have reviewed the policy, and a workshop has been undertaken with the Councillors. The amendments proposed look to modernise the policy by providing additional examples of land use matters.

PREVIOUS DECISIONS

The previous policy amendment was updated on 16 November 2021

ENGAGEMENT AND CONSULTATION

Internal review of the Policy was completed by the Officers responsible for the policy. Officers presented a workshop as part of consultation with Councillors.

BUDGET IMPLICATIONS

There are no budget implications identified in this policy amendment.

LEGISLATIVE CONTEXT AND LEGAL IMPLICATIONS

This policy supports officers in their decision making under the following legislation.

Building Act 1975, Environmental Protection Act 1994, Food Act 2006, Health (infection Control for Personal Appearance Services) Act 2003, Local Government Act 2009, Planning Act 2016, Plumbing and Drainage Act 2018 and the Public Health Act 2005.

Council has statutory obligations in monitoring and enforcing compliance with the above legislation, however it is considered that the adoption and implementation of the attached policy would have minimal legal implications.

RISK ASSESSMENT

This policy assists in reducing the risks Council is exposed to in undertaking based land use compliance by:

- 1) providing a strategic framework for prioritising complaints based on established risk criteria
- 2) providing guidance and direction for officers in determining resolution actions
- 3) assisting with consistency in decision making
- 4) focussing on changing behaviours to assist achieving acceptable land use compliance outcomes
- 5) seeking voluntary compliance in order to minimise the need for enforcement action
- 6) encouraging neighbours who are in dispute to use mediation to assist resolution

CORPORATE PLAN REFERENCE

Community Plan Outcome - 4.3 Be responsive, trusted and provide positive customer experiences

This policy outlines Councils response to land use activities.

13.4 - POLICY REVIEW- RISK BASED LAND USE COMPLIANCE POLICY

Current Risk Based Land Use Compliance Policy

Meeting Date: 3 March 2026

Attachment No: 1



RISK BASED LAND USE COMPLIANCE POLICY (COMMUNITY POLICY)

1. Scope

The Risk Based Land Use Compliance Policy (this 'Policy') provides guidance and direction for Livingstone Shire Council in allocating resources to maximise the community benefits when undertaking reactive compliance and enforcement actions associated with the following:

- (a) planning;
- (b) building;
- (c) environmental health; and
- (d) plumbing and drainage.

2. Purpose

The purpose of this Policy is to:

- (a) Implement a **"risk based assessment"** approach for evaluating the impacts and/or consequences of non-compliant land use activities based on the following criteria:
 - (i) risks to health and safety of persons;
 - (ii) levels of environmental harm;
 - (iii) levels of amenity impact;
 - (iv) Council reputation/public perception;
 - (v) levels of statutory non-compliance; and
 - (vi) legal or economic consequences.
- (b) Inform strategic decision making in prioritising investigations and allocating resources based on a **"risk based assessment"** of land use compliance complaints;
- (c) Maximise the benefits to the community in the allocation of resources for resolving land use compliance matters.
- (d) Ensure the use of resolution options which are appropriate and proportionate to the seriousness of the compliance matters under investigation; and
- (e) Apply consistency in addressing non-compliant land uses.

NOTE: The policy is not intended to limit Council officers in their use of discretion or exercise of official functions. The full circumstances and facts of each case must be considered and decisions made based on the merits of the individual case.

3. References (legislation/related documents)

Building Act 1975
Environmental Protection Act 1994
Food Act 2006

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted, 16 November 2021
 Version: 2.0

Portfolio: Liveability and Wellbeing
 Business Unit: Liveability

Page 1 of 8

Local Government Act 2009
 Planning Act 2016
 Plumbing and Drainage Act 2018
 Public Health Act 2005

4. Definitions

To assist with interpretation, the following definitions shall apply:

Compliance and regulatory enforcement	The actions undertaken by Council in ensuring a person is reasonably complying with, or is taking appropriate steps towards reasonable compliance with, relevant laws, regulations, approvals, standards and/or policies.
Person	Includes a body of persons, whether incorporated or unincorporated.
Risk based assessment	The risk rated evaluation of a land use activity against the criteria outlined in Appendix A of this policy.

5. Policy Statement

Council commits to:

- (a) act in accordance with the principles of natural justice and procedural fairness;
- (b) focus on changing behaviours to assist achieving acceptable land use compliance outcomes;
- (c) seek voluntary compliance in order to minimise the need for enforcement action;
- (d) encourage neighbours who are in dispute to use mediation to assist resolution;
- (e) use “**risk based assessment**” of land use compliance complaints to inform strategic decision making and prioritise investigations and the allocation of resources accordingly;
- (f) not apply unreasonable or extreme interpretations of acts, regulations or conditions of approval which would be inconsistent with those previously applied for similar matters; and
- (g) collect and analyse data and other information gathered to inform “**risk based assessment**” decision making.

5.1 Compliance and Regulatory Enforcement

To assist in ensuring the appropriate observance of community expectations and standards, Council uses the following tools and strategies.

5.1.1 Compliance assistance

Compliance assistance involves informing the community on when and why compliance is required and what actions are required to achieve compliance. Council aims to encourage voluntary compliance by providing information to the community to:

- (a) remove barriers to compliance such as a lack of knowledge regarding legislative requirements and landowner or occupier responsibilities;
- (b) increase awareness and understanding within the community on what constitutes compliance and how it can be achieved;
- (c) highlight the consequences of non-compliance, such as loss of reputation to business, risks to health and safety, impacts upon amenity, damage to the environment and the financial penalties which apply; and

- (d) facilitate compliance through proactive and positive engagement with landowners or occupiers who are associated with non-compliant land uses.

Council provides compliance assistance in a number of ways including the following;

- (a) professional officer advisory services;
- (b) customer service centre;
- (c) website information;
- (d) community education through information uploaded onto Council's website;
- (e) online development enquiry service;
- (f) newsletters (for example: Food Advisor and The Plum Drum);
- (g) development forums;
- (h) information sheets;
- (i) application and approval guides; and
- (j) providing details of dispute resolution services which are available.

5.1.2 Pro-active compliance and regulatory functions

Proactive compliance is systematically undertaken by Council through the following functions:

- (a) building certification (approvals and Inspections);
- (b) plumbing certification (approvals and inspections);
- (c) development assessment (approvals and inspections); and
- (d) environmental health business activities (approvals and inspections).

5.1.3 Reactive compliance and regulatory functions.

Reactive compliance and regulatory enforcement is undertaken in response to customer requests received by Council. Each of these requests is assessed and risk rated according to the criteria in **Appendix A** of this policy, with the appropriate action then taken in accordance with the "**risk based resolution hierarchy**" shown below.

Note - The initial response time for addressing a particular matter should be in accordance with the performance measures contained within Council's adopted service level agreements.

5.1.4 Compliance resolution and enforcement action

The "**risk based resolution hierarchy**" below identifies the range of compliance resolution and enforcement options available for Council to use for each of the identified risk categories.

The starting and finishing points for each customer request will be dependent upon the particular circumstances of the case. However, the response(s) chosen should be appropriate and proportionate to the seriousness of the offence(s) and should:

- (a) set a proper precedent for future cases;
- (b) be consistent with the intent and objectives of the relevant legislation;
- (c) be an appropriate use of Council's resources; and
- (d) be consistent with those previously applied to similar matters (except where there is sufficient evidence to demonstrate otherwise).

Risk based resolution hierarchy					
<i>NOTE - The "risk based resolution hierarchy" is a guide only and each case will be assessed on the facts and circumstances relevant to it.</i>					
Resolution actions	Risk rating				
	Extreme	High	Medium	Low	Very Low
Prosecution	✓	✓	✓		
Court Order	✓	✓	✓		
Penalty Notice	✓	✓	✓		
Enforcement Notice	✓	✓	✓		
Penalty Notice	✓	✓	✓	✓	
Show Cause Notice	✓	✓	✓	✓	
Letter requesting undertaking	✓	✓	✓	✓	✓
Negotiated Outcome	✓	✓	✓	✓	✓
Formal Caution/Warning	✓	✓	✓	✓	✓
Civil dispute mediation	✓	✓	✓	✓	✓
Property Notation/Breach recorded	✓	✓	✓	✓	✓
Verbal advice only		✓	✓	✓	✓
Information sheet				✓	✓
No Action					✓

6. Changes to this Policy

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

- (a) the related information is amended/replaced; or
- (b) other circumstances as determined from time to time by the Council.

7. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Risk Based Land Use Compliance Policy (v1.0).

Version	Date	Action
1.0	05/08/2018	Adopted
2.0	16/11/2021	Amended Policy Adopted - 'risk based resolution hierarchy' table amended

**CALE DENDLE
CHIEF EXECUTIVE OFFICER**

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted, 16 November 2021
Version: 2.0

Portfolio: Liveability and Wellbeing
Business Unit: Liveability

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Appendix A

Rating categories for non – compliant land uses

NOTE - Examples have been provided for guidance purposes only

<u>EXTREME - LEVEL 5</u> <u>RISK CRITERIA</u>	<u>EXTREME - LEVEL 5</u> <u>CONSIDERATIONS/CONSEQUENCES</u>
Health and safety	<ul style="list-style-type: none"> • Death or serious injury to persons highly probable (with little or no pre-warning of occurrence) • Severe and/or permanent damage to the environment • Intense detrimental impact on the liveability of the community • Death or serious injury to flora or fauna • Serious damage to Council's reputation • Enforcement action strongly recommended • Prosecution strongly considered
Environmental impact	
Amenity	
Legal/Economic	
Council reputation/Public perception	
<p>For example:</p> <ul style="list-style-type: none"> • Dangerous and/or dilapidated building adjacent to public space or a threat to an adjoining premises • Unfenced or non-compliant pool fence (other than minor matters) • Effluent discharge into waterway or public place • Absence of High Hazard Backflow Prevention Device at cross connection with drinking water supply • Significant fire safety non-compliance of a building(s) • Large scale clearing of protected vegetation • Significant food safety non-compliance • Disturbance of friable asbestos • Odours so offensive some people are evacuated or leave voluntarily • Multiple (more than five) complaints • Extensive media interest • Major spill or dumping of hazardous substance(s) into waterway or stormwater system • Personal appearance services (high risk tattoos) 	
<u>HIGH - LEVEL 4</u> <u>RISK CRITERIA</u>	<u>HIGH - LEVEL 4</u> <u>CONSIDERATIONS/CONSEQUENCES</u>
Health and safety	<ul style="list-style-type: none"> • Death or serious injury to persons possible but occurrence has a reasonable pre-warning time (for example: storm surge, flooding or bushfire) • Serious and/or long-term impact to the environment • Serious impact on the liveability of the community • Potential serious harm to flora and/or fauna • High/moderate risk to Council's reputation • Enforcement action recommended • Prosecution considered
Environmental impact	
Amenity	
Legal/Economic	
Council reputation/Public perception	
<p>For example:</p> <ul style="list-style-type: none"> • Significant obstruction of footpath or road • Unapproved and unsuitable onsite sewage facility • Residential occupation of buildings in a high risk natural hazard area without the required appropriate building/planning approval • Defective High Hazard Backflow Prevention device at cross connection with drinking water supply • Land pollution (public dumping) 	

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted, 16 November 2021
Version: 2.0

Portfolio: Liveability and Wellbeing
Business Unit: Liveability

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<ul style="list-style-type: none"> • Pollution of waterways • Air pollution (multiple properties affected) • Multiple (more than two) public complaints • Ombudsman or state member interest • High local media interest • Lack of sediment or erosion control (large scale impacts) • Land filling requiring operational works approvals • Light industry or General industry in a residential area. • Significant stormwater diversion from development having adverse impacts • Homeowner working on asbestos containing material • Significant ongoing dust, noise or light emission nuisances 	
<u>MEDIUM - LEVEL 3</u> <u>RISK CRITERIA</u>	<u>MEDIUM - LEVEL 3</u> <u>CONSIDERATIONS/CONSEQUENCES</u>
Health and safety	<ul style="list-style-type: none"> • Consequence of death or serious injury unlikely • Injury or adverse health effects to persons possible but not imminent • Moderate and/or medium-term impact to the environment • Significant level of statutory non-compliance • Moderate impact on the liveability of the neighbourhood • Some ongoing management implications • Minimal reputational damage to Council • Public largely unaware and few (two or less) complaints • Independent mediation an option • Enforcement action considered • Prosecution considered
Environmental impact	
Amenity	
Legal/Economic	
Council reputation/Public perception	
Level of statutory non-compliance	
<p>For example:</p> <ul style="list-style-type: none"> • Contravenes conditions of Council approval(s) with resolution difficult • Lack of or defective Medium Hazard Backflow Prevention device • Residential occupation of buildings without building approval and/or plumbing final certificate(s) • Stormwater diversion from development having a moderate adverse impact on two or more properties • Moderate impact on the liveability of two or more properties • Inconsistent impact assessable land use • Impact assessable land use involving referral agency • Shop or Medical centre use in a Residential Zone • Indoor sports facility (gymnasium) use in a Residential Zone • Lack of requisite quarterly servicing of on-site sewerage facility (for example: Aerated Wastewater Treatment System) • Unapproved swimming pool that is compliant with the pool safety standards • Unapproved Class 10 buildings greater than twenty square metres (for example: garden shed or pergola) • Lack of sediment or erosion control (moderate scale impacts) • Clearing of native vegetation in a covenant or sensitive area such as erosion prone land or waterway • Moderate ongoing dust, noise, odour or light emission nuisances • Overspray from spray painting activity 	
<u>LOW - LEVEL 2</u> <u>RISK CRITERIA</u>	<u>LOW - LEVEL 2</u> <u>CONSIDERATIONS/CONSEQUENCES</u>
Health and safety	<ul style="list-style-type: none"> • Minor injury or adverse health effects to persons possible • Minor or short-term impact to the environment and community • Moderate impact on the liveability of one property
Environmental impact	

Amenity	<ul style="list-style-type: none"> Moderate level of statutory non compliance Negligible impact on Council's reputation No legal action anticipated Independent mediation considered appropriate action Enforcement action unlikely
Legal/Economic	
Council reputation/Public perception	
Level of statutory non - compliance	
For example: <ul style="list-style-type: none"> Unapproved Class 10 buildings less than twenty square metres (for example: garden shed or pergola) Unapproved retaining wall (less than 1.5 metres high) Code assessable development involving a referral agency Office or Bed and breakfast in an existing Dwelling house Domestic noise complaints affecting one property only Conditions of Council approval(s) contravened but able to be reasonably resolved Multiple minor matters of legislative non-compliance, with compliance able to be achieved Stormwater diversion from development having a moderate adverse impact on one property only Lack of sediment or erosion control (low scale impacts) Minor ongoing dust, noise, odour or light emission nuisances 	
<u>VERY LOW – (LEVEL 1)</u> <u>RISK CRITERIA</u>	
<u>VERY LOW – (LEVEL 1)</u> <u>CONSIDERATIONS/CONSEQUENCES</u>	
Health and safety	<ul style="list-style-type: none"> Very minor impact to the environment and community No adverse health or safety risks to persons Multiple neighbour disputes unlikely Minor matter of legislative non-compliance Minor matter of legislative non-compliance exacerbated by neighbourhood dispute Independent mediation considered appropriate action Enforcement action not considered
Environmental impact	
Amenity impacts	
Legal/Economic	
Level of statutory non - compliance	
For example: <ul style="list-style-type: none"> Minor vegetation modification in covenants In ground swimming pool in a flood hazard area Home based business in a Dwelling house Commercial land use in an existing building in a Business or Centre Zones Accepted development not satisfying the applicable codes Building encroachment over boundary Dividing fences and associated minor retaining works Strata disputes Stormwater nuisances not associated with development Amenity issues not related to a development (for example: tree planting or landscaping works) Minor building works (for example: pergola, barbecue area or awning) Plants/letter boxes in road reserve Property owner replacing tap ware in own dwelling (not licensed plumber) Light, dust, noise or odour matters with minor nuisance impact to one property only. 	

13.4 - POLICY REVIEW- RISK BASED LAND USE COMPLIANCE POLICY

Marked up Copy with Changes

Meeting Date: 3 March 2026

Attachment No: 2



RISK BASED LAND USE COMPLIANCE POLICY (COMMUNITY POLICY)

1. Scope

The Risk Based Land Use Compliance Policy (this 'Policy') provides guidance and direction for Livingstone Shire Council in allocating resources to maximise the community benefits when undertaking reactive compliance and enforcement actions associated with the following:

- (a) planning;
- (b) building;
- (c) environmental health; and
- (d) plumbing and drainage.

2. Purpose

The purpose of this Policy is to:

- (a) Implement a **"risk based assessment"** approach for evaluating the impacts and/or consequences of non-compliant land use activities based on the following criteria:
 - (i) risks to health and safety of persons;
 - (ii) levels of environmental harm;
 - (iii) levels of amenity impact;
 - (iv) Council reputation/public perception;
 - (v) levels of statutory non-compliance; and
 - (vi) legal or economic consequences.
- (b) Inform strategic decision making in prioritising investigations and allocating resources based on a **"risk based assessment"** of land use compliance complaints;
- (c) Maximise the benefits to the community in the allocation of resources for resolving land use compliance matters.
- (d) Ensure the use of resolution options which are appropriate and proportionate to the seriousness of the compliance matters under investigation; and
- (e) Apply consistency in addressing non-compliant land uses.

NOTE: The policy is not intended to limit Council officers in their use of discretion or exercise of official functions. The full circumstances and facts of each case must be considered and decisions made based on the merits of the individual case.

3. References (legislation/related documents)

Building Act 1975
Environmental Protection Act 1994
Food Act 2006

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted, ~~16 November 2021~~ Portfolio: [Communities, Liveability and Wellbeing and Environment](#)
 Version: ~~2.0~~ [32.01](#) Business Unit: [Planning and Development, Liveability](#)

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Health (infection Control for Personal Appearance Services) Act 2003
 Local Government Act 2009
 Planning Act 2016
 Plumbing and Drainage Act 2018
 Public Health Act 2005

~~Health (infection Control for Personal Appearance Services) Act 2003~~

4. Definitions

To assist with interpretation, the following definitions shall apply:

Compliance and regulatory enforcement	The actions undertaken by Council in ensuring a person is reasonably complying with, or is taking appropriate steps towards reasonable compliance with, relevant laws, regulations, approvals, standards and/or policies.
Person	Includes a body of persons, whether incorporated or unincorporated.
Risk based assessment	The risk rated evaluation of a land use activity against the criteria outlined in Appendix A of this policy.

5. Policy Statement

Council commits to:

- (a) act in accordance with the principles of natural justice and procedural fairness;
- (b) focus on changing behaviours to assist achieving acceptable land use compliance outcomes;
- (c) seek voluntary compliance in order to minimise the need for enforcement action;
- (d) encourage neighbours who are in dispute to use mediation to assist resolution;
- (e) use “**risk based assessment**” of land use compliance complaints to inform strategic decision making and prioritise investigations and the allocation of resources accordingly;
- (f) not apply unreasonable or extreme interpretations of acts, regulations or conditions of approval which would be inconsistent with those previously applied for similar matters; and
- (g) collect and analyse data and other information gathered to inform “**risk based assessment**” decision making.

5.1 Compliance and Regulatory Enforcement

To assist in ensuring the appropriate observance of community expectations and standards, Council uses the following tools and strategies.

5.1.1 Compliance assistance

Compliance assistance involves informing the community on when and why compliance is required and what actions are required to achieve compliance. Council aims to encourage voluntary compliance by providing information to the community to:

- (a) remove barriers to compliance such as a lack of knowledge regarding legislative requirements and landowner or occupier responsibilities;
- (b) increase awareness and understanding within the community on what constitutes compliance and how it can be achieved;

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted, ~~16 November 2021~~ Portfolio: [Communities, Liveability and Wellbeing and Environment](#)
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- (c) highlight the consequences of non-compliance, such as loss of reputation to business, risks to health and safety, impacts upon amenity, damage to the environment and the financial penalties which apply; and
- (d) facilitate compliance through proactive and positive engagement with landowners or occupiers who are associated with non-compliant land uses.

Council provides compliance assistance in a number of ways including the following;

- (a) professional officer advisory services;
- (b) customer service centre;
- (c) website information;
- (d) community education through information uploaded onto Council's website;
- (e) online development enquiry service;
- (f) newsletters / information sheets; ~~(for example: Food Advisor and The Plum Drum);~~
- (g) development forums;
- (h) information sheets;
- (i) application and approval guides; and
- (j) providing details of dispute resolution services which are available.

5.1.2 Pro-active compliance and regulatory functions

Proactive compliance is systematically undertaken by Council through the following functions:

- (a) building certification (approvals and Inspections);
- (b) plumbing certification (approvals and inspections);
- (c) development assessment (approvals and inspections); and
- (d) environmental health business activities (approvals and inspections).

5.1.3 Reactive compliance and regulatory functions.

Reactive compliance and regulatory enforcement is undertaken in response to customer requests received by Council. Each of these requests is assessed and risk rated according to the criteria in **Appendix A** of this policy, with the appropriate action then taken in accordance with the "risk based resolution hierarchy" shown below.

Note - The initial response time for addressing a particular matter should be in accordance with the performance measures contained within Council's adopted service level agreements.

5.1.4 Compliance resolution and enforcement action

The "risk based resolution hierarchy" below identifies the range of compliance resolution and enforcement options available for Council to use for each of the identified risk categories.

The starting and finishing points for each customer request will be dependent upon the particular circumstances of the case. However, the response(s) chosen should be appropriate and proportionate to the seriousness of the offence(s) and should:

- (a) set a proper precedent for future cases;
- (b) be consistent with the intent and objectives of the relevant legislation;
- (c) be an appropriate use of Council's resources; and
- (d) be consistent with those previously applied to similar matters (except where there is sufficient evidence to demonstrate otherwise).

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Risk based resolution hierarchy					
<i>NOTE - The "risk based resolution hierarchy" is a guide only and each case will be assessed on the facts and circumstances relevant to it.</i>					
Resolution actions	Risk rating				
	Extreme	High	Medium	Low	Very Low
Prosecution	✓	✓	✓		
Court Order	✓	✓	✓		
Penalty Notice	✓	✓	✓		
Enforcement Notice	✓	✓	✓		
Penalty Notice	✓	✓	✓	✓	
Show Cause Notice	✓	✓	✓	✓	
Letter requesting undertaking	✓	✓	✓	✓	✓
Negotiated Outcome	✓	✓	✓	✓	✓
Formal Caution/Warning	✓	✓	✓	✓	✓
Civil dispute mediation	✓	✓	✓	✓	✓
Property Notation/Breach recorded	✓	✓	✓	✓	✓
Verbal advice only		✓	✓	✓	✓
Information sheet				✓	✓
No Action					✓

6. Changes to this Policy

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

- (a) the related information is amended/replaced; or
- (b) other circumstances as determined from time to time by the Council.

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted, ~~16 November 2021~~ Portfolio: [Communities, Liveability and Wellbeing and Environment](#)
 Version: ~~2.0~~ [32.01](#) Business Unit: [Planning and Development, Liveability](#)

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7. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Risk Based Land Use Compliance Policy (v~~2~~4.0).

Version	Date	Action
1.0	05/08/2018	Adopted
2.0	16/11/2021	Amended Policy Adopted - 'risk based resolution hierarchy' table amended
2.13-0	DRAFT	Amended Policy Adopted Policy Review Undertaken – References, Section 5.1.1 and Appendix A updated

~~CALE DENDLE~~
~~CHIEF EXECUTIVE OFFICER~~
~~ALASTAIR DAWSON~~
~~INTERIM CHIEF EXECUTIVE OFFICER~~

Risk Based Land Use Compliance Policy

Adopted/Approved: ~~Adopted, 16 November 2021~~ Portfolio: [Communities, Liveability and Wellbeing and Environment](#)
 Version: ~~2.0~~ [32.01](#) Business Unit: [Planning and Development, Liveability](#)

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Appendix A

Rating categories for non-compliant land uses

NOTE - Examples have been provided for guidance purposes only

<u>EXTREME - LEVEL 5 RISK CRITERIA</u>	<u>EXTREME - LEVEL 5 CONSIDERATIONS/CONSEQUENCES</u>
Health and safety	<ul style="list-style-type: none"> • Death or serious injury to persons highly probable (with little or no pre-warning of occurrence) • Severe and/or permanent damage to the environment • Intense detrimental impact on the liveability of the community • Death or serious injury to flora or fauna • Serious damage to Council's reputation • Enforcement action strongly recommended • Prosecution strongly considered
Environmental impact	
Amenity	
Legal/Economic	
Council reputation/Public perception	
<p>For example:</p> <ul style="list-style-type: none"> • Dangerous and/or dilapidated building adjacent to public space or a threat to an adjoining premises • Unfenced or non-compliant pool fence (other than minor matters) • Effluent discharge into waterway or public place • Absence of High Hazard Backflow Prevention Device at cross connection with drinking water supply • Significant fire safety non-compliance of a building(s) • Large scale clearing of protected vegetation • Significant food safety non-compliance • Disturbance of friable asbestos <u>including disturbance due to fire.</u> • Odours so offensive some people are evacuated or leave voluntarily • Multiple (more than five) complaints • Extensive media interest • Major spill or dumping of hazardous substance(s) into waterway or stormwater system • Significant pPersonal appearance services <u>non-compliance</u> (high risk tattoos) • 	
<u>HIGH - LEVEL 4 RISK CRITERIA</u>	<u>HIGH - LEVEL 4 CONSIDERATIONS/CONSEQUENCES</u>
Health and safety	<ul style="list-style-type: none"> • Death or serious injury to persons possible but occurrence has a reasonable pre-warning time (for example: storm surge, flooding or bushfire) • Serious and/or long-term impact to the environment • Serious impact on the liveability of the community • Potential serious harm to flora and/or fauna • High/moderate risk to Council's reputation • Enforcement action recommended • Prosecution considered
Environmental impact	
Amenity	
Legal/Economic	
Council reputation/Public perception	
<p>For example:</p> <ul style="list-style-type: none"> • Significant obstruction of footpath or road • Unapproved and/or unsuitable/<u>undersized</u> onsite sewage facility • <u>Residential occupation of buildings in a high-risk/high-risk</u> natural hazard area without the required appropriate building/planning- approval • <u>Use of unapproved Class 2-9 buildings</u> 	

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted, ~~16 November 2021~~ Portfolio: Communities Liveability and Wellbeing and Environment
 Version: ~~2.0-32.01~~ Business Unit: Planning and Development Liveability

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<ul style="list-style-type: none"> Defective High Hazard Backflow Prevention device at cross connection with drinking water supply Significantly defective plumbing and/or drainage Land pollution (public dumping) Pollution of waterways Air pollution (multiple properties affected) Multiple (more than two) public complaints Ombudsman or state member interest High local media interest Lack of sediment or erosion control (large scale impacts) Land filling requiring operational works approvals Light industry or General industry in a residential area. Significant stormwater diversion from development having adverse impacts Homeowner working on asbestos containing material Significant ongoing dust, noise, odour, smoke or light emission nuisances 	
MEDIUM - LEVEL 3 RISK CRITERIA	MEDIUM - LEVEL 3 CONSIDERATIONS/CONSEQUENCES
Health and safety	<ul style="list-style-type: none"> Consequence of death or serious injury unlikely
Environmental impact	<ul style="list-style-type: none"> Injury or adverse health effects to persons possible but not imminent Moderate and/or medium-term impact to the environment
Amenity	<ul style="list-style-type: none"> Significant level of statutory non-compliance
Legal/Economic	<ul style="list-style-type: none"> Moderate impact on the liveability of the neighbourhood
Council reputation/Public perception	<ul style="list-style-type: none"> Some ongoing management implications Minimal reputational damage to Council
Level of statutory non-compliance	<ul style="list-style-type: none"> Public largely unaware and few (two or less) complaints Independent mediation an option Enforcement action considered Prosecution considered
<p>For example:</p> <ul style="list-style-type: none"> Contravenes conditions of Council approval(s) with resolution difficult Lack of or defective Medium Hazard Backflow Prevention device Residential occupation of buildings without building approval and/or plumbing final certificate(s) Defective plumbing and/or drainage Stormwater diversion from development having a moderate adverse impact on two or more properties Moderate impact on the liveability of two or more properties Inconsistent impact assessable land use Impact assessable land use involving referral agency Shop or Medical centre use in a Residential Zone Indoor sports facility (gymnasium) use in a Residential Zone Lack of requisite quarterly servicing of on-site sewerage facility (for example: Aerated Wastewater Treatment System) Unapproved swimming pool that is compliant with the pool safety standards Unapproved Class 10 buildings greater than twenty square metres (for example: garden shed or pergola) Lack of sediment or erosion control (moderate scale impacts) Clearing of native vegetation in a covenant or sensitive area such as erosion prone land or waterway Moderate ongoing dust, noise, odour or light emission nuisances Overspray from spray painting activity 	
LOW – LEVEL 2 RISK CRITERIA	LOW – LEVEL 2 CONSIDERATIONS/CONSEQUENCES

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted, ~~16 November 2021~~ Portfolio: [Communities Liveability and Wellbeing and Environment](#)
 Version: ~~2.0~~ [32.01](#) Business Unit: [Planning and Development Liveability](#)

13.4 - POLICY REVIEW- RISK BASED LAND USE COMPLIANCE POLICY

Final Copy

Meeting Date: 3 March 2026

Attachment No: 3



RISK BASED LAND USE COMPLIANCE POLICY (COMMUNITY POLICY)

1. Scope

The Risk Based Land Use Compliance Policy (this 'Policy') provides guidance and direction for Livingstone Shire Council in allocating resources to maximise the community benefits when undertaking reactive compliance and enforcement actions associated with the following:

- (a) planning;
- (b) building;
- (c) environmental health; and
- (d) plumbing and drainage.

2. Purpose

The purpose of this Policy is to:

- (a) Implement a **"risk based assessment"** approach for evaluating the impacts and/or consequences of non-compliant land use activities based on the following criteria:
 - (i) risks to health and safety of persons;
 - (ii) levels of environmental harm;
 - (iii) levels of amenity impact;
 - (iv) Council reputation/public perception;
 - (v) levels of statutory non-compliance; and
 - (vi) legal or economic consequences.
- (b) Inform strategic decision making in prioritising investigations and allocating resources based on a **"risk based assessment"** of land use compliance complaints;
- (c) Maximise the benefits to the community in the allocation of resources for resolving land use compliance matters.
- (d) Ensure the use of resolution options which are appropriate and proportionate to the seriousness of the compliance matters under investigation; and
- (e) Apply consistency in addressing non-compliant land uses.

NOTE: The policy is not intended to limit Council officers in their use of discretion or exercise of official functions. The full circumstances and facts of each case must be considered and decisions made based on the merits of the individual case.

3. References (legislation/related documents)

Building Act 1975
Environmental Protection Act 1994
Food Act 2006

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted,
 Version: 2.1

Portfolio: Communities and Environment
 Business Unit: Planning and Development

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Health (infection Control for Personal Appearance Services) Act 2003
Local Government Act 2009
Planning Act 2016
Plumbing and Drainage Act 2018
Public Health Act 2005

4. Definitions

To assist with interpretation, the following definitions shall apply:

Compliance and regulatory enforcement	The actions undertaken by Council in ensuring a person is reasonably complying with, or is taking appropriate steps towards reasonable compliance with, relevant laws, regulations, approvals, standards and/or policies.
Person	Includes a body of persons, whether incorporated or unincorporated.
Risk based assessment	The risk rated evaluation of a land use activity against the criteria outlined in Appendix A of this policy.

5. Policy Statement

Council commits to:

- (a) act in accordance with the principles of natural justice and procedural fairness;
- (b) focus on changing behaviours to assist achieving acceptable land use compliance outcomes;
- (c) seek voluntary compliance in order to minimise the need for enforcement action;
- (d) encourage neighbours who are in dispute to use mediation to assist resolution;
- (e) use “**risk based assessment**” of land use compliance complaints to inform strategic decision making and prioritise investigations and the allocation of resources accordingly;
- (f) not apply unreasonable or extreme interpretations of acts, regulations or conditions of approval which would be inconsistent with those previously applied for similar matters; and
- (g) collect and analyse data and other information gathered to inform “**risk based assessment**” decision making.

5.1 Compliance and Regulatory Enforcement

To assist in ensuring the appropriate observance of community expectations and standards, Council uses the following tools and strategies.

5.1.1 Compliance assistance

Compliance assistance involves informing the community on when and why compliance is required and what actions are required to achieve compliance. Council aims to encourage voluntary compliance by providing information to the community to:

- (a) remove barriers to compliance such as a lack of knowledge regarding legislative requirements and landowner or occupier responsibilities;
- (b) increase awareness and understanding within the community on what constitutes compliance and how it can be achieved;
- (c) highlight the consequences of non-compliance, such as loss of reputation to business, risks to health and safety, impacts upon amenity, damage to the environment and the financial penalties which apply; and

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted,
Version: 2.1

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- (d) facilitate compliance through proactive and positive engagement with landowners or occupiers who are associated with non-compliant land uses.

Council provides compliance assistance in a number of ways including the following;

- (a) professional officer advisory services;
- (b) customer service centre;
- (c) website information;
- (d) community education through information uploaded onto Council's website;
- (e) online development enquiry service;
- (f) newsletters / information sheets;
- (g) development forums;
- (h) information sheets;
- (i) application and approval guides; and
- (j) providing details of dispute resolution services which are available.

5.1.2 Pro-active compliance and regulatory functions

Proactive compliance is systematically undertaken by Council through the following functions:

- (a) building certification (approvals and Inspections);
- (b) plumbing certification (approvals and inspections);
- (c) development assessment (approvals and inspections); and
- (d) environmental health business activities (approvals and inspections).

5.1.3 Reactive compliance and regulatory functions.

Reactive compliance and regulatory enforcement is undertaken in response to customer requests received by Council. Each of these requests is assessed and risk rated according to the criteria in **Appendix A** of this policy, with the appropriate action then taken in accordance with the "**risk based resolution hierarchy**" shown below.

Note - The initial response time for addressing a particular matter should be in accordance with the performance measures contained within Council's adopted service level agreements.

5.1.4 Compliance resolution and enforcement action

The "**risk based resolution hierarchy**" below identifies the range of compliance resolution and enforcement options available for Council to use for each of the identified risk categories.

The starting and finishing points for each customer request will be dependent upon the particular circumstances of the case. However, the response(s) chosen should be appropriate and proportionate to the seriousness of the offence(s) and should:

- (a) set a proper precedent for future cases;
- (b) be consistent with the intent and objectives of the relevant legislation;
- (c) be an appropriate use of Council's resources; and
- (d) be consistent with those previously applied to similar matters (except where there is sufficient evidence to demonstrate otherwise).

Risk based resolution hierarchy					
<i>NOTE - The "risk based resolution hierarchy" is a guide only and each case will be assessed on the facts and circumstances relevant to it.</i>					
Resolution actions	Risk rating				
	Extreme	High	Medium	Low	Very Low
Prosecution	✓	✓	✓		
Court Order	✓	✓	✓		
Penalty Notice	✓	✓	✓		
Enforcement Notice	✓	✓	✓		
Penalty Notice	✓	✓	✓	✓	
Show Cause Notice	✓	✓	✓	✓	
Letter requesting undertaking	✓	✓	✓	✓	✓
Negotiated Outcome	✓	✓	✓	✓	✓
Formal Caution/Warning	✓	✓	✓	✓	✓
Civil dispute mediation	✓	✓	✓	✓	✓
Property Notation/Breach recorded	✓	✓	✓	✓	✓
Verbal advice only		✓	✓	✓	✓
Information sheet				✓	✓
No Action					✓

6. Changes to this Policy

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

- (a) the related information is amended/replaced; or
- (b) other circumstances as determined from time to time by the Council.

7. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Risk Based Land Use Compliance Policy (v2.0).

Version	Date	Action
1.0	05/08/2018	Adopted
2.0	16/11/2021	Amended Policy Adopted - 'risk based resolution hierarchy' table amended
2.1	03/03/2026	Policy Review Undertaken – References, Section 5.1.1 and Appendix A updated

ALASTAIR DAWSON
INTERIM CHIEF EXECUTIVE OFFICER

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted,
Version: 2.1

Portfolio: Communities and Environment
Business Unit: Planning and Development

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Appendix A

Rating categories for non-compliant land uses

NOTE - Examples have been provided for guidance purposes only

<u>EXTREME - LEVEL 5</u> <u>RISK CRITERIA</u>	<u>EXTREME - LEVEL 5</u> <u>CONSIDERATIONS/CONSEQUENCES</u>
Health and safety	<ul style="list-style-type: none"> • Death or serious injury to persons highly probable (with little or no pre-warning of occurrence) • Severe and/or permanent damage to the environment • Intense detrimental impact on the liveability of the community • Death or serious injury to flora or fauna • Serious damage to Council's reputation • Enforcement action strongly recommended • Prosecution strongly considered
Environmental impact	
Amenity	
Legal/Economic	
Council reputation/Public perception	
<p>For example:</p> <ul style="list-style-type: none"> • Dangerous and/or dilapidated building adjacent to public space or a threat to an adjoining premises • Unfenced or non-compliant pool fence (other than minor matters) • Effluent discharge into waterway or public place • Absence of High Hazard Backflow Prevention Device at cross connection with drinking water supply • Significant fire safety non-compliance of a building(s) • Large scale clearing of protected vegetation • Significant food safety non-compliance • Disturbance of friable asbestos including disturbance due to fire. • Odours so offensive some people are evacuated or leave voluntarily • Multiple (more than five) complaints • Major spill or dumping of hazardous substance(s) into waterway or stormwater system • Significant personal appearance services non-compliance (high risk tattoos) 	
<u>HIGH - LEVEL 4</u> <u>RISK CRITERIA</u>	<u>HIGH - LEVEL 4</u> <u>CONSIDERATIONS/CONSEQUENCES</u>
Health and safety	<ul style="list-style-type: none"> • Death or serious injury to persons possible but occurrence has a reasonable pre-warning time (for example: storm surge, flooding or bushfire) • Serious and/or long-term impact to the environment • Serious impact on the liveability of the community • Potential serious harm to flora and/or fauna • High/moderate risk to Council's reputation • Enforcement action recommended • Prosecution considered
Environmental impact	
Amenity	
Legal/Economic	
Council reputation/Public perception	
<p>For example:</p> <ul style="list-style-type: none"> • Significant obstruction of footpath or road • Unapproved and/or unsuitable/undersized onsite sewage facility • Residential occupation of buildings in a high-risk natural hazard area without the required appropriate building/planning approval • Use of unapproved Class 2-9 buildings • Defective High Hazard Backflow Prevention device at cross connection with drinking water supply • Significantly defective plumbing and/or drainage 	

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted,
Version: 2.1

Portfolio: Communities and Environment
Business Unit: Planning and Development

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<ul style="list-style-type: none"> • Land pollution (public dumping) • Pollution of waterways • Air pollution (multiple properties affected) • Multiple (more than two) public complaints • Lack of sediment or erosion control (large scale impacts) • Land filling requiring operational works approvals • Light industry or General industry in a residential area. • Significant stormwater diversion from development having adverse impacts • Homeowner working on asbestos containing material • Significant ongoing dust, noise, odour, smoke or light emission nuisances 	
<u>MEDIUM - LEVEL 3</u> <u>RISK CRITERIA</u>	<u>MEDIUM - LEVEL 3</u> <u>CONSIDERATIONS/CONSEQUENCES</u>
Health and safety	<ul style="list-style-type: none"> • Consequence of death or serious injury unlikely
Environmental impact	<ul style="list-style-type: none"> • Injury or adverse health effects to persons possible but not imminent • Moderate and/or medium-term impact to the environment
Amenity	<ul style="list-style-type: none"> • Significant level of statutory non-compliance
Legal/Economic	<ul style="list-style-type: none"> • Moderate impact on the liveability of the neighbourhood
Council reputation/Public perception	<ul style="list-style-type: none"> • Some ongoing management implications • Minimal reputational damage to Council
Level of statutory non-compliance	<ul style="list-style-type: none"> • Public largely unaware and few (two or less) complaints • Independent mediation an option • Enforcement action considered • Prosecution considered
<p>For example:</p> <ul style="list-style-type: none"> • Contravenes conditions of Council approval(s) with resolution difficult • Lack of or defective Medium Hazard Backflow Prevention device • Residential occupation of buildings without building approval and/or plumbing final certificate(s) • Defective plumbing and/or drainage • Stormwater diversion from development having a moderate adverse impact on two or more properties • Moderate impact on the liveability of two or more properties • Inconsistent impact assessable land use • Impact assessable land use involving referral agency • Shop or Medical centre use in a Residential Zone • Indoor sports facility (gymnasium) use in a Residential Zone • Lack of requisite quarterly servicing of on-site sewerage facility (for example: Aerated Wastewater Treatment System) • Unapproved swimming pool that is compliant with the pool safety standards • Unapproved Class 10 buildings greater than twenty square metres (for example: garden shed or pergola) • Lack of sediment or erosion control (moderate scale impacts) • Clearing of native vegetation in a covenant or sensitive area such as erosion prone land or waterway • Moderate ongoing dust, noise, odour or light emission nuisances • Overspray from spray painting activity 	
<u>LOW – LEVEL 2</u> <u>RISK CRITERIA</u>	<u>LOW – LEVEL 2</u> <u>CONSIDERATIONS/CONSEQUENCES</u>
Health and safety	<ul style="list-style-type: none"> • Minor injury or adverse health effects to persons possible
Environmental impact	<ul style="list-style-type: none"> • Minor or short-term impact to the environment and community • Moderate impact on the liveability of one property

Risk Based Land Use Compliance Policy

Adopted/Approved: Adopted,
Version: 2.1

Portfolio: Communities and Environment
Business Unit: Planning and Development

Amenity	<ul style="list-style-type: none"> Moderate level of statutory non compliance Negligible impact on Council's reputation No legal action anticipated Independent mediation considered appropriate action Enforcement action unlikely
Legal/Economic	
Council reputation/Public perception	
Level of statutory non - compliance	
<p>For example:</p> <ul style="list-style-type: none"> Unapproved Class 10 buildings less than twenty square metres (for example: garden shed or pergola) Unapproved retaining wall (less than 1.5 metres high) Code assessable development involving a referral agency Office or short term accommodation in an existing Dwelling house Domestic noise complaints affecting one property only Conditions of Council approval(s) contravened but able to be reasonably resolved Multiple minor matters of legislative non-compliance, with compliance able to be achieved Stormwater diversion from development having a moderate adverse impact on one property only Lack of sediment or erosion control (low scale impacts) Minor ongoing dust, noise, odour or light emission nuisances to more than one property. 	
<p><u>VERY LOW – (LEVEL 1)</u></p>	
<u>RISK CRITERIA</u>	<u>VERY LOW – (LEVEL 1)</u> <u>CONSIDERATIONS/CONSEQUENCES</u>
Health and safety	<ul style="list-style-type: none"> Very minor impact to the environment and community No adverse health or safety risks to persons Multiple neighbour disputes unlikely Minor matter of legislative non-compliance Minor matter of legislative non-compliance exacerbated by neighbourhood dispute Independent mediation considered appropriate action Enforcement action not considered
Environmental impact	
Amenity impacts	
Legal/Economic	
Level of statutory non - compliance	
<p>For example:</p> <ul style="list-style-type: none"> Minor vegetation modification in covenants In ground swimming pool in a flood hazard area Home based business in a Dwelling house Commercial land use in an existing building in a Business or Centre Zones Accepted development not satisfying the applicable codes Building encroachment over boundary Dividing fences and associated minor retaining works Strata disputes Stormwater nuisances not associated with development Amenity issues not related to a development (for example: tree planting or landscaping works) Minor building works (for example: pergola, barbecue area or awning) Plants/letter boxes in road reserve Property owner replacing tap ware in own dwelling (not licensed plumber) <u>Dust, noise, odour, smoke or light emission</u> matters with minor nuisance impact to one property only. 	

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 Acquisition of land - Portion Lot 28 RP 860145

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

16.2 Request for Fee Waiver - Lot 10 on SP 239026

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

16.3 Waiver of Fees - Lot 1 on RP605408

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

16 CONFIDENTIAL REPORTS

16.1 ACQUISITION OF LAND - PORTION LOT 28 RP 860145

File No: qA24221

Attachments:

1. Valuation Report
2. ROL Casey Drive
3. Overlays

Responsible Officer: Katrina Paterson - General Manager Communities and Environment
Alastair Dawson - Interim Chief Executive Officer

Author: Greg Abbotts - Manager Planning and Development

Previous Items: 9.4 - Notice of Motion - Councillor Rhodes Watson - 9 Casey Drive - Ordinary Council - 19 Aug 2025 11:00 AM

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

SUMMARY

This report seeks approval to acquire a portion of land as identified in the Local Government Infrastructure Plan (LGIP) for the purposes of drainage. This land also serves as an important link in wildlife corridor feeding into Fig Tree creek system.

16.2 REQUEST FOR FEE WAIVER - LOT 10 ON SP 239026**File No:** qA24334**Attachments:**

1. Letter of 10 February 2026
2. Request for Consideration
3. Site Photos 1
4. Site Photos 2

Responsible Officer: Katrina Paterson - General Manager Communities and Environment
Alastair Dawson - Interim Chief Executive Officer**Author:** Greg Abbotts - Manager Planning and Development

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

SUMMARY

Council has received a request for fee waivers over various applications in order to bring a private dwelling to a compliant state.

16.3 WAIVER OF FEES - LOT 1 ON RP605408

File No: qA82108
Attachments: Nil
Responsible Officer: Katrina Paterson - General Manager Communities and Environment
Alastair Dawson - Interim Chief Executive Officer
Author: Greg Abbotts - Manager Planning and Development
Nat Druery - Coordinator Public Environments
Previous Items: 5.8 - Slashing Charges - Proposed Withdrawal - Briefing Session - 24 Feb 2026

This report is considered confidential in accordance with section 254J(3)(g), of the *Local Government Regulation 2012*, as it contains information relating to negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

SUMMARY

Council has received a request that the outstanding slashing charges and related State Penalties Enforcement Registry (SPER) infringements be withdrawn due to personal matters.

17 CLOSURE OF MEETING