



ORDINARY MEETING

AGENDA

17 APRIL 2018

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 17 April 2018 commencing at 9:00am for transaction of the enclosed business.

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

CHIEF EXECUTIVE OFFICER
16 April 2018

Next Meeting Date: 01.05.18

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

2 ATTENDANCE

Members Present:

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

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mrs Andrea Ellis – Acting Director Corporate Services
Mr Brett Bacon – Director Community and Planning Services
Mr Dan Toon – Director Infrastructure Services
Ms Debra Howe – Director Strategic Growth and Development

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 5 April 2018.

7 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

File No: GV13.4.1

Attachments: 1. Business Outstanding Table - 17 April 2018 [↓](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

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

OFFICER'S RECOMMENDATION

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

8.1 - BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING

Business Outstanding Table - 17 April 2018

Meeting Date: 17 April 2018

Attachment No: 1

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
25 February 2014	City Status Classification	THAT Council resolves to: 1. Proceed with a formal city status classification application for the Livingstone Shire Council area; and 2. Enter into consultation with the community to determine an appropriate name, suggesting the Capricorn Coast City Council as a possible option.	Director Strategic Growth and Development	30/06/2018	25 Mar 2018 - 1:05 AM - Project Support Officer Mayor has raised City Status with the Minister, discussion has occurred with the Department and meetings have been held to progress.
08 December 2015	Notice of Motion – Councillor Glenda Mather – Drainage/Health Issue Scenic Highway, Kinka	THAT a report come back to Council as to what appropriate action may be taken to address the drainage issues at 1043 Scenic Highway, Kinka which has been allowed to become an overgrown swamp in recent years, posing a potential health hazard to residents in the area.	Director Infrastructure Services	30/04/2018	23 Mar 2018 - 3:25 PM – EA Director Infrastructure Services This report has been moved to the Workshop on 30 April 2018 pending further investigation.
09 February 2016	Notice of Motion – Councillor Glenda Mather – Relocatable Dwellings Draft Policy	THAT the Planning Department be asked to report back to Council on the possibility of formulating a Draft Policy or alternatively, an enforceable procedure which would ensure Council had decision rights to determine the suitability of urban form within the Shire.	Coordinator Development Assessment	30/04/2018	22 Mar 2018 - 2:15 PM – Coordinator Development Assessment Revised Target Date changed by: 23 Feb 2018 To: 28 Apr 2018 Reason: Additional research and investigation as required - refer notes. Report anticipated proceeding adoption of new scheme. Officers meet with Cr Mather early March to obtain further information on matters raised. Discussions with other Local Governments that have existing policies to occur.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
10 October 2016	Acquisition of Easements – Scenic Highway, Statue Bay – Report 1	THAT Council resolves to: 1) Serve a Notice of Intention to Resume including a background information document in accordance with section 7 of the Acquisition of Land Act 1967 and thereafter proceed in accordance with the requirements of the said Act with the intention of procuring the publication in the Queensland Government Gazette of a proclamation vesting the easement in Council subject to due consideration of all objections made in accordance with the provisions of the said Act; and 2) Authorise the Director Infrastructure Services to: a. Negotiate and enter into on behalf of Council a Resumption Agreement pursuant to section 15 of the Acquisition of Land Act 1967 with the owner and any mortgagee of the land described as Lot 9 LN1023, Lot 4 LN1023 and Lot 2 LN1023, in relation to the acquisition of an easement over part of the land, being for works for any public works, or other work or purpose of a similar nature (being works to stabilise a cliff face being part of the road reserve for Scenic Highway); and b. Negotiate and agree upon the amount of compensation to be paid to the landowner and any mortgagee of the land, pursuant to the Acquisition of Land Act. 1967, up to the limit identified in the body of this report; and	Policy and Planning Officer	30/05/2018	10 Apr 2018 - 10:52 AM Policy and Planning Officer No further action can be taken until after construction is completed. Upon completion of construction easements will be gazetted.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		c. To either: (i) make application to the Minister for Natural Resources and Mines in accordance with section 15C of the Acquisition of Land Act 1967 for the easement to be taken; or declare by gazette notice, pursuant to section 15D of the Acquisition of Land Act 1967, that the easement is taken.			
10 October 2016	Acquisition of Easements – Scenic Highway Statue Bay – Report 2	THAT Council resolves to: 1) Serve a Notice of Intention to Resume including a background information document in accordance with section 7 of the Acquisition of Land Act 1967 and thereafter proceed in accordance with the requirements of the said Act with the intention of procuring the publication in the Queensland Government Gazette of a proclamation vesting the easement in Council subject to due consideration of all objections made in accordance with the provisions of the said Act; and 2) Authorise the Director Infrastructure Services to: (a) Negotiate and enter into on behalf of Council a Resumption Agreement pursuant to section 15 of the Acquisition of Land Act 1967 with the owner and any mortgagee of the land described as Lot 1 LN1023 and Lot 5 LN1023, in relation to the acquisition of an easement over part of the land, being for works for any public	Policy and Planning Officer	30/05/2018	10 Apr 2018 - 10:53 AM – Policy and Planning Officer No further action can be taken until after construction is completed. Upon completion of construction easements will be gazetted.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		works, or other work or purpose of a similar nature (being works to stabilise a cliff face being part of the road reserve for Scenic Highway); and (b) Negotiate and agree upon the amount of compensation to be paid to the landowner and any mortgagee of the land, pursuant to the Acquisition of Land Act 1967, up to the limit identified in the body of this report; and (c) To either: (i) make application to the Minister for Natural Resources and Mines in accordance with section 15C of the Acquisition of Land Act 1967 for the easement to be taken; or declare by gazette notice, pursuant to section 15D of the Acquisition of Land Act 1967, that the easement is taken.			
22 November 2016	Notice of Motion – Councillor Adam Belot – Livingstone Shire Council's Meeting Procedures Policy	THAT pursuant to s34(1)(d) and s37 Council Meeting Procedures the debate on the motion and/or amendment now before the meeting be adjourned until February 2017 for policy review.	Governance Officer	30/06/2018	16 Nov 2017 - 10:50 AM – Executive Support Officer Policy currently on hold awaiting implementation of outcomes from review of Councillor Complaint Processes by the State Government.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
13 December 2016	Yeppoon Homemaker Centre Stage 1 Business Case and Tender Report	THAT Council delegates the Chief Executive Officer to negotiate and enter into a contract for the sale of all three lots within Stage One of the Yeppoon Homemaker Centre as per the offer contained in the report.	Manager Growth and Economic Development	30/06/2018	10 Apr 2018 - 1:05 PM – Project Support Officer Still in progress – The second phase of the contract is expected to be finalised in late April with deposits paid in mid-2018 with final payment due in September 2018.
07 February 2017	Outstanding Policy Documents	THAT the following policies be adopted: 1. Encroachment on Public Land Policy; 2. Equal Employment Opportunity Policy; 3. Failure to Renew Licence Response Policy; 7. Telecommunications Facilities on Council Land Policy; and 8. Unlicensed Premises Response Policy. With policies 4, 5 and 6 to be further reviewed.	Governance Officer	30/06/2018	13 Jun 2017 - 4:54 PM – Governance Officer Three policies currently under review and will be resubmitted back to Council once finalised.
07 March 2017	Councillor Interaction with the Organisation Policy	THAT Council adopts the Councillor Interaction with the Organisation Policy. THAT the matter lay on the table pending further discussions in Workshop Meeting and to return to a future Council Meeting.	Governance Officer	30/06/2018	18 Nov 2017 - 10:56 AM – Executive Support Officer Policy currently on hold awaiting implementation of outcomes from review of Councillor Complaint Processes by the State Government.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
21 March 2017	Petition From Residents of Mt Chalmers – Sale of Mt Chalmers State School and Adjoining Land	THAT the petition against the sale of the old Mt Chalmers State School and adjoining land be received	Manager Growth and Economic Development	30/05/2018	23 Mar 2018 - 1:02 PM – Project Support Officer An application was lodged with Council on 4 December 2017 to subdivide the lots. Council's Development Assessment issued an Information Request on 19 December 2017, the items on the information request are being addressed. Strategic Growth and Development met with Planning consultant on site 2 February 2018 to go through what is needed. A valuation has been completed by Taylor Byrne in March 2018 and Strategic Growth and Development are obtaining cost estimates to identify the full costs of reconfiguring the proposed lot and services.
18 April 2017	Standing Orders for Council Meetings Policy	THAT the matter lay on the table pending further discussion and to return to a future Council Meeting.	Governance Officer	30/06/2018	16 Nov 2017 - 10:57 AM – Executive Support Officer Policy currently on hold awaiting implementation of outcomes from review of Councilor Complaint Processes by the State Government.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
20 June 2017	Smart Cities and Suburbs Program – Yeppoon Town Centre Smart Precinct – Solar Lighting and Interactive Kiosk	THAT Council resolve to submit an application to the Australian Government Smart Cities and Suburbs Program, seeking a grant amount of \$200,000, with the co-funding requirement of the additional \$200,000 being met from current projects towards the cost of smart energy efficient infrastructure necessary to complete the Yeppoon Town Centre Smart Precinct. The total project costs are estimated at approximately \$400,000.	Senior Economic Development Officer	30/05/2018	10 Apr 2018 - 1:07 PM – Project Support Officer Tenders closed on the 04 April 2018 and are currently being evaluated.
18 July 2017	Volunteer Policy, Procedure and Handbook	THAT Council: 1. Adopt the Livingstone Shire Council Volunteer Handbook. 2. Adopt the Livingstone Shire Council Volunteer Policy. 3. Adopt the Livingstone Shire Council Volunteer Procedure.	Resilience and Volunteer Coordination Officer	31/07/2018	22 Mar 2018 - 2:11 PM Coordinator Support Services Matter ongoing. IT have provided quote for database module, however awaiting 2018/2019 budget to purchase.
15 August 2017	Resident Maintenance and Enhancement of Council Land	THAT Council implement a permit process for residents to undertake unsupervised work within Council controlled reserves, foreshore and park areas. Individuals will sign an Indemnity Agreement with conditions and Council will cover public liability insurance for the individual.	Senior Land Protection Officer	30/06/2018	11 Apr 2018 - 11:57 AM – Senior Land Protection Officer Senior Land Protection Officer to meet with Director for final approval of permit application and letter of acceptance. Application will then be uploaded to Council web page.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
15 August 2017	Acquisition of Land for Road Purposes - Wildin Way, Mulamba	THAT Council: 1. Discontinue discussions with the owners of Lot 43 SP202178 regarding the acquisition of land for road purposes; 2. Commence negotiations with the owner of Lot 4 RP620054 to acquire a portion of their property as a 10m wide road reserve along the southern boundary; and 3. Endorse the submission of an Application to Dedicate State Land as Road to the Department of Natural Resources & Mines as shown on Drawing No 17-006-51.	Policy and Planning Officer	30/05/2018	10 Apr 2018 - 10:52 AM – Policy and Planning Officer Contract between parties currently being prepared.
19 September 2017	Petitions – Great Keppel Island	THAT the petition be received.	Director Infrastructure Services / Director Strategic Growth and Development	30/05/2018	23 Mar 2018 - 3:30 PM – EA Director Infrastructure Services Six-month trial of 2 unisex toilets (installed and opened on 24 December 2017) is continuing. Council resolved on 20 February 2018 to provide an additional 4 public bins and 4 recycling bins for a six-month trial period which will shortly be installed. Response letter to head petitioner has been drafted.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
03 October 2017	Notice of Motion – Councillor Glenda Mather – Regulated Parking	THAT due to the severe financial impact the lack of regulated parking is having on traders in the Yeppoon CBD and foreshore, Council reaffirm this as a priority issue and provide a community update on Council's action plan and strategy.	Manager Infrastructure Services	30/05/2018	23 Mar 2018 - 3:54 PM - Manager Infrastructure Services Plans for the installation of signs and pavement marking are being drafted.
03 October 2017	EOI for the Lagoon Building Tenancy	THAT Council adopts a two stage tender process consisting of an Expression of Interest (EOI) followed by an Invitation to Tender (ITT) for the lease of Lagoon Precinct building tenancies. It is in the public interest to invite EOIs prior to ITT's to manage and control the process within desired timeframes and budget resources.	Manager Growth and Economic Development	30/04/2018	26 Mar 2018 - 1:08 PM – Project Support Officer Negotiations with interested parties to lease the Lagoon Pavilion Building are well progressed and due to be finalised by the end of March/early April 2018.
07 November 2017	Petition from Graham Miller, Milman – The Caves Square and Public Amenities	THAT the petition requesting maintenance of The Caves Square and public amenities be received.	Director Infrastructure Services	30/05/2018	26 Mar 2018 - 9:58 AM – EA Director Infrastructure Services The Manager Assets and GIS will be issuing the results of the assessment to Council shortly. Reverting back to the original contractors is not recommended.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
21 November 2017	Potential Sale of Lot 17 Macadamia Drive, The Gateway	THAT Council accept the offer outlined in this report for the vacant land at Lot 17 Macadamia Drive, Hidden Valley.	Project Support Officer	30/05/2018	23 Feb 2018 - 1:00 PM – Project Support Officer Since Council accepted the offer for Lot 17 Macadamia Drive, The Gateway Business and Industry Park the contract documentation has been finalised with the Purchaser. The Purchaser is currently obtaining a satisfactory development approval, and settlement will occur once the approval is received.
21 November 2017	Yepoon Town Clock	THAT 1. Council defer any decision in relation to the clock until we have explored the suggestions put forward from Keppel Coast Arts (KCA) to find a decorative concept that will be in keeping with our Placemaking Strategy. 2. Council have further consultation with Rotary, KCA and other community stakeholders.	Urban Strategist	30/05/2018	26 Mar 2018 - 1:09 PM – Project Support Officer Mayor has progressed discussions with Keppel Coast Arts and other key stakeholders.
21 November 2017	Female Facilities Programme – Application for Funding	THAT Council supports an application for \$500,000 from the Queensland Government's <i>Female Facilities Programme</i> for the construction of an amenities building and change room at the Barmaryee Multisport Precinct to support increased female participation in physical activity and meet the current and future needs of sport and recreation participants	Senior Sport and Education Officer	30/05/2018	22 Mar 2018 - 2:17 PM – Senior Sport and Education Officer Officer spoke with State Advisor who advised that notification is expected soon.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
5 December 2017	Regulated Car Parking Yeppoon Foreshore and Town Centre	THAT Council resolve to: 1) Declare a Traffic Area having a default parking limit of one hour, with the inclusion of two and three hour designations being established in specific precincts as supported by Attachment Four Community Engagement WoAPup Car Parking Strategy Yeppoon CBD and as shown in Attachment One (Schedule One - Declaration of Traffic Area); (2) Endorse and enact the regulated parking strategy once the changes to the Subordinate Local Law No. 5 (Parking) 2011 Schedule One and Schedule Two take effect and regulated parking signage is in place; (3) Once enacted adequately inform the community of the regulated parking areas (via engagement, media and signage). An initial warning period of one month will be afforded to motorists found overstaying the timed period. After one month the monetary value of an infringement will resume; (4) Consider a budget allocation at the 17/18 Quarter Two Budget review for updated parking signage in the amount of \$30,000; (5) Endorse the installation of smart parking beacons and technology to the designated one hour regulated traffic area to be funded from the Yeppoon Town Centre Smart Lighting Project;	Senior Economic Development Officer	30/06/2018	10 Apr 2018 - 1:24 PM – Project Support Officer No further action is required from Strategic Growth and Development. Referred to Infrastructure for action.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		(6) Amend Subordinate Local Law No. 5 (Parking) 2011 Schedule One Declaration of traffic area to define a Traffic Area for Yeppoon as shown in Attachment One (Schedule One - Declaration of Traffic Area); (7) Amend Subordinate Local Law No. 5 (Parking) 2011 Schedule Two Declaration of off-street regulated parking areas to include off-street regulated parking for Queen Street (Lot 10 on Y17136), the Yeppoon Town Centre Car Park (Lot 10 on SP289416) and the Yeppoon Foreshore (part of Lot 65 on SP234871); and (8) Amend Subordinate Local Law No. 5 (Parking) 2011 Schedule Two Declaration of off-street regulated parking areas to rescind all reference and plans associated with the region of Rockhampton Regional Council.			
18 December 2017	Request to Consider Balance Outstanding Water Consumption	a) In view of the information provided in the request letter, and taking into account the endeavours of the rate payer to address the debt, Council resolves to adopt option 2 as presented in the report. b) Council also refers this matter to a future workshop as a case study for the development of a future policy in relation to hardship matters.	Coordinator Revenue	30/05/2018	22 Mar 2018 - 11:32 AM – EA Corporate Services Part (a) actioned and completed. Part (b) Hardship Policy - New components being investigated and to be presented to workshop in May.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
23 January 2018	Notice of Motion – Councillor Glenda Mather – Replacement of Wheelie Bins Yaamba, Keppel Sands Caravan Park	THAT the matter be referred to a Workshop meeting for further discussion and consideration.	Director Infrastructure Services	30/05/2018	23 Mar 2018 - 3:39 AM – EA Director Infrastructure Services A workshop report was presented to Council on 19 February 2018. Letter prepared for TMR in relation to the Yaamba truck stop which asks them to consider an additional two small bins near the picnic tables and/or for a sign to be erected directing people to the bin. In relation to the Keppel Sands Caravan Park, the new managers are to be given time to become established and to assess their needs at a later date.
6 March 2018	Terms of Reference for Capricorn Coast Region Place Making Reference Group	THAT Council approve the Terms of Reference for the Capricorn Coast Region Place Making Reference Group with the amendments discussed for the composition of the group.	Urban Strategist	30/05/2018	28 Mar 2018 - 1:13 PM – Project Support Officer The Chair of the Placemaking Reference Group, Deputy Mayor, extended an Expression of Interest to a cross section of community members inviting them to indicate their willingness to participate in the Group. Once responses have been received the Group will be formed and commence operating.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
20 March 2018	Heavy Vehicle Safety Productivity Program	THAT Council endorse an application for funding under Round 6 of the Heavy Vehicle Safety and Productivity Program to upgrade a section of Paddy's Swamp Road to B-double standard as part of a staged freight task strategy.	Manager Infrastructure Operations	30/04/2018	11 April 2018 - 3:55 PM – Manager Infrastructure Operations Funding submitted successfully on 29 March 2018.
20 March 2018	Get Planning Spaces Funding Programme	THAT Council, pending 2018/2019 budget deliberations, resolve to confirm its support and financial commitment (up to \$25,000) to the indoor sporting facility planning project, and submit a funding application requesting \$75,000 from the Get Planning Spaces programme offered by the Queensland Government.	Senior Sport and Education Officer	30/06/2018	22 Mar 2018 - 2:17 PM – Coordinator Support Services An application to this funding programme will be submitted in line with Council's resolution. Applications to this funding close 18 April 2018 with announcement of successful projects expected in June 2018.
20 March 2018	Expression of Interest and Invitation to Tender for the Centre of Excellence for Disaster Management, Innovation and Community Resilience Tenancies	THAT Council adopts a two-stage tender process consisting of an Expression of Interest followed by an Invitation to Tender for the lease of tenancies within the Centre of Excellence for Disaster Management, Innovation and Community Resilience, (The Hub) at 7-9 James Street, Yeppoon and acknowledge the reason for adopting a two-stage process is to gauge the market interest and to select the best tenancy mix for the Yeppoon Town Centre.	Growth and Economic Development Officer	30/04/2018	23 Mar 2018 - 1:05 PM – Project Support Officer Council will release an Expression of Interest in April 2018.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
5 April 2018	Invest Capricorn Coast Region Economic Development Plan	THAT Councilors: 1. Adopt the updated Invest Capricorn Coast Region Economic Development Plan as the framework document that will guide the strategic growth and economic development of the Capricorn Coast region. 2. Adopt the Invest Capricorn Coast Region Leadership Alliance Terms of Reference and support the formation of a Leadership Alliance between Council, government agencies, local business and the community to provide strategic guidance and/or recommendations on regional economic development outcomes and initiatives.	Senior Economic Development Officer	30/04/2018	10 Apr 2018 - 1:12 PM – Project Support Officer Adoption of Invest Capricorn Coast Region Economic Development Plan was on 05 April 2018. No further Action required

9 PRESENTATION OF PETITIONS

Nil

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

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 ROAD NAMING PACIFIC HEIGHTS ROAD

File No: RD 28.4.1

Attachments:

1. Attachment 1 Letter from Tony Rowe [↓](#)
2. Attachment 2 - Letter from Property Owners [↓](#)
3. Attachment 3 - Site Plan [↓](#)

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

The relevant Australian Standard mandates the re-naming of a section of road rendered non-contiguous by development or construction. Three of the four affected property owners are objecting to the proposed road re-naming. Emergency Services have been consulted and were ambivalent with regards to the road name being retained.

OFFICER'S RECOMMENDATION

That having considered the concerns expressed by residents of the western section of Pacific Heights Road severed by the construction of Panorama Drive Council, and the provisions contained in AS/NZS 4819:2011, that Council resolves to rename the subject road Barwell Place to avoid any confusion and potential delay by emergency services locating properties in the case of threat to property or life.

BACKGROUND

An on-site meeting with affected residents took place on Tuesday, 6 February 2018. This meeting was attended by the Mayor, Councillor Bill Ludwig, Council officers Craig Jepson and Michael Prior, and residents Tony Rowe and Mr and Mrs Peter Smith.

The residents reiterated their fervent desire to retain the name of Pacific Heights for their section of road. A copy of the written submission dated 14 February from Mr Tony Rowe is included for information as Attachment 3.

Council officers subsequently met with emergency services staff (Police, Fire and Ambulance) with the following responses to two separate emergency scenarios if the road name remains unchanged:

- 1- A call from a resident of the severed end of Pacific Heights Road.

Responses: the caller is prompted for specific location and directions. Responders, whilst assisted by their own Communications Centre, go to their hard copy maps in the vehicle as their main navigational aid.

- 2.- a call from a person unfamiliar with locality, advising that they have an emergency at the cul-de-sac on Pacific Heights Road.

Responses: the caller will be asked for identifying features – rural addressing for instance, to define which section of Pacific Heights Road from which they are calling.

The emergency services staff consulted, subsequent to the 6 February meeting with residents, were not overly concerned if the severed end of Pacific Heights Road retained the current name. Both Ambulance and Fire Brigade have systems in place to ensure staff are aware of changes to the road network such as that presented by the Panorama Drive project. Police advised that they would be guided by specific location description and directions from the caller, in addition to their hard copy street maps.

What the discussions with all emergency services staff highlighted was the importance placed by them on hard copy mapping, and in the case of Fire and Ambulance, the reliance on Council's Road Register.

When initially approached in the spring of 2017, Ambulance officer-in-charge Jason Thompson advised that the road name should be changed.

Panorama Drive was officially opened on Saturday 23 September 2017.

COMMENTARY

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

Section 4.2.4 of AS/NZS 4819:2011 provides direction on naming of non-contiguous roads – *'A named road shall include only one section navigable by vehicles. Unconnected navigable sections, such as where separated by an unbridged stream, pedestrian segment, railing etc, shall be assigned separate road names.'*

The Standard also provides direction on changing road names and names of roads affected by development –

'Road names are intended to be enduring, and shall only be changed when necessary.'

and

'A road extent is sometimes broken into two or more segments by road redesign or redevelopment so that it is no longer continuous. In this case some of the resultant segments shall be renamed to comply with Clause 4.2.4.'

AS/NZS 4819:2011 also precludes the use of Arabic or Roman numerals or qualifying terminology (such as a cardinal indicator or similar prefix or suffix eg Upper, New, North, West) in road names.

However, as the affected property owners point out in their letter (Attachment 2 – Letter from property Owners) there are numerous examples throughout the Shire where non-contiguous roads share the same road name. Some of these include Arthur, Cliff, Park and John Streets in Yeppoon, and Golding, Archer, Vernon, Pybus, Pears, Nicholson, Hunter, Thomas and Connor Streets in Emu Park. In all of the Emu Park cases, vehicular access between the non-contiguous sections is reasonably convoluted, as is the case at Pacific Heights Road.

Rosslyn Street at Statue Bay is an example of a non-contiguous road sharing the same name where the two sections are separated by a major road, in a similar situation to Pacific Heights Road. In the Rosslyn Street case, the Scenic Highway physically splits the road but the street name and numbering continues.

Rosslyn Street and all of the Yeppoon and Emu Park examples above are historical anomalies and pre-date any Australian Standard on urban addressing.

Attachment 3 is a drawing showing the severed section of Pacific Heights Road in the context of the new Panorama Drive.

Road Types

If Council does resolve to name the severed section of Pacific Heights Road the appropriate road type (Place, Way, Court for example), should be taken from Australian Standard AS/NZS 4819:2011.

The following road types from Appendix A in AS/NZS 4819:2011 are considered appropriate for the road name that is the subject of this report:

- Close – short, enclosed roadway
- Court – short, enclosed roadway
- Place – short, sometimes narrow, enclosed roadway
- Vista – roadway with a view or outlook

PREVIOUS DECISIONS

Council considered a previous report on this subject at a Workshop on 7 November 2017 and decided to further consult with the affected property owners before deciding on a course of action.

Council further considered this matter at a Workshop on 19 March 2018 following the meeting on-site with the residents.

BUDGET IMPLICATIONS

The cost of new road signs can be accommodated within existing budget allocations.

LEGISLATIVE CONTEXT

Council has authority under s60 (2) (d) of the Local Government Act to name roads.

LEGAL IMPLICATIONS

If the road name is changed, property owners and tenants will be obliged to change their address on their drivers licence and other documents of substance.

STAFFING IMPLICATIONS

None known

RISK ASSESSMENT

There is a risk, if the road name remains unchanged, that Emergency Services or others seeking to visit one of the four properties at the western end of Pacific Heights Road will be delayed by the non-contiguous nature of the road since the construction of Panorama Drive. After consulting with Emergency Services staff, the likelihood of such a delay is quite low. The consequences of a delay as described above could be major or catastrophic. The risk could be mitigated to some extent by ensuring Emergency Services have an up-to-date Road Register showing the new Panorama Drive and the severed western end of Pacific Heights Road, including the numbering of the four affected properties.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: Strategy AM4: Operate, maintain and use Council assets to deliver efficient and cost effective services to the community.

CONCLUSION

The relevant Australian Standard AS/NZS 4819:2011 provides guidance on the application of road names including where roads have been made non-contiguous by construction or development. In this case, the Standard mandates that the western end of Pacific Heights Road, severed by the construction of Panorama Drive, be re-named. The affected property owners have objected to the proposal to change the road name. Whilst information obtained from the local Emergency Services staff suggests there is a low risk that they would be delayed in responding to a call for assistance as a result of confusion over road names, should a delay occur, there could be a severely adverse outcome.

12.1 - ROAD NAMING PACIFIC HEIGHTS ROAD

Attachment 1 Letter from Tony Rowe

Meeting Date: 17 April 2018

Attachment No: 1

ATTACHMENT 1 – Letter from Resident Owner Tony Rowe 13 February 2018

Dear Mayor Ludwig,

Thank you for arranging the on site meeting on February 6 with yourself, Michael Prior - Manager of Infrastructure Operations, Craig Jepson - Director of Infrastructure Services, Dr. and Mrs Smith and myself whilst an apology was tendered by Bruce and Peta Guy as they were overseas.

As advised, residents are still of the opinion that they do not want the name of the western end section of Pacific Heights Road changed mainly for the following reasons:-

1. The existing name ties our properties firmly to the Pacific Heights locality and has done so for many years.
2. A name change would involve us in a long drawn out procedure of changing many forms of documents and involve unnecessary time, effort and costs to ourselves.
3. In the time that Panorama Drive has been open (as well as for some months before), no issues with the existing road name been experienced and we have not experienced any adverse issues with Councils water and garbage services, mail or courier deliveries.
4. Fire Services have attended three times to issue fire permits without issues (except for Officers not wanting to drive through mud on the bitumen surfaced road).
5. Emergency Services when called, require callers to identify themselves, street and street numbers and immediately enter this information into their on board navigation equipment which is on all vehicles. The updating of the system will identify Panorama Drive crossing Pacific Heights Road and direct accordingly making it impossible for Emergency Services to get lost.
6. A name change to our end of Pacific Heights Road will be unfamiliar to some users and could cause confusion in contacting Emergency Services.
7. As Council is aware, the 14 other non-contiguous in Yeppoon and Emu Park in a similar situation to Pacific Heights Road are not being forced in a name change so why should Pacific Heights landowners/residents be discriminated against.
8. AS 4819 originated in the year 2000 with an update in 2011 before GPS navigation has become universal and, in this current situation, could be considered behind the times.
9. In any event, the "no change" proposal being supported could be argued to still comply with the 5 Objectives of AS 4819.
10. I, personally, have lived in Pacific Heights Road for 40 years and have no wish to be disassociated from the name.

I understand that Council Policy for "Naming of Infrastructure Assets" requires opportunity for the public to become involved. The advertisement of 9.9.2017 referred to the Locality of Inverness so it could be argued that the motion of the Council Meeting of December 5, 2017 is *ultra vires* so no action on the motion is required.

In summary then, I request Council to take no action other than to place street numbers on the existing Pacific Heights Road signs as per Section 8.3.3 of AS/NZS 4819 and advise the relevant agencies/service providers of the changes associated with Panorama Drive.

Sincerely,

A.J.P. Rowe.
February 13, 2018

12.1 - ROAD NAMING PACIFIC HEIGHTS ROAD

Attachment 2 - Letter from Property Owners

Meeting Date: 17 April 2018

Attachment No: 2

29th September 2017

Technical Officer (Infrastructure)
Livingstone Shire Council
Yeppoon Qld 4703
Email: enquiries@livingstone.qld.gov.au

PACIFIC HEIGHTS ROAD, PACIFIC HEIGHTS.

I write on behalf of the property owners, Dr P & A Smith, Mr & Ms A Rowe, my wife P Guy and myself, our respective properties on Pacific Heights Road, Pacific Heights now accessed off Panorama Drive, Pacific Heights.

Reference is made to your advertisement referring to the nominating of a name for an existing road reserve off Panorama Drive, the accompanying diagram showing Pacific Heights Road, Pacific Heights and incorrectly referred to, in your advertisement, as the locality of Inverness.

We wish to retain the name Pacific Heights Road:

Whilst Panorama Drive may be new a infrastructure and presumably named by Council, Pacific Heights Road is neither new nor unnamed infrastructure.

That Panorama Drive now intersects Pacific Heights Road does not, we submit, necessitate a name change to our section of Pacific Heights Road. There are ample examples such as Arthur & Mount Streets, Yeppoon, the Esplanade, Cooe Bay and Lammermoor, Rosslyn Street, Statue Bay and Vernon, Bright and Keppel Streets at Emu Park to name some.

Over the past twelve (12) months that our properties have been accessed off Panorama Drive we have had no visitor, services or delivery issues after advising our location of Pacific Heights Road (off Panorama Drive).

Having suffered considerable inconvenience during construction of Panorama Drive especially over the past two (2) years and the now quite noticeable traffic noise from the Drive, having to make arrangements to change to any new address with numerous organizations and persons will be of considerable wasted time and further inconvenience to us all.

We would request a meeting between Council and we, the above landowners, should a change of our existing road name continue to be further considered by Council.

We also note Council will address our concerns in relation to flooding from water runoff over the deep dip on our section of Pacific Heights Road, noting the March 15 inch rainfall which occurred.

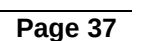
Bruce Guy,
240 Pacific Heights Road
Pacific Heights 4703
Mob 0419716986
guylawer@bigpond.com

12.1 - ROAD NAMING PACIFIC HEIGHTS ROAD

Attachment 3 - Site Plan

Meeting Date: 17 April 2018

Attachment No: 3



12.2 LAMMERMOOR AND KEMP BEACH SHARED PATHS

File No: 16-024
Attachments: Nil
Responsible Officer: Dan Toon - Director Infrastructure Services
Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

The purpose of this report is to advise Councillors on the issues, constraints and changes to the two ongoing shared path projects on Scenic Highway at Lammermoor and Kemp Beach under the Cycle Network Local Government Grants Program.

This report provides advice following the on-site inspection by Councillors and officers on Friday 16 March 2018.

OFFICER'S RECOMMENDATION

THAT Council endorses the changes made to the ongoing shared pathway projects under the Cycle Network Local Government Grants Program as outlined below:

1. Kemp Beach Shared Path – alignment between Rosslyn Street and Vin E Jones Drive shifted from the northern verge to the southern verge; and
2. Lammermoor Shared Path – footbridge at Williamson Creek to be constructed in FY 2017/18 and the remaining missing links to the south in FY 2018/19.

BACKGROUND***Lammermoor Shared Path***

In July 2016, Council was successful in obtaining funds for 50% of the total cost under the Cycle Network Local Government Grants Program (CNLGGP) for four shared pathway projects. The first two projects were completed in FY 2016/17. The third project - Matthew Flinders Drive shared path – was completed in March 2018.

The fourth project, Lammermoor shared path, commenced construction in late 2017 and was originally planned to be completed within FY 2017/18.

Kemp Beach Shared Path

In June 2017, Council was successful in obtaining grants for 50% of the total cost under CNLGGP for the proposed Kemp Beach shared pathway.

Following preliminary engineering design by the Council's design office and feedback received from DTMR, Council officers proposed a variation to the original scope, which was approved by Council on 5 September 2017.

The original concept for the Kemp Beach shared path project included construction of a path on the northern verge of Scenic Highway, for the section between Rosslyn Street and Vine E Jones Drive, following the existing bush track. This original alignment is shown in **Figure 1** (in yellow) and was presented via a workshop report on 5 September 2017.

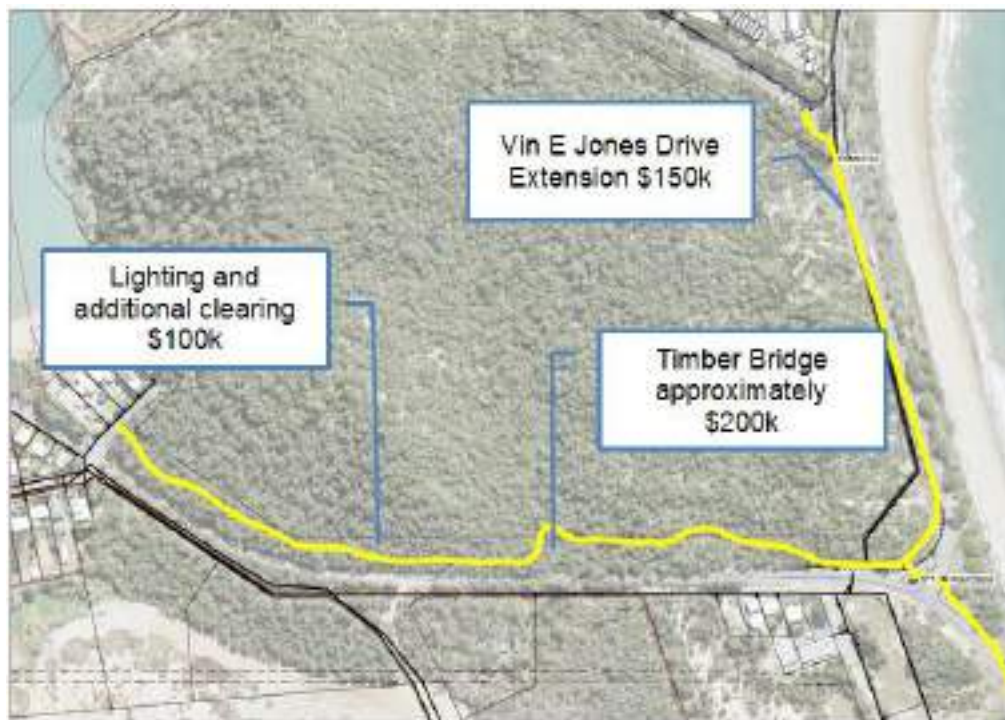


Figure 1 – Original Alignment of the Shared Pathway

Councillors and officers inspected the two options between Rosslyn Street and the harbour turnoff on Friday, 16 March 2018. It was clear from the inspection that construction of a path on the northern verge would destroy the pristine environment through which an existing bush walking trail traverses with minimal impact. It is proposed to position the shared concrete path on the southern verge and retain the existing bush walking trail in its present form as an alternative for walkers only. Interpretive signage could be deployed for this path to enhance the bush experience.

COMMENTARY

Lammermoor Shared Path

This project has originally been approved to be completed across two financial years commencing in 2016/17. However, during the detailed design stage, the project was subjected to a change of scope, and as a result has incurred additional costs.

The project was subsequently planned to be delivered in three stages. Stage 1 and 2 are now complete, which included construction of the section of shared path from Bottlebrush Drive to the bus stop near Williamson Creek.

Stage 3 includes construction of a footbridge across Williamson Creek and missing links at the southern end of the footbridge, to connect through to the new pathway being constructed as part of the Statue Bay project. This work has now been planned for construction from February to December 2018.

Tender evaluation of the footbridge component was completed in January 2018, and the contract was awarded in February 2018 to the successful tenderer, as a Design and Construct project. Construction of the bridge should be completed by May 2018.

Due to budgetary constraints, the remaining missing links on the southern side of the footbridge is planned to be constructed in FY 2018/19. DTMR has already approved the variations to the cost and delivery time frame, in November 2017.

Kemp Beach Shared Path

During the detailed design stage of the project, Council officers have undertaken a number of field inspections, along with members of the public, who wished to express their concerns. During these inspections, a number of issues and constraints were identified.

Council officers also investigated an alternative alignment for this section of the shared path along the southern verge of Scenic Highway.

A comparison of the original and alternative alignments is presented in **Table 1**.

Table 1 – Comparison of Original and Alternative Alignments

Original Alignment (on the northern verge)	Alternative Alignment (on the southern verge)
<i>Clearing of Vegetation</i>	
Significant amount of old growth vegetation would need to be cleared. Once the vegetation is removed, the potential for degradation of the remaining vegetation is increased through erosion and weed invasion due to increased sunlight through the canopy. Impacts to the adjacent National Park are quite likely. Involves significant cost and effort to obtain approvals at local, state and potentially federal level. Obtaining these approvals would be costly in time and funds due to the extensive flora and fauna studies required and application preparation which would include consideration of alternatives and no guarantee of approval. Such a process could adversely impact achieving agreed project delivery milestones.	Clearing would be minimal, selective and possibly only pruning in some locations would be required. Relatively lesser number of approvals and time required, hence lesser construction times and savings in the budget. Already disturbed area so unlikely to increase impacts to adjacent vegetation.
<i>Vegetation Diversity</i>	
Existing vegetation mapping reflects three Of Concern remnant vegetation types however site inspection confirms a greater diversity and complexity of vegetation types, including a perched wetland on an ancient parabolic sand dune. This elevated swamp ecosystem is extremely rare outside protected estates and together with the occurrence of cycads and other valued vegetation types in this area boarding a National Park, the site is highly significant.	Given that this corridor has already been cleared, hence, clearing required would be minimal and have no impact on the National Park.
<i>Protected Vegetation</i>	
A large number of Cycads are located along the corridor. These plants are protected by State and Federal legislation and it would be very difficult to work around them. Some of the cycads in this area were noted as being up to three metres high and may be as old as 500 years.	A fewer number of Cycads present within the corridor. However, they are relatively much younger and smaller plants, which can be relocated if required.

<i>Terrain</i>	
Traverses through some fairly steep terrain. In order to construct the shared path at complaint grades, there would be a significant amount of earthworks and a footbridge installed. The footbridge itself could cost in excess of \$500,000.	The terrain is far more traversable and would not require spending significant money on a bridge and earthworks.
<i>Constructability</i>	
Constructing the path through this corridor would be extremely difficult. The only access for this footpath during construction is either end. Clearing width would need to be kept to a minimum so this would leave little room for construction vehicle and plant maneuverability. This will adversely impact delivery time frame and the budget.	The site is mostly cleared and provides multiple construction accesses. Minimal impact to the environment during construction.

Original and alternative alignments are shown in **Figure 2**.

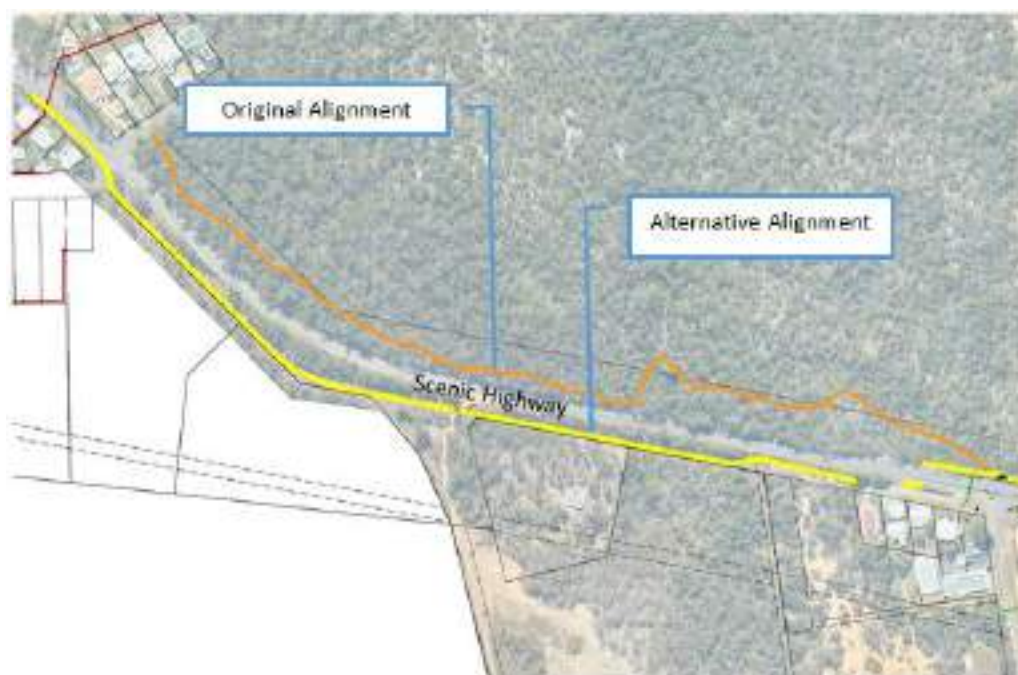


Figure 2 – Original and Alternative Alignments of Kemp Beach Shared Pathway

Following the above comparison of the original and alternative alignments, and the field inspection on Friday, 16 March 2018, Councillors and officers have concluded that the original option to construct a shared path on the **northern verge** of Scenic Highway between Rosslyn Street and Vin E Jones Drive is **not preferred**.

As an alternative, Councillors and officers have concluded that constructing a shared path on the **southern verge** is the best available option and hence **preferred**.

Next Steps

Pending the outcome of the Council's endorsement to adopt the change of the alignment of the Kemp Beach Shared Pathway, Council officers expect to seek approval for a variation from DTMR (i.e. the funding agency).

PREVIOUS DECISIONS

On 5 September 2017, Council resolved to adopt the proposed variations to scope for the Kemp Beach shared pathway by the addition of the Vin E Jones shared pathway and detailed design of additional scope with estimated costs of \$450,000 to be shared 50/50 between Council and TMR.

BUDGET IMPLICATIONS***Lammermoor Shared Pathway***

The project is planned to be constructed in three stages, across 3 years, due to extra costs involved with the scope changes. Stage 1 and 2a are now complete.

In Stage 3a, a footbridge across Williamson Creek will be constructed within FY 2017/18 by an external contractor. Upon completion of Stage 3a, council will also construct the missing shared path links on the northern side of the footbridge, i.e. Stage 2b, in FY 2017/18.

The missing shared path links in the southern side of the footbridge, i.e. Stage 3b, is planned to be constructed in FY 2018/19.

The approximate cost breakdown of the three stages is as follows:

- Stage 1 & 2a Ch0m to Ch985m: \$502,000 (complete)
- Stage 3a Footbridge component: \$185,000 (ongoing 2017/18)
- Stage 2b Missing link in the north: \$60,000 (2017/18)
- Stage 3 Shared pathway component Ch985m to Ch1332m+: \$223,820 (2018/19)
- Total project cost– \$970,820 (50% external funds approved)

Kemp Beach Shared Pathway

It is anticipated that the proposed changes will have minimal impact on current project cost estimations.

The final project cost is to be confirmed and approval is to be sought from the funding agency, upon completion of the ongoing detailed design works.

LEGISLATIVE CONTEXT

Subsidy funding arrangements are in accordance with the *Transport Infrastructure Act* and the *Local Government Act*.

LEGAL IMPLICATIONS

Land tenure acquisition involving routes across private land involve the *Land Acquisition Act* and Council policy and procedure. Vegetation issues would involve applications and compliance with the relevant legislation.

STAFFING IMPLICATIONS

Land tenure and vegetation issues require external professional consulting services. Pathway construction works on road reserves is appropriate for in-house engineering and construction staff.

RISK ASSESSMENT

Risks associated with these projects may include:

- Insufficient funding;
- Issues which adversely impact the environment;
- land tenure; and
- local resident opposition.

Current legislation and Council policies and procedures are applicable as controls. Council staff would undertake the relevant applications and conditions in accordance with legislation and policies, and seek Council approvals.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: Strategy AM3: Design and implement practical infrastructure solutions.

CONCLUSION

In conclusion, it is recommended that Council endorses the changes made to the ongoing shared pathway projects under the Cycle Network Local Government Grants Program as mentioned below:

1. Kemp Beach shared path – alignment between Rosslyn Street and Vin E Jones Drive is shifted from the northern verge to the southern verge; and
2. Lammermoor shared path – footbridge at Williamson Creek to be constructed in FY 2017/18 and the remaining missing links to the south in FY 2018/19.

12.3 RADF COMMITTEE - CHANGE OF NAME

File No: GS15.5.2
Attachments: Nil
Responsible Officer: Brett Bacon - Director Community & Planning Services
David Mazzaferri - Manager Disaster Management,
Recovery and Resilience
Author: Julie Bickley - Coordinator Library & Arts

SUMMARY

This report pertains to some minor amendments to the administration of Council's Regional Arts Development Fund.

OFFICER'S RECOMMENDATION

THAT Council resolve to rename the Regional Arts Development Fund Committee to the Regional Arts Development Fund Assessment Panel and that all references to the committee be amended to reflect this name change.

BACKGROUND

The Regional Arts Development Fund is a partnership between state and local governments which invests in quality arts and cultural experiences across Queensland based on locally determined priorities. The Regional Arts Development Fund 2017-18 promotes the significance and value of arts, culture and heritage as the key to:

- (1) supporting diversity and inclusivity;
- (2) growing stronger regions; and
- (3) provide training, education and employment opportunities for Queensland artists and local communities.

The funding is currently administered by a committee comprising eleven (11) members. Three of the members have recently ceased their tenure on the committee and three replacement members have been appointed.

COMMENTARY

At the Annual General Meeting of the Regional Arts Development Fund held on Monday 26 March 2018 the Committee decided to change the name of the Committee to Regional Arts Development Fund Assessment Panel. It was also decided not to appoint a Chairperson to the panel but to have a different panel member chair the meeting each time.

In addition, three new members were nominated and accepted to the Assessment Panel, being Leo Honek, Anni Simmons and Phil Jenkins, with the following members already on the panel.

- 1) Councillor Nigel Hutton
- 2) Councillor Jan Kelly
- 3) Leanne Smith
- 4) Ray Tamassy
- 5) Kristin Hannaford
- 6) Carmel Knowles
- 7) Fran McFadzen
- 8) Isabel Warcon

It was also decided to remove the following statement from the Code of Conduct Form '*Stand for a maximum of 4 year term with the option to stand down after 2 years*'.

PREVIOUS DECISIONS

This specific matter has not been subject to any Council decision.

BUDGET IMPLICATIONS

There are no budget implications associated with the changes to nomenclature.

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

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

STAFFING IMPLICATIONS

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

RISK ASSESSMENT

There is no risk in relation to the name change to assessment panel and it does better reflect the purpose of the group.

CORPORATE/OPERATIONAL PLAN

Strategy Co2 of Council's Corporate Plan states: '*Facilitate programs and support local social, cultural, artistic and community building initiatives.*'

CONCLUSION

The Regional Arts Development Fund Committee has proposed a name change to better reflect its purpose. The change to Regional Arts Development Fund Assessment Panel is appropriate and should be supported.

12.4 UPDATES TO INTERNAL AUDIT CHARTER**File No:** CM4.2.2**Attachments:** 1. Internal Audit Charter (v2.2) - Revised Version [↓](#)**Responsible Officer:** Chris Murdoch - Chief Executive Officer**Author:** Scott Williams - Internal Auditor

SUMMARY

On an annual basis the Internal Audit Policy and Internal Audit Charter are reviewed. No change to the policy is proposed. Some changes are proposed to update the charter that will increase alignment with the Institute of Internal Auditor standards.

OFFICER'S RECOMMENDATION

THAT Council approve the revised Internal Audit Charter.

BACKGROUND

The Internal Audit Policy establishes the Internal Audit function in accordance with the requirements of the Act and Regulations. It also sets a requirement for compliance with the standards set by the Institute of Internal Auditors (IIA).

The Internal Audit Charter assists to implement the policy by defining aspects around the authority of the function, the relationship between Internal Audit and other stakeholders and how several key processes are to be performed.

The annual program for the Audit Committee includes performing an annual review of the Internal Audit Policy and Internal Audit Charter. The current documents were reviewed by the Audit Committee in March 2017 and approved by Council on 18 April 2017. The updated version was endorsed by the Audit Committee on 26 February 2018.

COMMENTARY

No change to the Internal Audit Policy is proposed.

In November 2017 the Internal Auditor performed a self-assessment of the Internal Audit function against detailed checklists published by the Institute of Internal Auditors. One checklist specifically covers the Internal Audit Charter; the other assists in assessing overall compliance with the IIA standards.

To address findings from that review the following changes are proposed:

- Section 4.3 – created a separate section and simplified the wording to make the different reporting lines clearer.
- Section 4.4 – the guidance is that internal audit should have direct access to the board. In our context that is Council. Wording has been added to allow the Internal Auditor to put items on the agenda for Council without management interference.
- Section 4.6 – added a section to clarify how conflicts of interest are to be managed.
- Section 6.1 – explicitly recognised the IIA Code of Ethics.
- Section 6.2 – updated this to use the wording in the 2017 version of the IIA Core Principles.
- Section 7.2 – corrected the wording to make it clear changes can be proposed by the CEO and/or the Audit Committee and that support from both sources is not required.
- Section 7.4 – corrected the wording on approving changes to the Annual Audit Plan.

- Section 8.4 – adjusted the wording on management requests to better reflect the need for independence and to fit wording in the standards re consultancy engagements.
- Section 11.2 – Removed incorrect reference to the Director Corporate Services.

Re Section 6.2, the wording is different, but the new version of the Core Principles do cover the original requirements. They then add other important attributes beyond the original list.

Original requirements	Coverage in new core principles
Comply with professional standards of conduct;	Demonstrates integrity Demonstrates due professional care
Possess the knowledge, skills, and technical proficiency essential to the performance of internal audits;	Demonstrates competence Is appropriately positioned and adequately resourced
Be skilled in dealing with people and in communicating issues effectively;	Communicates effectively
Maintain their technical competence through a program of continuing education,	Demonstrates competence
Exercise due professional care	Demonstrates competence and due professional care

PREVIOUS DECISIONS

The current versions of the Internal Audit Policy and Charter were endorsed by ARaBIC on 1 March 2017 and subsequently approved by Council on 18 April 2017.

BUDGET IMPLICATIONS

No change to the existing budget for Internal Audit is required for the proposed changes.

LEGISLATIVE CONTEXT

The Internal Audit function will continue to meet the requirements of section 105 of the *Local Government Act 2009* and sections 209-211 of the *Local Government Regulation 2012*.

LEGAL IMPLICATIONS

No legal implications are expected from the changes.

STAFFING IMPLICATIONS

No changes to staffing will be required.

RISK ASSESSMENT

The proposed changes will not have an impact on the existing risk recognised in the Operational Risk Register.

CORPORATE/OPERATIONAL PLAN

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

CONCLUSION

The Internal Audit Charter will not be fundamentally changed and Internal Audit will continue to operate largely as it is now. However, the proposed changes will increase alignment of the Internal Audit Charter with the Institute of Internal Auditor standards. It is recommended that these changes be approved.

12.4 - UPDATES TO INTERNAL AUDIT CHARTER

Internal Audit Charter (v2.2) - Revised Version

Meeting Date: 17 April 2018

Attachment No: 1

Internal **Audit** Charter





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Internal Audit Charter

Adopted/Approved: Draft changes
Version: 2.2

Department: Office of the Mayor and CEO
Section: Internal Audit

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1. Objective

- 1.1 This Charter provides a framework for the conduct of Internal Audit in Livingstone Shire Council and is endorsed by the Livingstone Shire Council Audit, Risk and Business Improvement Committee (ARaBIC).

2. Role

- 2.1 Internal Audit is an independent, objective assurance and internal consulting activity designed to add value and improve the organisation's operations. It assists Council to accomplish its objectives by bringing a systematic, disciplined third line of defence to evaluate and improve the effectiveness and efficiency of the risk, control and governance processes.

3. Authority

- 3.1 The Internal Auditor is authorised to direct a broad, comprehensive program of internal auditing within Council. The Internal Auditor (or nominee) is authorised to have full, free and unrestricted access to all functions, property, personnel, records, accounts, files and other documentation.
- 3.2 The Internal Auditor has the authority to initiate audit reviews and investigations based upon their professional judgement, beyond the immediate scope of the approved Internal Audit program. This work will be reported to the ARaBIC to ensure Internal Audit resources are available to complete the approved Internal Audit plan.
- 3.3 Information accessed in the course of internal audit work is used strictly for Internal Audit purposes. The Internal Auditor is responsible for the confidentiality of the information they receive.

4. Independence

- 4.1 Internal Audit is independent to line management. It has no direct authority over the activities it reviews – this independence from operating management is essential for the Internal Auditor to be objective in the conduct of reviews.
- 4.2 Internal Audit does not design, develop or implement procedures or systems and does not prepare records or engage in front line processing functions.
- 4.3 From an administrative perspective, Internal Audit is part of the Chief Executive Officer's office. In regards to the operation of the function, Internal Audit takes direction from and reports to the ARaBIC.
- 4.4 The Internal Auditor has full, free and unrestricted access to the Mayor, the Chief Executive Officer and the ARaBIC. The Internal Auditor has authority to add an item to the agenda for a Council workshop or meeting without modification by management (a review for quality assurance purposes would generally occur). The CEO can provide direction on internal audit activities and reporting. The Internal Auditor can request a meeting with the Chair of ARaBIC and/or the CEO to discuss any concerns. These reporting lines, coupled with a robust planning process are intended to maintain the independence of Internal Audit, ensure a broad range of audit coverage and adequate consideration of audit reports and management action on audit recommendations.
- 4.5 A review by Internal Audit does not in any way relieve Council's officers of their individual responsibilities for implementing and maintaining effective systems to both

Internal Audit Charter

Adopted/Approved: Draft changes
Version: 2.2

Department: Office of the Mayor and CEO
Section: Internal Audit

Page 3 of 7



monitor and control Council activities and practices (including internal control and risk management).

- 4.6 Before commencing each review, an assessment will be made regarding the risk of a potential or perceived conflict of interest. If such an issue arises in any review this will be raised with the CEO and appropriate action taken to address the issue.
- 4.7 The Internal Auditor will annually provide a declaration to ARaBIC regarding their ongoing independence and any potential conflicts of interest to be monitored or managed.

5. Responsibility

- 5.1 The Internal Auditor is responsible for the management of Internal Audit in Livingstone Shire Council and any controlled entities that may exist from time to time.
- 5.2 Internal Audit provides assurance over the effectiveness and efficiency of the control environment to mitigate risks. It will use a risk based auditing methodology in the conduct of its work which may focus on organisational processes, programs/projects and strategic initiatives.
- 5.3 Internal Audit will play an active role in helping Council:
 - maintain a culture of accountability, integrity and adherence to Livingstone Shire Council's ethical standards;
 - promote the integration of risk management into business as usual activities, processes and programs.

6. Standards

- 6.1 All audit activities are conducted in accordance with Livingstone Shire Council values, policies, and procedures and relevant standards of professional practice including:
 - the Code of Ethics published by the Institute of Internal Auditors (IIA);
 - the Standards for the Professional Practice of Internal Auditing issued by the IIA; and
 - the Information Systems Auditing Standards issued by the Information System Audit and Control Association (ISACA).
- 6.2 The Institute of Internal Auditors defines a number of core principles that should be achieved to be effective in the role. An effective Internal Auditor is one that:
 - Demonstrates integrity.
 - Demonstrates competence and due professional care.
 - Is objective and free from undue influence (independent).
 - Aligns with the strategies, objectives, and risks of the organisation.
 - Is appropriately positioned and adequately resourced.
 - Demonstrates quality and continuous improvement.
 - Communicates effectively.
 - Provides risk-based assurance.
 - Is insightful, proactive, and future-focused.



7. Audit Plan

- 7.1 An Internal Audit Plan ("Plan") for Council will be prepared on an annual basis. The Plan will be endorsed by the Chief Executive Officer and the ARaBIC prior to approval by Council. The Plan will be prepared in consultation with the Executive Leadership Team to ensure alignment of the Plan against the key business risks and strategic objectives of the business.
- 7.2 Internal Audit will continually assess the Plan ensuring that any changes to, or emerging significant risks are evaluated and factored into the Plan as considered appropriate. Internal Audit can perform any special tasks or ad-hoc reviews, whether assurance or consulting based as requested by the ARaBIC and/or the CEO.
- 7.3 The Plan will incorporate key performance indicators against which Internal Audit's performance will be measured.
- 7.4 The ARaBIC will regularly review the Plan against actual audit performance. Any necessary amendments to the Plan will be submitted to the committee for their endorsement and subsequently to Council seeking approval.
- 7.5 Internal Audit will establish and maintain an open relationship with the External Auditor and any other assurance providers. Consistent with the Internal Audit strategy, Internal Audit will plan its activity to help ensure the adequacy of overall audit coverage and to minimise duplication of assurance effort.
- 7.6 External Auditors have full and free access to all Internal Audit plans, work programs, reports and working papers.

8. Audit Scope

- 8.1 The scope of Internal Audit encompasses the examination and evaluation of the adequacy, effectiveness and efficiency of the systems of internal control in Council. Its activities are designed to evaluate whether:
 - material risks have been appropriately identified, assessed and managed;
 - governance processes are operating effectively;
 - significant information, whether financial, managerial or operating, is accurate, reliable and timely;
 - resources are acquired economically, used effectively and efficiently and are adequately protected;
 - activities are in compliance with Livingstone Shire Council's policies and procedures which are designed to comply with legislation, regulations and relevant industry standards.
- 8.2 Internal Audit reviews cover all activities of Council together with any controlled entities and their commercial activities. It involves the review of all operations (financial and non-financial), either manual or computerised.
- 8.3 The scope of audit engagements is aligned to the key financial, operational, compliance and strategic risks of Council.
- 8.4 Whilst maintaining independence, Internal Audit may undertake management requests (formal and informal) subject to the auditor's judgement on suitable scope, deliverables and the resources available. Requests may be for structured reviews, feedback on specific processes, participation in standing committees (without decision making authority), review of projects, ad hoc meetings and information



exchange. Internal Audit can conduct or assist in the investigation of suspected fraudulent activities within Livingstone Shire Council.

- 8.5 Internal Audit's scope includes areas that may be regularly subject to review by other assurance providers. Internal Audit will collaborate with these areas to ensure an efficient and effective overall approach to assurance under a general principle of reviewing the assurance methods of other assurance providers and minimal duplication of review activities.

9. Reporting

- 9.1 At the conclusion of a review, a report will be issued. The report will present the objectives and scope, audit observations and recommendations as well as a risk assessment of the audit outcome(s) and a timetable for addressing observations/actioning recommendations arising from the review. Reporting will be escalated to a level consistent with the internal audit assessment of risk and controls.
- 9.2 Before finalising an audit report, the Internal Auditor will provide the relevant Manager(s) with the opportunity to review the report for factual accuracy and to provide a management response to the audit recommendations. Internal Audit reports are to be provided to the Executive Management Team who will periodically review progress against required management actions.
- 9.3 The Internal Auditor will submit a report to the ARaBIC summarising all review activities undertaken during the quarter. This report will indicate:
- reviews completed or in progress;
 - outcomes of each review undertaken and actions to be taken;
 - the status of previously raised medium or higher rated actions;
 - remedial action taken; and
 - any changes to the Plan.

10. Quality Assurance

- 10.1 The Internal Auditor will establish and maintain a quality assurance program to evaluate the operations of the Internal Audit services in accordance with the IPPF. The purpose is to provide assurance that all review work conforms to relevant auditing standards, the Internal Audit Charter, and is cost effective and efficient.
- 10.2 The quality assurance program will incorporate benchmarking against other internal audit functions across industry including a periodic external 'peer' review of the Internal Audit function. The outcome of the external peer review will be provided to the ARaBIC along with actions arising from the review.

11. People

- 11.1 The appointment, dismissal or replacement of the Internal Auditor is the responsibility of the Chief Executive Officer in consultation with the Chair of the ARaBIC.
- 11.2 Decisions on the promotion, remuneration, performance assessment and professional development of the Internal Auditor are the responsibility of the Chief Executive Officer.

Internal Audit Charter

Adopted/Approved: Draft changes
Version: 2.2

Department: Office of the Mayor and CEO
Section: Internal Audit

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12. Other

- 12.1 On a regular basis, Internal Audit performance against key performance indicators will be reported to the ARaBIC.
- 12.2 This Charter will be reviewed annually in alignment with the ARaBIC Terms of Reference to ensure a 'fit for purpose' level of cost effective, value-added internal audit service is provided to Council. Any proposed changes to the Charter will be presented to the ARaBIC for endorsement.

CHRIS MURDOCH
CHIEF EXECUTIVE OFFICER

APPENDIX

1. Terms and Definitions

The following terms and definitions apply to this document:

ARaBIC	Audit, Risk and Business Improvement Committee
CEO	Chief Executive Officer
IIA	Institute of Internal Auditors
IPPF	International Professional Practices Framework for Internal Audit as published by the Institute of Internal Auditors (IIA).
Internal Auditor	Internal Auditor is the current title for the position in the Internal Audit unit. Equivalent titles used previously in the organisation or in other references are Internal Audit Executive, Head of Internal Audit and Chief Audit Executive.

12.5 LIVINGSTONE COMMUNITY GRANTS - ROUND 2, 2017-2018**File No:** CR2.15.3**Attachments:** Nil**Responsible Officer:** Brett Bacon - Director Community & Planning Services
David Mazzaferri - Manager Disaster Management,
Recovery and Resilience**Author:** Melissa Minter - Co-ordinator Community Partnership**SUMMARY**

The February round of the 2017-2018 Livingstone Community Grants programme closed on 23 March, 2018. A total of twenty-one (21) eligible applications were assessed by the Funding Panel. This report provides an overview of the assessment, and makes recommendations pertaining to the distribution of funds from the current round.

OFFICER'S RECOMMENDATION

THAT

- 1) Council approve the following grant applications, to be funded through Round Two of the 2017-2018 Livingstone Community Grants programme:

Applicant	Purpose	Grant \$
Australian South Sea Islander Movement Inc.	purchase of fridge, table and chairs	\$2,000
Excelcare Australia	purchase of sensory items	\$1,995
Capricorn Equestrian Group Inc.	purchase of laptop and printer for live scoring and updates at events	\$2,000
Capricornia Cruising Yacht Club	replacement stanchions and safety rails for training yacht "Bendigo"	\$1,556
Girl Guides Queensland	guide training opportunities	\$1,662
Yeppoon Gymnastics & Movement Centre Inc.	purchase of a box trailer to transport equipment to venues around Livingstone	\$2,000
Yeppoon Golf Club	establishment of a turf nursery	\$1,654
The Caves State School P & C Assoc	purchase a bain-marie and pan kit with lids	\$1,396
Yeppoon Australian Football Club Inc.	purchase of a two door upright display fridge for canteen	\$2,000
Yeppoon RSL	purchase of commercial gas top and oven	\$2,000
Yeppoon & District Lapidary Assoc Inc.	provision of a six wheel stainless steel Cabbing machine	\$2,000

Yeppoon Hack and Pony Club	replace old, broken hot water system and piping at the club's canteen	\$1,670
Keppel Coast Dirt Bike Club Inc.	new PA and speaker system	\$2,000
Yeppoon Rotary Club	Rotary Youth awareness program	\$1,000
Emu Park Branch Qld Country Women's Assoc	park fund the purchase of a colour printer	\$2,000
Emu Park Rugby League Football Club Inc	purchase of 8x5 box trailer	\$1,996
Capricorn Coast Football Club	repair and upgrade speaker system	\$1,960
Capricorn Coast Landcare Group	purchase of new four stroke whipper snipper	\$1,081
TOTAL		\$31,970

- 2) The remaining unallocated amount of \$3,030 be reallocated to Round One of the 2018-2019 Livingstone Community Grants programme.

BACKGROUND

Council, together with Inverness Yeppoon and Keppel Bay Sailing Club, commenced the second round of the 2017-2018 Livingstone Community Grants on 5 February, 2018. A total of \$35,000 was allocated for the round.

A total of twenty-one (21) eligible applications were received including twelve (12) community groups and nine (9) sporting groups totalling \$37,961. The amount proposed to be distributed is \$31,970.

COMMENTARY

Organisations making application were assessed under Council's adopted Policy and Procedures and could apply for funds to support projects, activities or items up to the value of \$2,000. Furthermore, applicants needed to demonstrate that they were operating within the Livingstone Shire local government area and, that any funding received would benefit residents and improve overall community wellbeing and link to one or more of Council's Corporate Plan objectives.

PREVIOUS DECISIONS

This specific matter has not been the subject of any Council decision.

BUDGET IMPLICATIONS

The budget for round two of Livingstone Community Grants was \$35,000. The amount proposed to be distributed is \$31,970.

The Funding Panel request the remaining unallocated amount of \$3,030 to be reallocated to round one of the 2018-2019 Livingstone Community Grants programme.

LEGISLATIVE CONTEXT

There is no legislative context applicable to the administration of Livingstone Community Grants.

LEGAL IMPLICATIONS

There are no legal implications associated with administering Livingstone Community Grants programme.

STAFFING IMPLICATIONS

The administration of Livingstone Community Grants is managed within existing Council staff resources (specifically the Community Partnerships Unit).

RISK ASSESSMENT

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

The risk associated with not implementing a Community Grants Programme is a weakening of the ability of community and sporting groups to contribute towards the social wellbeing and cohesion within Livingstone Shire and a commensurate loss of reputation for Council.

CORPORATE/OPERATIONAL PLAN

Strategy CO1 of Council's Corporate Plan states: *'Facilitate, encourage and enable self-sustainable community associations and volunteer groups to pursue their diverse aspirations.'*

CONCLUSION

The Funding Panel has assessed those applications recommended for funding as satisfying the applicable criteria, benefiting residents and improving overall community wellbeing. Consequently, the funding should be disbursed with the Funding Panel's recommendation.

12.6 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR AN OFFICE AND LIGHT INDUSTRY

File No: D-251-2017

Attachments:

1. [Locality Plan](#)
2. [Proposal Plans](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment

Author: Rhiannon Casey - Planning Officer

SUMMARY

Applicant: Escape Plan Superannuation Fund

Consultant: Capricorn Engineering and Drafting Services

Real Property Address: Lot 62 on RP602613

Common Property Address: 27 Charles Street, Yeppoon

Area of Site: 1,012 square metres

Planning Scheme: *Livingstone Shire Planning Scheme 2005*

Planning Scheme Zoning: Residential Zone, R2 Precinct

Planning Scheme Overlays: Overlay Map O2 – Drainage Problem;
Overlay Map O3 – Waterway 100 metre buffer area;
Overlay Map O5 – Stormtide Hazard Area; and
Overlay Map O8 – Potential Acid Sulfate Soils (below five metres Australian Height Datum).

Existing Development: Dwelling house

Approval Sought: Development Permit for a Material Change of Use for an Office and Light industry

Level of Assessment: Impact assessable

Submissions: Nil

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

Application Lodged:	20 December 2017
Action Notice issued:	8 January 2018
Action Notice responded to and application deemed properly made:	16 January 2018
Confirmation Notice issued:	18 January 2018
Information Request issued:	1 February 2018
Information Request response received:	7 February 2018
Public Notification comment period:	13 February 2018 to 7 March 2013
Notice of compliance received:	8 March 2018
Statutory determination date:	17 April 2018

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for an Office and Light industry, made by Escape Plan Superannuation Fund, on Lot 62 on RP602613 and located at 27 Charles Street, Yeppoon, Council resolves to Approve the application given pursuant to Section 45(5)(b) of the *Planning Act 2016*, the assessment manager may decide to approve the application even if the development does not comply with some of the assessment benchmarks and relevant matters have been established in support of the development as follows:

- (a) The proposed development will not impact on the adjoining residential properties through the small scale use of the Office and Light industry, the setbacks to adjoining Dwelling houses and the incorporation of a 1.8 metre high fence and landscaping.
- (b) The subject site is located within a mixed use area comprising predominantly commercial and industrial uses and the proposed development facilitates the continuation of the existing land use pattern.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for an Office and Light industry, made by Escape Plan Superannuation Fund, on Lot 62 on RP602613 and located at 27 Charles Street, Yeppoon, Council resolves to approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Stormwater Works;
 - 1.6.2 Plumbing and Drainage Works; and
 - 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	Drawing No 17-000-C Sheet No 001 Revision 1	1 December 2017
Floor Plans	Drawing No 17-000-C Sheet No 100 Revision 1	1 December 2017
Elevations	Drawing No 17-000-C Sheet No 200 Revision 2	7 March 2018
Elevations	Drawing No 17-000-C Sheet No 201 Revision 2	1 December 2017
Landscaping Plan	Drawing No 17-000-C Sheet No 001 Revision 1	1 December 2017
Earthworks Plan	SCE-203-006-002 Revision A	18 December 2017
Existing Services Plan	SCE-203-006-003	18 December 2017
Stormwater Plan	SCE-203-006-004	18 December 2017
Sediment and Erosion Control Plan	SCE-203-006-005	18 December 2017
Driveway Setout Plan	SCE-203-006-006	18 December 2017
Driveway Details Plan	SCE-203-006-007	18 December 2017

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

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

3.0 ACCESS AND PARKING WORKS

- 3.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 3.3 The existing access driveway must be upgraded in accordance with *Capricorn Municipal Development Guidelines* standard drawing 'Commercial driveway slab – type A or B' (CMDG –R-042/043).

- 3.4 Access, parking and associated vehicle manoeuvring areas must be sealed or reinforced concrete.
- 3.5 All ingress and egress movements to and from the development must be in a forward direction (forward gear).
- 3.6 A minimum of seven (7) off-street parking spaces, including one (1) universal parking space must be provided on the site.
- 3.7 The universal access space must be provided on site in accordance with *Australian Standard AS2890.6 "Parking Facilities - Off-Street parking for people with disabilities"*.
- 3.8 All stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and drained lawfully in accordance with the *Queensland Urban Drainage Manual*.
- 3.9 All vehicle operations associated with the proposed use must be directed by suitable directional, informative, regulatory or warning signs in accordance with the *Manual of Uniform Traffic Control Devices (Queensland)*.
- 3.10 Any redundant vehicular crossing(s) must be removed and replaced with Council's standard kerb and channel in accordance with the *Capricorn Municipal Development Guidelines*.
- 3.11 Line markings must be undertaken in accordance with *Australian Standard AS2890.1 "Off Street Car Parking."*

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be connected to Council's reticulated sewerage and water networks.
- 4.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.5 The proposed development must be provided with a master meter at the property boundary and sub meters for each sole occupancy tenancy in accordance with the *Queensland Plumbing and Drainage Code* and Council's Sub-metering Policy.
- 4.6 A Sewerage Trade Waste Permit must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network.
- 4.7 Hoses must be provided at the refuse container area for the Light industry use, and wash-down must be drained to the sewer in accordance with a Plumbing and Drainage Permit and Sewerage Trade Waste Permit.

5.0 STORMWATER WORKS

- 5.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 5.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 5.3 All stormwater including any roof and allotment water must drain so as to

demonstrate lawful discharge and must not adversely affect adjoining land or infrastructure when compared to pre-development condition by way of blocking, altering, diverting existing stormwater runoff patterns, or have the potential to cause damage to other infrastructures.

- 5.4 The Operational Works (stormwater works) application must provide details of the bio-retention basin, including any required ongoing maintenance and management actions. In particular, the application must nominate intervals for the maintenance or replacement of vegetation or filter material to ensure the bio-retention basin operates as intended by the designer.

- 5.5 The proposed planting of a Tuckeroo tree within the detention basin is not approved.

6.0 SITE WORKS

- 6.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

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

7.0 BUILDING WORKS

- 7.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site and must include reclassification of the building.

- 7.2 The location of buildings and structures must comply with the minimum clearance requirements to relevant infrastructures in accordance with the *Queensland Development Code Mandatory Part 1.4 – Building over or near relevant infrastructure*.

- 7.3 The minimum habitable floor height must be 4.64 metres Australian Height Datum.

- 7.4 All electrical outlets and distribution boxes must be located above the predicted flood level of 4.34 metres Australian Height Datum.

- 8.0 A 1.8 metre high fence must be provided between each lot and to each side and rear property boundary to ensure privacy and security to adjoining residential properties.

- 8.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.

9.0 LANDSCAPING WORKS

- 9.1 Large trees must not be planted within one (1) metre of the centreline of any sewerage infrastructure. Small shrubs and groundcover are acceptable.

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

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

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

10.0 ELECTRICITY AND TELECOMMUNICATIONS

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

11.0 ASSET MANAGEMENT

- 11.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 11.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 11.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

12.0 ENVIRONMENTAL

- 12.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Environmental Management Plan, which addresses, but is not limited to, the following matters:
- (i) water quality and drainage;
 - (ii) erosion and silt/sedimentation management;
 - (iii) acid sulphate soils;
 - (iv) top soil management;
 - (v) interim drainage plan during construction;
 - (vi) construction programme;
 - (vii) weed control;
 - (viii) emergency vehicle access;
 - (ix) noise and dust suppression; and
 - (x) waste management.
- 12.2 The Environmental Management Plan approved as part of a Development Permit for Operational Works must be part of the contract documentation for the development works.
- 12.3 An Erosion Control and Stormwater Control Management Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.

13.0 OPERATING PROCEDURES

- 13.1 The operating hours of the Office and Light industry are restricted to;
- 13.1.1 0700 hours to 1800 hours, Monday to Friday; and
 - 13.1.2 0700 hours to 1200 hours, Saturday.
- 13.2 Waste storage areas must be provided for each use and must be:
- 13.2.1 designed to obstruct from view the contents of the bins from any public place; and
 - 13.2.2 kept in a clean and tidy condition.
- 13.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Charles Street.

ADVISORY NOTESNOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council's *Adopted Infrastructure Charges Resolution (No. 2) 2015*. The charges are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

NOTE 6. Storm Tide Study

The subject site is a coastal site and prone to storm surge inundation. Based on the *Capricorn Coast Storm Tide Hazard Investigation Final Report*, dated 28 May 2003 and prepared by Connell Wagner, the recommended habitable floor level must be a minimum of 4.64 metres Australian Height Datum.

Council has prepared the draft Livingstone Planning Scheme which includes a number of technical studies that supported the drafting of the document. The ‘*Capricorn Coast Storm Tide Study upgrade – Final Report*’ dated 29 October 2015 by Aurecon is one of the studies that has informed the new policy direction for the draft scheme in reference to storm tide hazard and habitable floor levels. This study is available on Council's website. In addition, the State Government has published the State Planning Policy Interactive Mapping System (including storm tide and flood inundation areas) on the Department of Infrastructure, Local Government and Planning website. It is recommended that the supporting studies and State mapping be taken into consideration in new developments.

Based on the new report by Aurecon, the indicative recommended habitable floor level is 5.2 metres Australian Height Datum. The habitable floor level estimates are indicative only and could be highly conservative in some locations, but not conservative in others.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for an Office and Light industry, made by Escape Plan Superannuation Fund, on Lot 62 on

RP602613 and located at 27 Charles Street, Yeppoon, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$2,374.00**.

BACKGROUND

Not applicable

COMMENTARY

PROPOSAL IN DETAIL

The proposal is for two uses in two separate single storey buildings. The first use is an Office comprising three (3) private offices, an open office area, a boardroom, a foyer and reception area, a storage area, kitchenette and amenities and measures 122.81 square metres in area. The office has a proposed tenant of a drafting service which will accommodate four (4) staff. The office building is proposed at the southern end of the site and will be orientated towards Charles Street and replaces the existing Dwelling house.

The second use is a Light industry shed comprising a working area, reception, office, staff room and amenities and measures 142.87 square metres in area. It is expected that a low impact use such as a locksmith, engraver or sign writer will operate out of the shed. The Light industry shed is to be located at the northern end of the site.

Operating hours for both uses are Monday to Friday from 7.00am to 6.00pm and Saturday from 7.00am to 12.00pm.

The proposal includes total of seven (7) on site car parking spaces, with a single vehicle access point along the eastern side boundary from Charles Street. The access driveway is 5.3 metres wide which allows vehicles to enter and exit the site in a forward gear.

SITE AND LOCALITY

The subject site measures 1,012 square metres in area, is relatively flat and currently contains a Dwelling house within the southern portion of the site, fronting Charles Street. There is an existing easement (Easement G on RP856893) at the rear of the site which measures approximately 147 square metres in area and is for drainage purposes. The site adjoins Fig Tree Creek to the rear of the site which is also tidal.

The site is located within a mixed use area comprising both residential, commercial and industrial uses and is connected to all essential infrastructure networks.

Related permits on adjoining properties and the subject site

Existing applications over the site	
27 Charles Street, Yeppoon Lot 62 on RP602613	BP 4653 – Building Works for a Dwelling – issued 2 February 1981; and BP 9687 – Building Works for Dwelling alterations – issued 10 January 1992.
Applications/approvals on adjoining sites	
29 Charles Street, Yeppoon Lot 61 on RP602613	BP 4229 – Building Works for a Carport – Issued 26 October 1979; and BP 4363 – Building Works for a Dwelling addition – Issued 26 March 1980.
25 Charles Street, Yeppoon	BP 1766 – Building Works for a Dwelling addition – Issued 7 September 1972; and

Lot 63 on RP602613	BP 6950 – Building Works for a Carport – Issued 14 November 1986.

ASSESSMENT INCLUDING BENCHMARKS AND RELEVANT MATTERS

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with Chapter 3 of the *Planning Act 2016*, Part 4 of the *Planning Regulation 2017* and the Development Assessment Rules under the *Planning Act 2016*. The assessment has been carried out against the assessment benchmarks in the relevant categorising instruments for the development and having regard to the Central Queensland Regional Plan, the State Planning Policy, any development approval for and any lawful use of the premises or adjoining premises, and the common material. The assessment has also been carried out against other relevant matters (other than a person's personal circumstances, financial or otherwise) discussed in this report.

Assessment benchmarks under the *Planning Regulation 2017*

The following section includes a performance based assessment against the relevant assessment benchmarks including;

- *State Planning Policy July 2017- Natural hazards, risk and resilience*
- *Central Queensland Regional Plan*
- *Livingstone Shire Planning Scheme 2005*
 - o *Desired Environmental Outcomes*
 - o *Residential Zone Code*
 - o *Industry Zone Code*
 - o *Natural Features Code*
- *Adopted Infrastructure Charges Resolution (No. 2) 2015*

The common material

This assessment has been undertaken taking into consideration the common material provided with the application, including (but not limited to) the following;

- Proposal plans compiled by Capricorn Engineering and Drafting Service and Siris Consulting Engineers
- Town Planning report compiled by Capricorn Engineering and Drafting Service
- Information Request Response provided by Capricorn Engineering and Drafting Service

Internal assessment and advice

Infrastructure Operations Unit – 19 January 2018 and 23 February 2018

Support, subject to conditions.

Natural Resource Management – 30 January 2018

No comments.

Environmental Health – 8 January 2018

No comments.

Growth Management – 9 April 2018

In accordance with the *Livingstone Planning Scheme 2018*, the Light Industry use is supported provided buildings and structures are located outside of the flood hazard area and accord with the flood immunity provisions. The Office use as a separate activity on the site is not supported as the site is not within the proposed new precinct.

State Planning Policy – July 2017

Part E of the State Planning Policy provides for interim development assessment provisions for local government until such time as the State Planning Policy is reflected within the planning scheme. The state interests identified are listed below.

Natural hazards, risk and resilience:

The subject site is located in a Flood hazard area, Erosion prone area and medium and high storm tide inundation area.

Bushfire, flood, landslide, storm tide inundation, and 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 development of an existing permanent building or structure that cannot be relocated or abandoned.	Not applicable The site is not located in a coastal management district.
Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.	Not applicable The site is not located in a coastal management district.
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 hazards areas, or where it is not possible to avoid the natural hazard area, development mitigates the risk to people and property to an acceptable or tolerable level.	Complies The development is to be located within the highest portion of the site and it will be conditioned that the development be constructed with a minimum floor level of 4.64 metres Australian Height Datum to ensure that the development mitigates the risk of the natural hazard to people and property to an acceptable level. Furthermore, a note will be included in a Decision Notice Approval advising that the in accordance with the Capricorn Coast Storm Tide Study update – Final Report, dated 29 October 2015, prepared for the draft Planning Scheme, the minimum habitable floor level will increase to 5.2 metres Australian Height Datum. Further, no development is proposed within the existing easement which is for drainage purposes.
All natural hazard areas:	

Development supports and does not hinder disaster management response or recovery capacity and capabilities.	Complies As it be conditioned that the development be constructed with a floor level of 4.64 metres Australian Height Datum, therefore it is not considered that the development will hinder disaster management response or recovery capacity and capability. Furthermore, the proposal is not for a habitable purpose.
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 development is anticipated to be located within the highest part of the site and it will be conditioned that the development be constructed with a minimum floor level of 4.64 metres Australian Height Datum, therefore it is not considered that the development will directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard or the potential for damage on the site or to other properties.
Risks to public safety and the environment from the location or hazardous materials and the release of these materials as a result of a natural hazard are avoided.	Complies The development is anticipated to be located within the highest part of the site and it will be conditioned that the development be constructed with a minimum floor level of 4.64 metres Australian Height Datum, therefore, if hazardous materials are used as part of the industrial use, they will be stored above the minimum habitable floor level.
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.	Not applicable The proposal does not involve any clearing.

Central Queensland Regional Plan – October 2013

Regional Policy	Response
Regional outcome Agriculture and resources industries within the Central Queensland region continue to grow with certainty and investor confidence.	
Regional policy 1 Protect Priority Agricultural Land Uses within Priority Agricultural Areas.	Not applicable The site is not mapped as a priority agricultural area.
Regional policy 2 Maximise opportunities for co-existence of resource and agricultural land uses within	Not applicable The site is not mapped as a priority agricultural area.

Priority Agricultural Areas.	
Regional outcome The growth potential of towns within the Central Queensland region is enabled through the establishment of Priority Living Areas. Compatible resource activities within these areas which are in the communities' interest can be supported by local governments.	
Regional policy 3 Safeguard the areas required for the growth of towns through the establishment of Priority Living Areas (Schedule 1).	Complies The subject site is mapped as a within a priority living area. The development will not compromise the priority living area and will support the area by providing employment opportunities within the Yeppoon locality. The subject site is located within a mixed use area comprising residential, commercial and industrial uses, therefore it is considered that the proposed uses are consistent with the surrounding uses.
Regional policy 4 Provide for resource activities to locate within a Priority Living Area where it meets the communities' expectations as determined by the relevant local government.	Not applicable The proposal does not involve a resource activity.

Livingstone Shire Planning Scheme 2005

Planning Scheme Shire Wide Outcomes

The Shire Wide Desired Environmental Outcomes, as identified by section 2.2 of the *Livingstone Planning Scheme 2005* are as follows:

- (a) *Development does not adversely affect the values of the Shire's natural environment including coastal areas, wetlands, beaches, headlands, waterways, protected areas, undeveloped hillslopes, and areas of significant native vegetation, from any adverse effects accruing from clearing, soil degradation and pollution, due to erosion and contamination, acidification, salinity, waste disposal and any modifications to natural processes.*

Complies: While the development is located adjacent to a waterway (Fig Tree Creek), it is considered that the risk can be appropriately mitigated by conditioning a minimum floor level for the development to be built to. Furthermore, the uses are located on the highest portion of the site.

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

Not applicable: The development will not impact upon the quality and quantum of water available for the shire.

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

Complies:

While the development is located within a drainage problem area, a stormtide hazard area and adjacent to a waterway, it is considered that the risk can be appropriately mitigated by conditioning a minimum habitable floor level for the development to be

built to. Furthermore, the uses are located on the highest portion of the site and are not for habitable purposes.

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

Not applicable: The development will not impact on the economic value of natural resources such as good quality agricultural land, extractive and mineral resources, vegetation or water.

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

Complies:

The subject site is located in a mixed use area, it is considered that by allowing the development to occur, it will provide a benefit to and satisfy an economic demand within the immediate area and allow the development to occur with like uses.

Furthermore, in accordance with the *Livingstone Planning Scheme 2018*, the zoning of the subject site and the adjoining residential properties will change from residential to Low impact industry, which is reflective of the current land use pattern to the east and south of the site. It is also noted the properties to the north west of the site while remaining in the residential zone, are located within the Tanby Road Transition Precinct which allows for some commercial uses to establish (subject to approval).

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

Complies: The development is proposing two (2) separate uses, which will allow two (2) separate businesses to locate on the site and as such will maintain and improve employment opportunities within the shire.

- (g) *The Shire's tourism industry is strengthened and expanded based on the sustainable use of natural, cultural, and man-made assets, and the orderly provision of services and facilities.*

Not applicable: The development will not impact upon the Shire's tourism industry.

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

Complies: The proposed office will not alter Yeppoon's status as the main business centre and administrative hub for the Shire. The proposed development is not located within the main business centre however seeks to support and complement the main business centre by offering a small scale office development on the same site as an industrial use and nearby other industrial and commercial uses.

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

Complies: The development provides an on-site car parking area to the rear of the office and will provide ingress and egress vehicle movements to Charles Street. The development also provides pedestrian access onto the existing pedestrian network in Charles Street.

- (j) *Development occurs in an area:*

- (i) *which is intended for the development as identified by the outcomes for zoned land; and*
- (ii) *in which services and facilities required in respect of the development are existing, planned or provided by the development.*

Complies in part: The proposed development, while located on land zoned for residential purposes, is located within a mixed use area containing commercial and

industrial uses and some residential uses. The properties directly adjoining the subject site are used for residential purposes, however all other land to the east, south and west is zoned and used for either commercial or industrial purposes, therefore it is considered that development is consistent with the surrounding and dominate land use pattern.

Furthermore, in accordance with the *Livingstone Planning Scheme 2018*, the zoning of the subject site and the adjoining residential properties will change from residential to Low impact industry, which is reflective of the current land use pattern to the east and south of the site. It is also noted the properties to the north west of the site while remaining in the residential zone, are located within the Tanby Road Transition Precinct which allows for some commercial uses to establish (subject to approval).

(k) *Development does not adversely affect:*

- (i) *the community's health and safety; or*
- (ii) *the amenity enjoyed by people in different areas of the Shire.*

Complies: The development is not anticipated to impact upon the community's health and safety or the amenity enjoyed by people in different areas of the Shire as the proposed uses are small in scale and are not of a use that is anticipated to impact upon the surrounding residential properties. It is also noted that the hours of operation proposed are Monday to Friday from 7.00am to 6.00pm and Saturday from 7.00am to 12.00pm, which is considered appropriate.

Furthermore, while the zone is currently residential, in accordance with the *Livingstone Planning Scheme 2018*, the zone will change to low impact industry zone, which is considered to reflect the development to the east and south of the site.

(l) *Development reflects the community's reasonable expectations and harmonises with the natural environment and does not prejudice the Shire's existing scenic amenity, particularly along the Capricorn Coast.*

Complies: As detailed above, the subject site is located within a mixed use area comprising of commercial and industrial development. In accordance with the draft planning scheme, the zone will change from a residential zone to a low impact industry zone which is considered to reflect the existing nature of the area and the community's reasonable expectation.

Although there is a waterway (Fig Tree Creek) at the rear of the site, there is an easement at the rear of the site which creates separation between the development and the waterway to ensure that the natural environment is not impacted upon. Furthermore, it will be conditioned that an Operational Works permit for Stormwater Works be obtained, which will further ensure that all stormwater is managed appropriately and will not discharge into the creek.

Due to the location of the site being within a mixed use area, the development will not impact upon the Shire's existing scenic amenity.

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

Not applicable: The development will not impact on the community's values of places or landscapes reflecting the community's history and identity.

Despite the non-compliance with one (1) of the Desired Environmental Outcomes, it is considered that the development can justify the non-compliance that overall, the development will not compromise the Planning Scheme Shire Wide Desired Environmental Outcomes.

Residential Zone Code

The Overall Outcomes applicable to the Residential Zone are set out at section 3.7 of the scheme as follows:

- (a) *The purpose of the Residential Zone Code is the achievement of the overall outcomes sought for the Residential Zone.*
- (b) *The overall outcomes sought for the whole of the Residential Zone are:*
- (i) *Preferred land use:*

(A) *is a residential purpose comprising long-term accommodation located as follows:*

<i>Accommodation Type</i>	<i>Preferred Precinct</i>
<i>Dual occupancy</i>	<i>R1, R2, R3</i>
<i>Dwelling house</i>	<i>R1, R2, R3</i>
<i>Annexed apartment</i>	<i>R1, R2, R3</i>
<i>Multiple dwelling units</i>	<i>R2, R3</i>
<i>Retirement village</i>	<i>On-merit</i>

(B) *is a residential purposes comprising short-term accommodation located as follows:*

<i>Accommodation Type</i>	<i>Preferred Precinct</i>
<i>Accommodation building</i>	<i>R1, R2, R3</i>
<i>Bed and breakfast</i>	<i>R1, R2</i>
<i>Caravan Park</i>	<i>On-merit</i>
<i>Institutional Residence</i>	<i>On-merit</i>

- (ii) *Land use (other than preferred land use) occurs only if:*
- (a) *It is compatible with surrounding development by being of similar scale, intensity and character, and*
 - (b) *it supports preferred uses, and*
 - (c) *it does not adversely affect the amenity of the locality, and*
 - (d) *it is one of the following:*
 - a. *a local utility; or*
 - b. *a shop (not exceeding 100 square metres gross floor area) which provides only for convenience shopping needs of residents of the immediate catchment; or*
 - c. *a special use (being a community hall or community centre).*
- (iii) *Residential areas are characterised by high levels of amenity and provide attractive living environments;*
- (iv) *Development for residential purposes comprises;*
- (A) *A range of residential accommodation styles including long term and short term accommodation;*
 - (B) *Long-term and short term accommodation located appropriately in relation to densities nominated in the code,*
 1. *Long-term accommodation is located in precinct R1, R2 and R3; and*
 2. *Short-term accommodation is located in precinct R3; and*
 - (C) *Long-term and short term accommodation develops at appropriate densities in relation to precinct nominated in this code as follows:*

1. *Relatively low density development in precinct R1; and*
2. *Relatively medium density (125 persons/Ha) development in precinct R2; and*
3. *Relatively high density (350 persons/Ha) development in precinct R3; and*

(D) Well-designed residential development which is sensitive to climatic conditions and provides for the retention of natural features like creeks, gullies, waterways, coastal zone and vegetation; and

(E) An open space system including formalisation of recreational and movement opportunities where appropriate;

- (v) Development is provided with physical and social infrastructure commensurate with the scale and density of development.*
- (vi) Non-residential uses locating in a residential area comprise purposes of a local business/community nature which support the enjoyment of residential areas by residents but do not detract from the character and amenity of localities in which they are established.*
- (vii) Buildings and structures in precincts R1 and R2 are not higher than 12 metres.*
- (viii) Buildings and structures in precincts R3 are not higher than 15 metres.*
- (ix) Development does not adversely impact on the environmental values of the site and its surroundings.*

The proposed development is not for a preferred use within the Residential Zone Code, however the premises is located within a mixed use area containing predominately commercial and industrial uses and some residential uses. The proposed development of an Office and Light industry at the rear of the lot is considered compatible with surrounding development and does not adversely affect the amenity of the locality.

Furthermore, in accordance with the *Livingstone Planning Scheme 2018* the zoning of the subject site and the adjoining residential properties will change from residential to low impact industry, which is reflective of the current land use pattern for the area. It is also noted the properties to the north west of the site while remaining in the residential zone, are located within the Tanby Road Transition Precinct.

Further grounds to support the proposal area addressed through the below code assessment and summary of assessment section.

Residential Zone Code Requirements

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

Specific Outcomes		Response
Land use		
O1	Land use is: (a) a preferred use (as identified in the overall outcomes of this code); or (b) a use (as identified in the overall outcomes of this code) which: (i) is compatible with surrounding development by being of similar scale, intensity and character; and	Performance based solution provided The proposed development is not a preferred use within the residential zone, however is located within a mixed use area containing commercial and industrial uses and some residential uses. The properties directly adjoining the subject site are used for residential

Specific Outcomes	Response
(ii) supports preferred land use; and (iii) does not adversely affect the amenity of the locality.	purposes, however further east along Charles Street and south of the site is zoned and used for either commercial or industrial purposes, therefore it is considered that the dominate land use for the area is commercial and industrial. Therefore, the proposed development is considered compatible with surrounding development in terms of scale, character and built form. The proposed development operates from 7.00am to 6.00pm Monday to Friday and from 7.00am to 12.00pm on Saturdays and are uses that are not anticipated to generate an unacceptable level of noise or light and therefore will not adversely affect the amenity of the locality. Furthermore, in accordance with the <i>Livingstone Planning Scheme 2018</i>, the zoning of the subject site and the adjoining residential properties will change from residential to low impact industry, which is reflective of the current land use pattern for the area. It is also noted the properties to the north west of the site while remaining in the residential zone, are located within the Tanby Road Transition Precinct.
Subdivision Design	
O2 Reconfigured lots are designed and developed: • with sufficient area and suitable proportions for preferred uses in accordance with Table S3 below; • with adequate frontage for safe and convenient vehicular and pedestrian access; • with suitable areas within each lot for the location of relevant activities and works, and: • in a manner that does not expose people and works to unacceptable risks from flooding or other hazards.	Not applicable The proposal does not involve subdivision.

Specific Outcomes		Response									
Table S3 – Design Standard for Subdivision in the Residential Zone											
	<table> <tr> <th>Precinct</th><th>Minimum Lot Size (Square Metres – m²)</th><th>Minimum Frontage (Metres – m)</th></tr> <tr> <td>R1 & R2</td><td> (a) 700m², unless (b) applies (b) If subsequent to a Development Permit for a Material Change of Use for an Integrated house and land project: 300m² </td><td> 20m 10m </td></tr> <tr> <td>R3</td><td> (c) 800m², unless (d) applies (d) If subsequent to a Development Permit for a Material Change of Use for an integrated house and land project: 300m² </td><td> 25m 10m </td></tr> </table>	Precinct	Minimum Lot Size (Square Metres – m ²)	Minimum Frontage (Metres – m)	R1 & R2	(a) 700m ² , unless (b) applies (b) If subsequent to a Development Permit for a Material Change of Use for an Integrated house and land project: 300m ²	20m 10m	R3	(c) 800m ² , unless (d) applies (d) If subsequent to a Development Permit for a Material Change of Use for an integrated house and land project: 300m ²	25m 10m	
Precinct	Minimum Lot Size (Square Metres – m ²)	Minimum Frontage (Metres – m)									
R1 & R2	(a) 700m ² , unless (b) applies (b) If subsequent to a Development Permit for a Material Change of Use for an Integrated house and land project: 300m ²	20m 10m									
R3	(c) 800m ² , unless (d) applies (d) If subsequent to a Development Permit for a Material Change of Use for an integrated house and land project: 300m ²	25m 10m									
Density											
O3	Density of residential development is compatible with local amenity expressed by the outcomes sought for the Residential Zone.	Not applicable The proposal does not involve residential development.									
Built Form											
O5	Uses and works are located, designed and operated to minimise adverse impacts on: - existing environmental conditions relating to air, water and soil, - the amenity of adjacent properties and public spaces, - visual quality of landscapes in terms of: - reducing ribbon development and sprawl, - loss of green break separations, - obstructing significant local and distant views of prominent natural features and landmarks, and - the health and safety of people using the premises and adjacent premises.	Complies The development is not anticipated to impact upon the amenity of adjoining properties as the proposed uses are small in scale and are not uses that are anticipated to adversely impact upon the surrounding residential properties. All uses will be occurring within the buildings and the Light industry use is proposed at the rear of the site which provides further distance between the adjoining Dwelling houses and the uses. The office building is setback seven (7) metres from the front property boundary and within the front setback is two (2) car parking spaces, landscaping and a pedestrian connection to the existing footpath along Charles Street. The office building, which is located closest to the adjoining Dwelling house to the west, is setback 2.1 metres from the western property. This setback is compliant with the <i>Queensland Development Code</i> setback requirements. The shed at the rear of the site is located 1.6 metres from both side boundaries, approximately twenty-one (21) metres from the adjoining Dwelling house to the west and approximately									

Specific Outcomes	Response
	nineteen (19) metres from the adjoining Dwelling house to the east. It is also noted that it will be conditioned that the development is surrounded by a 1.8 metre high fence to ensure the amenity of adjacent properties is upheld. Further, the hours of operation proposed are Monday to Friday from 7.00am to 6.00pm and Saturday from 7.00am to 12.00pm, which are considered appropriate and will be conditioned. The proposed development will be conditioned to obtain further permits for Operational Works, Building Works and Plumbing and Drainage Works which will ensure the health and safety of people using the premises and adjacent premises will not be impacted upon.
O6 Buildings and structures are: • a height that does not exceed 12 metres in Precinct R1 or Precinct R2; • a height that does not exceed 15 metres in Precinct R3; • constructed of materials and finishes compatible with other development in the area; • integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping, outlook and off-street parking; and • designed to adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces	Complies The proposed Office building measures 4.2 metres in height and the Light industry shed measures 5.1 metres in height, therefore, both structures are below the maximum twelve (12) metre height. The development is to be constructed of various materials including matrix cladding, rendered and painted blockwork and either trimdeck or custom orb sheeting, which is considered appropriate as there is vast array of materials within the existing area. There is 248.62 square metres of landscaping proposed which includes multiple types of ground cover plants, shrubs and trees which will provide both shade and screening to the site. Waste storage areas are screened by a timber fence and landscaping.
O7 For a noise sensitive place, activities are laid out and buildings are designed and constructed to mitigate to a level, that does not unreasonably adversely affect the health and safety of people using premises, the effects of noise from: • Traffic on major roads (including State controlled roads); or	Not applicable The site is identified as being a noise sensitive place.

Specific Outcomes		Response
	Operations within railway corridors.	
Cultural Heritage Values		
O8	Cultural heritage values associated with the landscape features of a site and its surroundings or relics of past activities found during development of the site are respected and are not subjected to changes that would significantly reduce the capacity to appreciate those areas, places and sites, their character or the memories or history they represent, in terms of visual detracting, public accessibility or physical change, damage or removal.	Not applicable The subject site is not identified as containing any known cultural heritage values mapped in Schedule 3 of the scheme.
Flood Immunity		
O9	Development is immune to flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	Complies The proposed development (both the Office and the Light industry) is located on the highest part of the site and it will be conditioned that the development constructed with a minimum floor level of 4.64 metres Australian Height Datum to reduce property damage in a storm tide event and ensure public safety. Furthermore, a note will be included in a Decision Notice Approval advising that the in accordance with the Capricorn Coast Storm Tide Study update – Final Report, dated 29 October 2015, prepared for the draft Planning Scheme, the minimum floor level will increase to 5.2 metres Australian Height Datum.
Community Safety		
O1	Personal safety and property security are optimised through the design of buildings and spaces incorporating: - Opportunities for surveillance; - Clear definition of boundaries between private and public spaces; and - Robust construction materials.	Complies It will be conditioned that the development is fenced by a 1.8 metre high fence (to the side and rear boundaries) to ensure safety and to define public and private space. The orientation of the office to Charles Street allows casual opportunities for surveillance. Through the landscaping along the Charles Street frontage, it is considered that there are clear definitions between private and public spaces. It will be conditioned that the development will be built in accordance with the

Specific Outcomes	Response
	appropriate Operational Works, Building Works and Plumbing and Drainage Works permit to ensure that robust construction materials are used.
Vehicle Parking and Movement	
O1 Development is provided with an on-site parking and movement system designed and constructed to: • be integrated with the site layout including: – direct access to a road providing a level of service required to accommodate traffic generated by the use; and – appropriately designed footpath crossovers; and – provision for safe pedestrian movement between public footpath and facility entry points; and • accommodate all modes of transport (including motor vehicles and bicycles) generated by the use; and • facilitate non-discriminatory accessibility; and • provide for safe and efficient loading and unloading of goods; and • allow for vehicle queuing necessary for the use; and • provide for passenger set down/pick up necessary for the use; and • facilitate public access to the foreshore and riparian open space networks.	Performance based solution provided Schedule 2 of the planning scheme prescribes a parking provision as follows: - The Office measures 122.81 square metres in gross floor area. The Scheme requirement is one (1) space per forty-five (45) square metres of gross floor area. Therefore, the car parking requirement is three (3) car parking spaces. - The Light industry use measures 142.87 square metres in gross floor area and approximately 890 square metres of site area. The Scheme requirement is one (1) space per fifty (50) square metres of gross floor area, or one (1) space per 200 square metres of site area or four (4) spaces per tenancy, whichever is greater. Therefore, the car parking requirement is five (5) car parking spaces (based on site area which is noted to be generally shared with the Office on the same site) or three (3) car parking spaces if based on gross floor area. Therefore, a total of eight (8) car parking spaces are required for the development. The development proposes to have seven (7) onsite car parking spaces which includes one (1) universally accessible car park. The application details indicate that the Office use is anticipated to have for four (4) staff which would utilise the rear parking and one (1) visitor at any one time which are able to utilise the front visitor parking. The applicant has advised that it is anticipated that the tenant in the shed, will park a vehicle

Specific Outcomes	Response
	within the shed, therefore still allowing for two (2) additional parks. It is also noted that the site area for the above car parking requirement was based upon the site area for the entire site (for the Light industry use) which includes areas which will be shared with the office and if this were calculated on the gross floor area, the requirement would be three (3), taking the total requirement to six (6). Therefore, given the development proposes seven (7) car parking spaces, it is considered sufficient. The applicant has noted that a delivery van is anticipated to be used for the Light industry use instead of a heavy rigid vehicle. Infrastructure Operations have advised that based on the information provided by the applicant, a delivery van can be utilised for delivery without obstructing on-site car parking spaced. The proposal is to seal the parking area to the appropriate urban standard and relevant conditions have been imposed in the recommendation including the requirement for a further Operational Works application.
Infrastructure	
O1 Water supply, sewerage, drainage, roads, power and communications are provided to meet the appropriate standards of service and construction at least whole-of-life cost, which: - comprise components and materials that are: - readily accessible and available; and - robust and reliable in terms of operational life and purpose; and - easily maintained without unnecessarily requiring specialist expertise or equipment; and - are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems; and - meet the standard of service nominated in Division 1 of Schedule 4	Complies The subject site is located within an urban area and is connected to all essential infrastructure networks. The development will be required to obtain the relevant Operational Works permits, as conditioned in the recommendation.

Specific Outcomes	Response
to this planning scheme; and are constructed in accordance with standards nominated in Division 2 of Schedule 4 to this planning scheme.	

As evident from the above assessment, the proposal does not comply with Specific Outcome O1 and O10 however, generally complies with all other various requirements of the Residential Zone Code. In this regard, a performance based solution is provided and the development is able to achieve compliance with the Overall Outcomes.

Industry Zone Code

Due to the proposal including a Light industry use, an assessment against the Industry Zone Code has been undertaken for the Light Industry use.

A Light industry use is considered a consistent and preferred use within the Industry Zone Code and as such is able to demonstrate compliance with the overall outcomes.

As detailed within the above assessment, the development facilitates small scale business and industrial uses, which are not of a use that is anticipated to impact upon the amenity of the surrounding residential properties. All uses will be occurring within the buildings and the Light industry use is proposed at the rear of the site which provides further distance between the adjoining Dwelling houses and the use.

The development, specifically the Light industry use, is setback 38.7 metres from the front property boundary and incorporated with landscaping, both vehicular and pedestrian connection to Charles Street. The Light industry use is located at the rear of the lot and approximately nineteen (19) metres from the Dwelling house to the west and approximately fourteen (14) metres to the Dwelling house to the east.

The development will be screened along the side and rear property boundaries by a 1.8-metre-high timber screen fence and the hours of operation are Monday to Friday from 7.00am to 6.00pm and Saturday from 7.00am to 12.00pm.

There is 248.62 square metres of landscaping proposed which includes multiple types of ground cover plants, shrubs and trees which will provide both shade and screening to the site and the two (2) small waste storage areas are screened by a timber fence and landscaping.

The subject site is located within an urban area and is connected to all standard infrastructure networks. The development will be required to obtain the relevant Operational Works permits, as conditioned in the recommendation.

As evident from the above summary assessment, the Light Industry use complies with the various requirements of the Industry Zone Code and the development is able to achieve compliance with the Overall Outcomes.

Special Management Areas Code(1) Purpose

- (a) *The purpose of the Natural Features Code is the achievement of the overall outcomes sought for the special management area shown on Overlay Maps O1 to O8 as identified in this code.*
- (b) *The overall outcomes sought for the special management areas shown on Overlay Maps O1 to O8 as identified in this code are:*
 - (i) *That development is managed to protect the significant values of the various natural features and resources in terms of:*
 - (A) *Physical change;*
 - (B) *Damage or removal;*
 - (C) *Accessibility; or*

(D) Visual detracting;

- (c) Development avoids or minimises, within acceptable levels, risk to the natural or built environment or human health or safety; and
- (d) Development does not adversely impact the safety and operational integrity of operational airspace associated with the Rockhampton Airport.

The subject site is affected by four (4) elements within the Natural Features Code: (i) Acid Sulphate Soil (Overlay Map O8);

- (ii) Waterway (Overlay Map O3);
- (iii) Drainage Problem (Overlay Map O2);
- (iv) Storm Tide Hazard (Overlay Map O5);

Specific Outcomes		Response
Acid Sulphate Soils Special Management Area		
O4	Natural or built environments and human health are not harmed by the production of acidic leachate resulting from development in areas of known and potential acid sulfate soils by: (a) avoiding disturbance to areas of acid sulfate soils that would produce or contribute to acidic leachate, (b) treating and managing the disturbance of acid sulfate soils to minimise the generation of acidic leachate within manageable levels, (c) treating and managing surface and groundwater flows from areas of acid sulfate soils to minimise environmental harm.	Complies Although there will be filling involved to ensure the proposed structure meet the minimum floor level, the extent of the filling is not anticipated to cause disturbance to acid sulphate soils.
Waterway Special Management Area		
O16	There are no significant adverse effects on identified waterways in terms of: (a) habitat; (b) riparian vegetation; (c) water quality; (d) water flow; (e) landscape quality and amenity; and (f) recreational value.	Complies The waterway (Fig Tree Creek) at the rear of the site is not anticipated to be impacted by the development due to the existing easement (Easement G) remaining as part of the proposal which creates separation between the development and the waterway. Furthermore, it has been conditioned that an Operational Works permit for Stormwater Works be obtained, which will further ensure that all stormwater is managed appropriately and will not discharge into the creek.
O17	Riparian land is preserved for public use where the land is required for ecological, open space or recreation functions	Complies The development is situated approximately six (6) metres away from

Specific Outcomes		Response
	including: (a) public use; (b) access for maintenance; (c) linking core and remnant habitat areas (d) protecting water quality and ecological processes; and (e) other public benefit.	the waterway (Fig Tree Creek) and is protected by an easement, therefore it is considered that riparian land is preserved appropriately.
Drainage Problem Special Management Area		
O18	Development levels are set above the design flood level to reduce property damage and, where applicable, ensure public safety.	Complies The subject site is mapped as a drainage problem overlay area. Council does not hold specific flood levels for the property however, the development will be conditioned to be constructed above the storm tide hazard level. The minimum floor height is 4.64 metres Australian Height Datum.
Storm Tide Hazard Special Management Area		
O19	Development levels are set above the design storm tide hazard level to reduce property damage and, where applicable, ensure public safety.	Complies The proposed development is located at the highest part of the site and it will be conditioned that the development constructed above the minimum floor level of 4.64 metres Australian Height Datum to reduce property damage in a storm tide event and ensure public safety. Furthermore, a note will be included in a Decision Notice Approval advising that the in accordance with the Capricorn Coast Storm Tide Study update – Final Report, dated 29 October 2015, prepared for the draft Planning Scheme, the minimum habitable floor level will increase to 5.2 metres Australian Height Datum.

As evident from the above assessment, the proposal complies with the various requirements of the Natural Features Code or will be conditioned to comply with the requirements of the code.

SUMMARY OF ASSESSMENT

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

In response to the above, the assessment of this application concludes that the proposed development, subject to conditions, will conflict with DEO (j), the Overall Outcomes (i) and (ii) of the Residential Zone Code and Specific Outcomes O1 and O10 of the Residential Zone Code.

However, despite the inconsistencies, there are considered to be relevant matters that favour Council exercising its discretion to approve the application in this instance, even though the application is not consistent with the abovementioned aspects of the Planning Scheme.

The relevant matters are as follows:

- (a) The proposed development will not impact on the adjoining residential properties through the small scale use of the Office and Light industry, the setbacks to adjoining Dwelling houses and the incorporation of a 1.8 metre high fence and landscaping.
- (b) The subject site is located within a mixed use area comprising predominantly commercial and industrial uses and the proposed development facilitates the continuation of the existing land use pattern.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as, pursuant to Section 45(5)(b) of the *Planning Act 2016*, there are considered to be relevant matters that favour Council exercising its discretion to approve the alternative land uses proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's Desired Environmental Outcomes.

REASONS OF THE DECISION AND ASSESSMENT BENCHMARKS

Further to the assessment summary above and as per section 63 (5) of the *Planning Act 2016*, development application is recommended for approval and the reasons for the decision are based on findings on material questions of fact:

- (i) The development does not comply with Overall Outcome (i) and (ii) and Specific Outcome O1 and O10 of the Residential Zone Code and Desired Environmental Outcome (j) as the proposed development is not a consistent or preferred use within the residential zone and is cannot meet the minimum required car parking spaces.
- (ii) Despite the non-compliance with the abovementioned items, the development is occurring within a mixed use area comprising predominately commercial and industrial uses and will not impact on the adjoining residential properties through the small scale use of the Office and Light industry, the setbacks to adjoining Dwelling house and the incorporation of a 1.8-metre-high fence and landscaping.
- (iii) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the *State Planning Policy*.
- (iv) The development does not compromise the achievement of the regional outcomes outlined in the *Central Queensland Regional Plan*.
- (v) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with four aspect of the assessment benchmarks.

COMPLIANCE WITH BENCHMARKS

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Desired Environmental Outcomes, Item (j)	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.
Residential Zone Code – Overall Outcomes (i)	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.

and (ii)	
Residential Zone Code – Specific Outcome O1 and O10	As per the reasons set out in the findings on material questions of fact in section 1 of this notice.

RELEVANT MATTERS

The relevant matters are addressed in the sufficient grounds section below.

MATTERS RAISED IN SUBMISSIONS

No submissions were received.

MATTERS PRESCRIBED BY REGULATION

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

- | |
|--|
| <ul style="list-style-type: none"> (i) The State Planning Policy – Part E; (ii) The Central Queensland Regional Plan; (iii) The DEO's, Residential Zone Code, the Industry Zone Code and the Natural Features Code under the <i>Livingstone Planning Scheme 2005</i> (reprint 7 as in force 10 July 2017); (iv) The Low impact industry zone code under the draft planning scheme (now the <i>Livingstone Planning Scheme 2018</i>) as publically notified between 16 November 2016 and 16 January 2017; (v) Surrounding use of adjacent premises in terms of commensurate and consistent development form; (vi) Surrounding use of premises to the south, east and west in terms of commensurate and consistent development; and (vii) The common material, being the material submitted with the application. |
|--|

INFRASTRUCTURE CHARGES

The *Adopted Infrastructure Charges Resolution (No.2) 2015* for non-residential development applies to the application and the Adopted Infrastructure Charges are as follows:

Total charge:	\$2,374.00 This charge may be indexed in line with Consumer Price Index on an annual basis.
Charge area:	The subject site is located within charge area 1
Calculation:	The charge is calculated in accordance with Table 7 - Adopted charge for non-residential development within the priority infrastructure area, as follows: 1. Gross floor area of 122.81 square metres at \$70.00 per square metre based on a Commercial (office) use; 2. An additional gross floor area of 142.87 square metres at \$50.00 per square metre based on an Industry use; and 3. Impervious area of 763.38 square metres at \$10.00 per square metre for roof area. • The impervious area of 265.68 square metres comprises for the roof area for the two (2) buildings; and

	The impervious area of 497.7 square metres for the parking and manoeuvring area and footpaths.
Credit:	The above calculation takes into account a credit of \$21,000.00 for the existing use pursuant to section 4.0 of Council's <i>Adopted Infrastructure Charges Resolution (No. 2) 2015</i>. The credit is calculated as follows: one existing Dwelling house at \$21,000.00 for a three (3) bedroom dwelling house.
Offset:	There is no offset applicable to this development.

A total contribution of \$2,374.00 is payable and will be reflected in an Infrastructure Charges Notice for the development.

CONSULTATION

The proposal was the subject of public notification between 13 February 2018 and 7 March 2018, as per the requirements of the *Planning Act 2016*, and no submissions were received.

REFERRALS

The application did not require referral to any referral agencies or advice agencies as a part of the development assessment process.

PREVIOUS DECISIONS

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

BUDGET IMPLICATIONS

Any budget implications relating to the risk of appeal are unknown at this stage.

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

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

STAFFING IMPLICATIONS

No staffing implications have been identified in the assessment.

RISK ASSESSMENT

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

CORPORATE/OPERATIONAL PLAN

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

CONCLUSION

As demonstrated in the above report, the proposal is generally consistent with the various zone and code requirements prescribed by the planning scheme for this development. It represents a logical development given the existing commercial and industrial development

within proximity to the site and in accordance with the draft planning scheme, the zoning of the subject site is being changed from residential to low impact industry which is considered an accurate reflection of the land use pattern in the area.

The areas of conflict with the provisions of the planning scheme pertains to Desired Environmental Outcome (j) and Residential Zone Code Specific Outcomes O1 and O10. In this instance, it is considered that sufficient reasons exist for approving the application despite the conflict with the planning scheme.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as, pursuant to Section 45(5)(b) of the *Planning Act 2016*, there are considered to be relevant matters that favour Council exercising its discretion to approve the alternative land uses proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's Shire Wide Outcomes.

**12.6 - DEVELOPMENT APPLICATION
FOR A DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR AN
OFFICE AND LIGHT INDUSTRY**

Locality Plan

Meeting Date: 17 April 2018

Attachment No: 1



12.6 - DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR AN OFFICE AND LIGHT INDUSTRY

Proposal Plans

Meeting Date: 17 April 2018

Attachment No: 2

PRELIMINARY ONLY

27 Charles Street, Yeppoon
Office & Light Industry (Shed)

17-000-C



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1 Locality Plan
1 : 100

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1	DA Issue	01.12.17	TJE



PROPOSED
Office & Light Industry
(Shed)

ADDRESS
27 Charles Street, Yeppoon

DRAWING
Locality Plan

**CAPRICORN ENGINEERING
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PO Box 1134, Yeppoon, QLD, 4703
(07) 49050772 info@coads.com.au
www.coads.com.au BDAG - 1126984

DRAWN BY: CHECKED BY: DATE:
TJE TJE 01.12.17
SCALE: PROJECT STATUS:
1 : 100 DA
DRAWN BY: TJE CHECKED BY: TJE DATE: 01.12.17

PRELIMINARY ONLY
PLANNING ENVELOPE
NOT FOR CONSTRUCTION OR COUNCIL SUBMISSION

RP Data																			
Lot Number	62																		
Plan Number	RP602613																		
Parish	Hewitville																		
County	Livingstone																		
Area	1012m ²																		
Planning Statistics																			
Zone	Residential R2																		
Applicable Primary Code	Residential Zone Code																		
Applicable Sub-Codes	Special Management Area Code																		
Site & Facility Statistics																			
Site Area	1012.00 m ²																		
Sewer	Serviced by Municipal Sewerage System																		
Site Usage	<table border="1"> <tr> <td>Office</td> <td>122.81m²</td> <td>12.13%</td> </tr> <tr> <td>Shed</td> <td>142.87m²</td> <td>14.11%</td> </tr> <tr> <td>Driveway</td> <td>348.99m²</td> <td>34.49%</td> </tr> <tr> <td>Paths</td> <td>148.71m²</td> <td>14.68%</td> </tr> <tr> <td>Landscaping</td> <td>248.62m²</td> <td>24.58%</td> </tr> <tr> <td>TOTAL</td> <td></td> <td>100%</td> </tr> </table>	Office	122.81m ²	12.13%	Shed	142.87m ²	14.11%	Driveway	348.99m ²	34.49%	Paths	148.71m ²	14.68%	Landscaping	248.62m ²	24.58%	TOTAL		100%
Office	122.81m ²	12.13%																	
Shed	142.87m ²	14.11%																	
Driveway	348.99m ²	34.49%																	
Paths	148.71m ²	14.68%																	
Landscaping	248.62m ²	24.58%																	
TOTAL		100%																	
No. of onsite Carparks Required	8																		
Provided	7																		
Building Statistics																			
No. of Stories	1																		
Building Total Area	263.38m ²																		
Building Height Allowable	12m																		
Proposed	5.8m																		

1 Site Plan
1 : 200

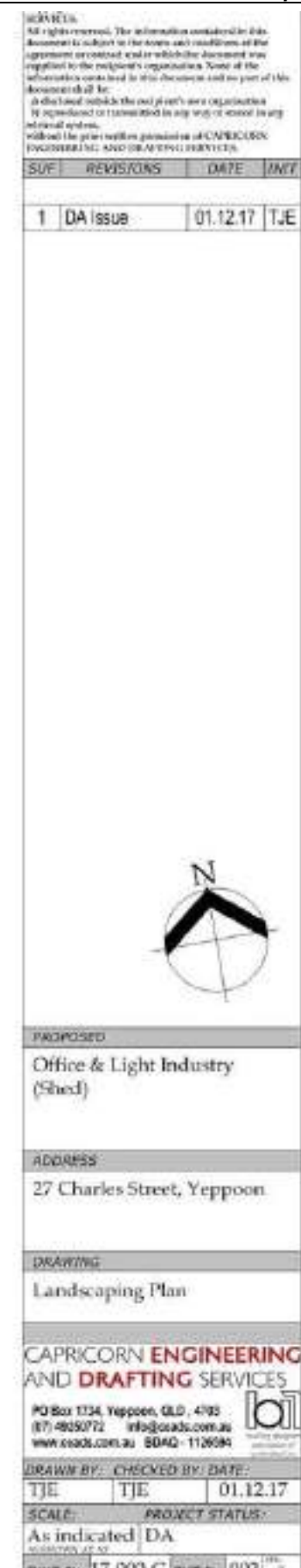
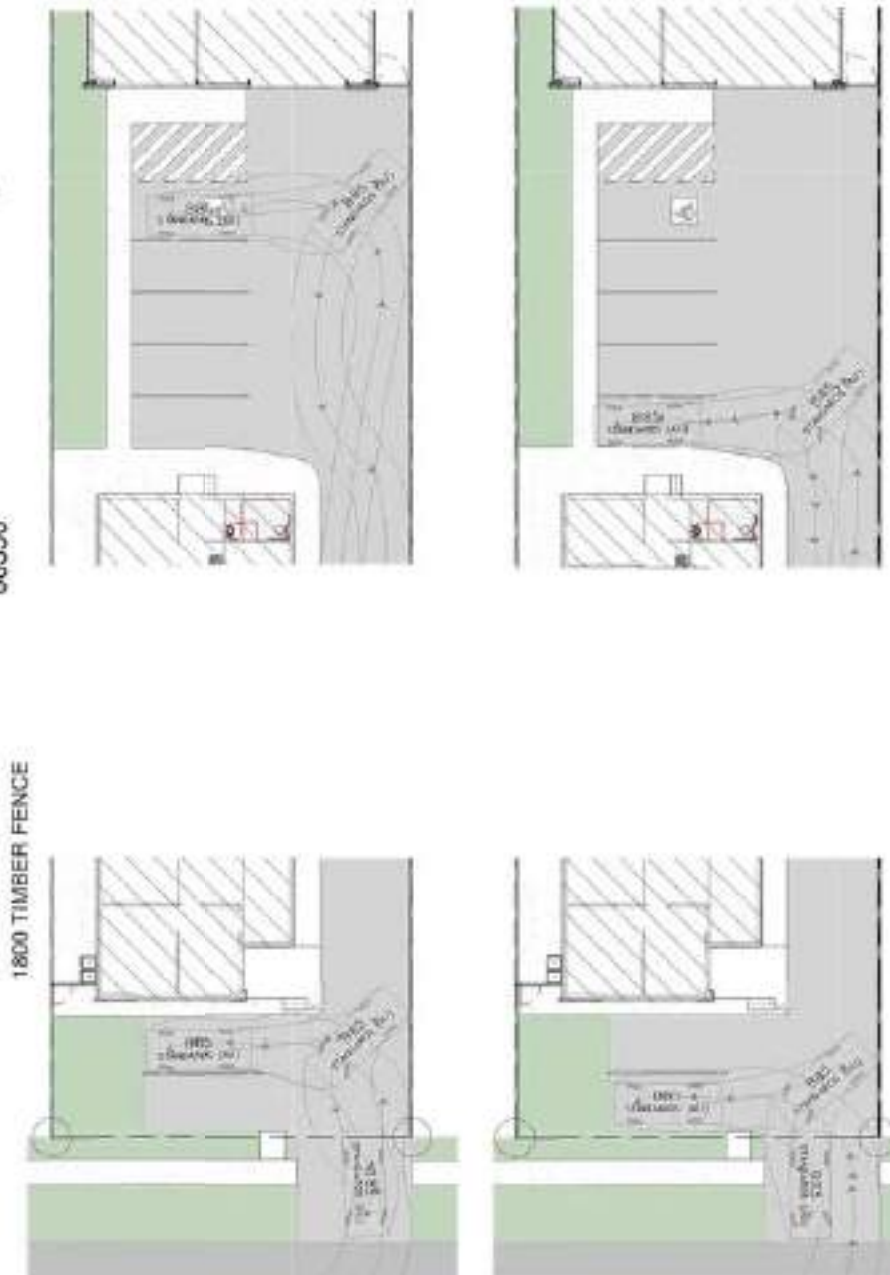
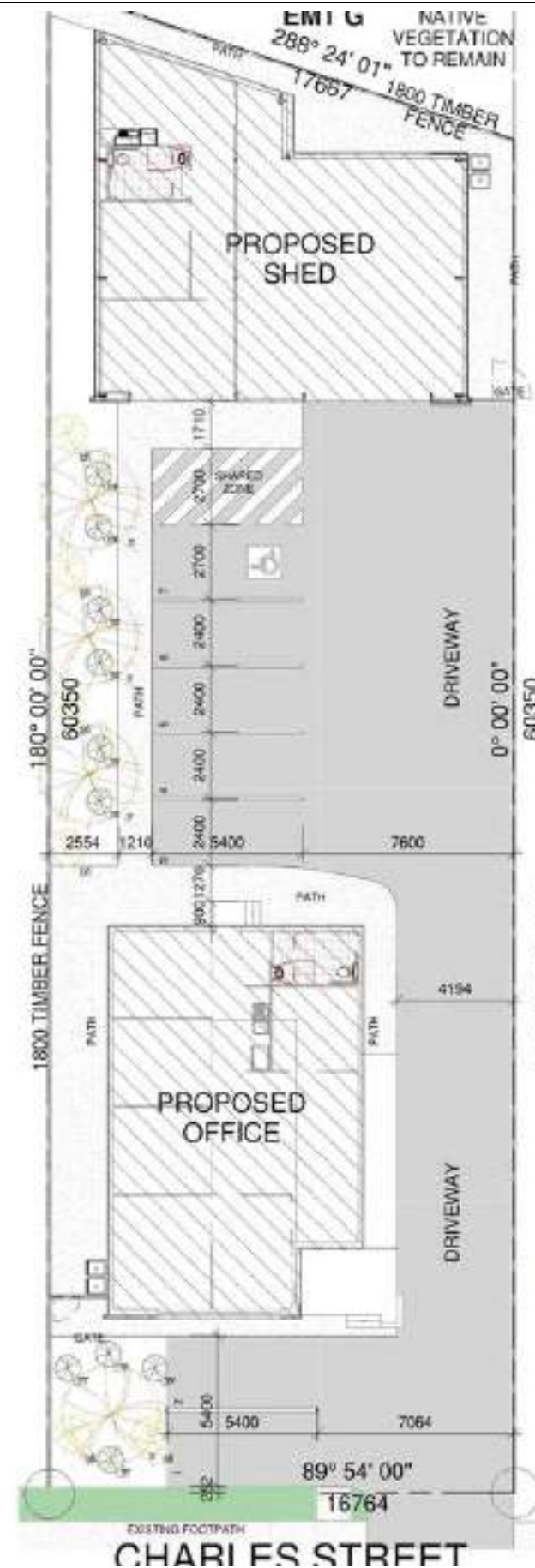
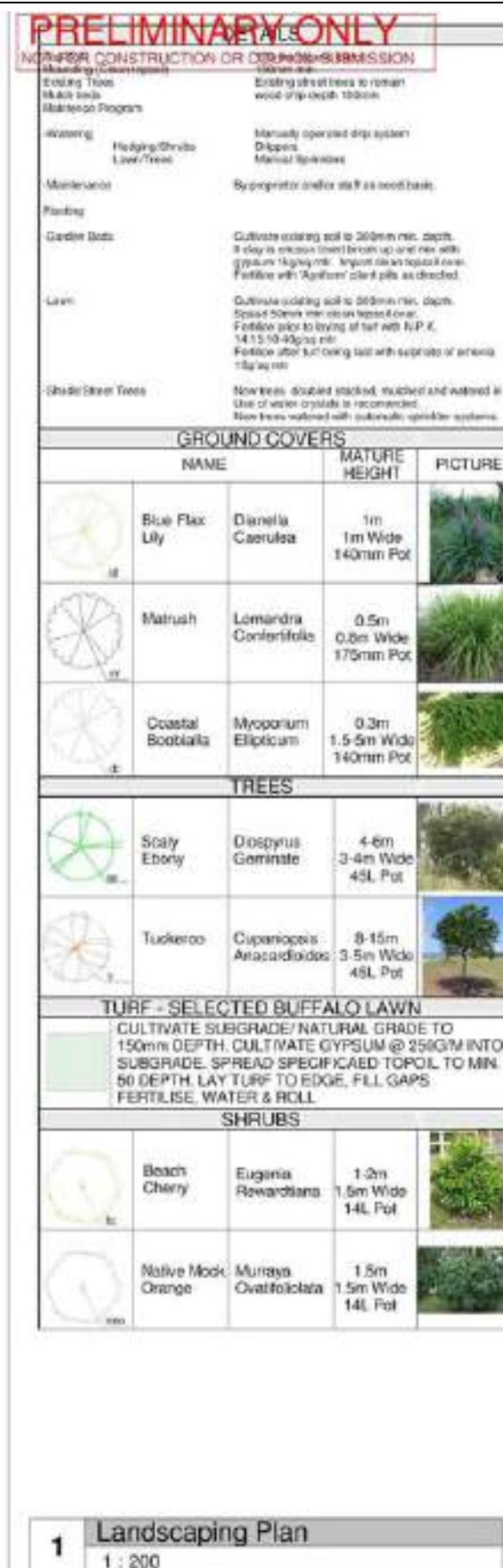


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PROPOSED		
Office & Light Industry (Shed)		
ADDRESS		
27 Charles Street, Yeppoon		
DRAWING		
Site Plan		
CAPRICORN ENGINEERING AND DRAFTING SERVICES		
PO Box 1134, Yeppoon, QLD, 4703 (07) 49050772 info@ceads.com.au www.ceads.com.au BDAG - 1126984		
DRAWN BY: CHECKED BY: DATE:		
TJE	TJE	01.12.17
SCALE:		
As indicated DA		





1 Floor Level - Office
1 : 100



2 Floor Level - Shed
1 : 100

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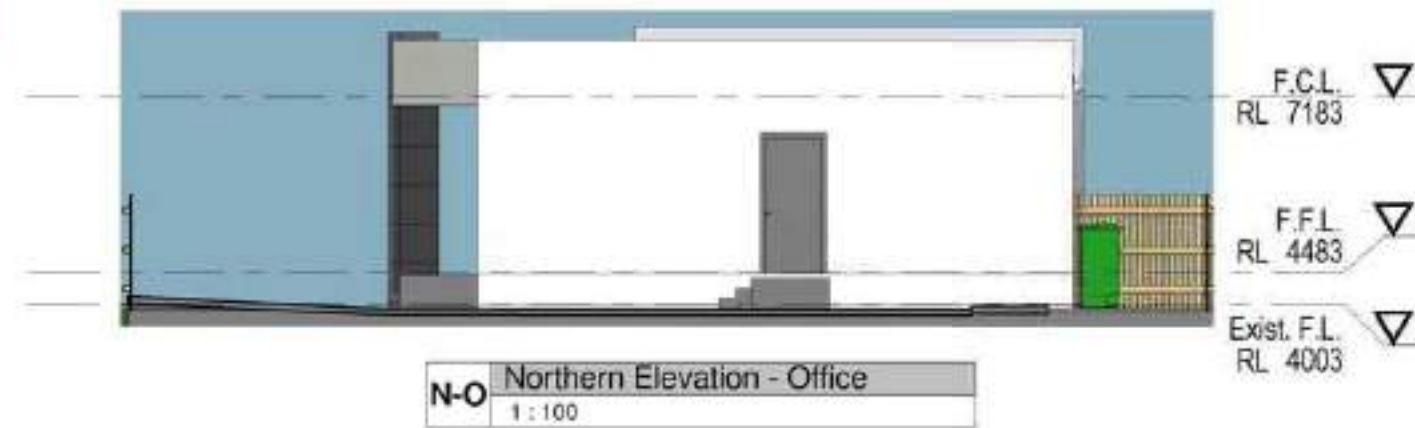
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PROPOSED
Office & Light Industry (Shed)
ADDRESS
27 Charles Street, Yeppoon
DRAWING
Ground Floor Plan
CAPRICORN ENGINEERING AND DRAFTING SERVICES
PO Box 1134, Yeppoon, QLD, 4703 (07) 4950772 info@ceads.com.au www.ceads.com.au BDAG - 1126984
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SCALE: 1 : 100 PROJECT STATUS: DA
PROJECT NO: 17-000147



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(07) 46250772
www.ceads.com.au
info@ceads.com.au
5040 - 112594

DATE	01.12.17		PROPOSED	Office & Light Industry (Shed)
DRAWN BY	TJE		CHECKED BY	TJE
SCALE	1 : 100		PROJECT STATUS	DA
			DRAWING	Elevation

DRAWING No	
17-000-C	
SHEET No	REV
001	1

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1 3D View 1



2 3D View 2

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PROPOSED

Office & Light Industry
(Shed)

ADDRESS

27 Charles Street, Yeppoon

DRAWING

3D Views

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www.ceads.com.au BDAQ 1126984



DRAWN BY: CHECKED BY: DATE:

TJE TJE 01.12.17

SCALE: PROJECT STATUS:

DA

ASSEMBLY AT 1:100 SCALE: 400

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1 3D View 3

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PROPOSED

Office & Light Industry
(Shed)

ADDRESS

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DRAWING

3D Views

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DRAWN BY: CHECKED BY: DATE:

TJE TJE 01.12.17

SCALE: PROJECT STATUS:

DA

AS SHOWN AT 1:100 SCALE

27 CHARLES STREET, YEPPOON QLD LIVINGSTONE SHIRE COUNCIL CIVIL ENGINEERING PLANS



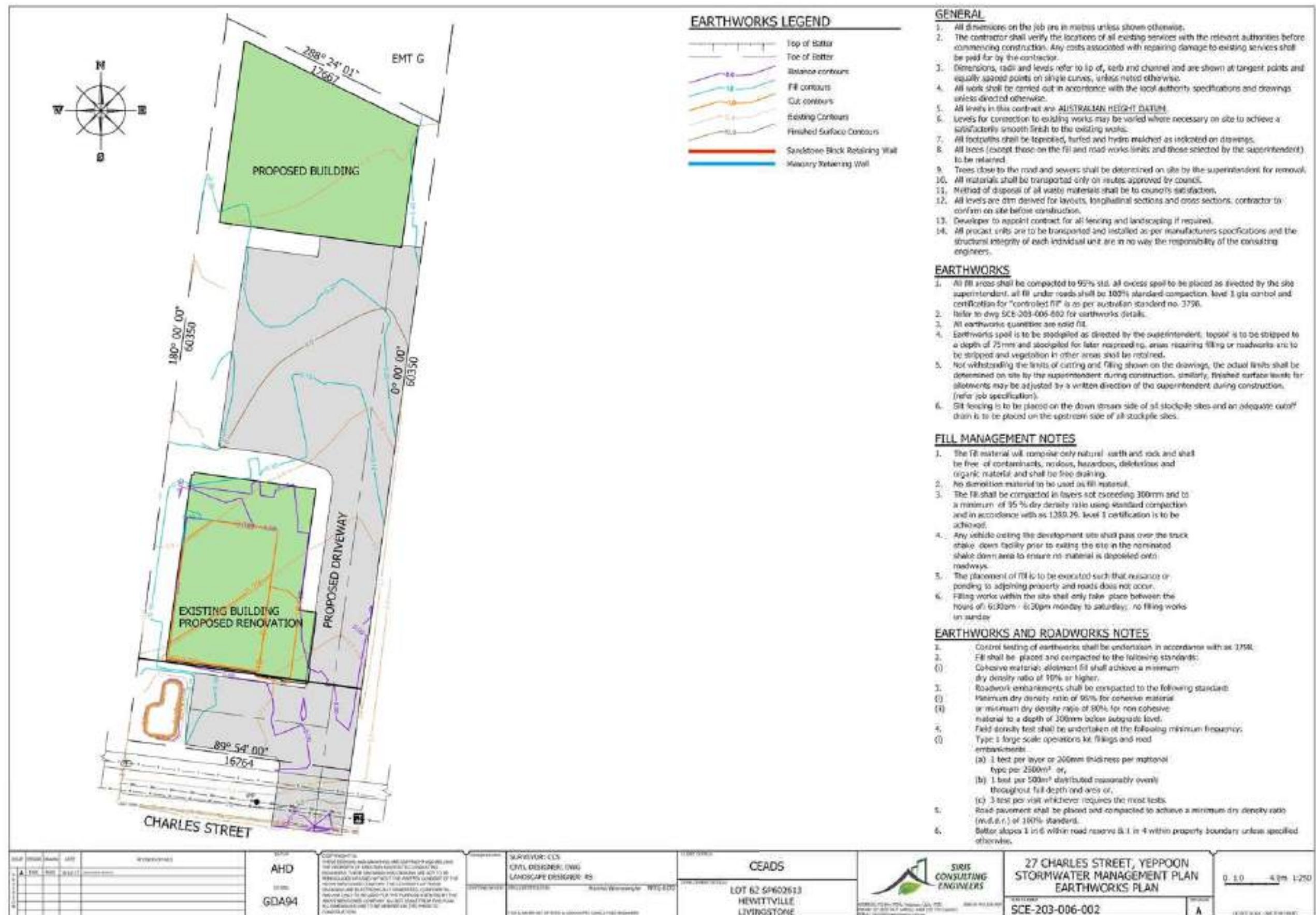
PLAN REGISTER

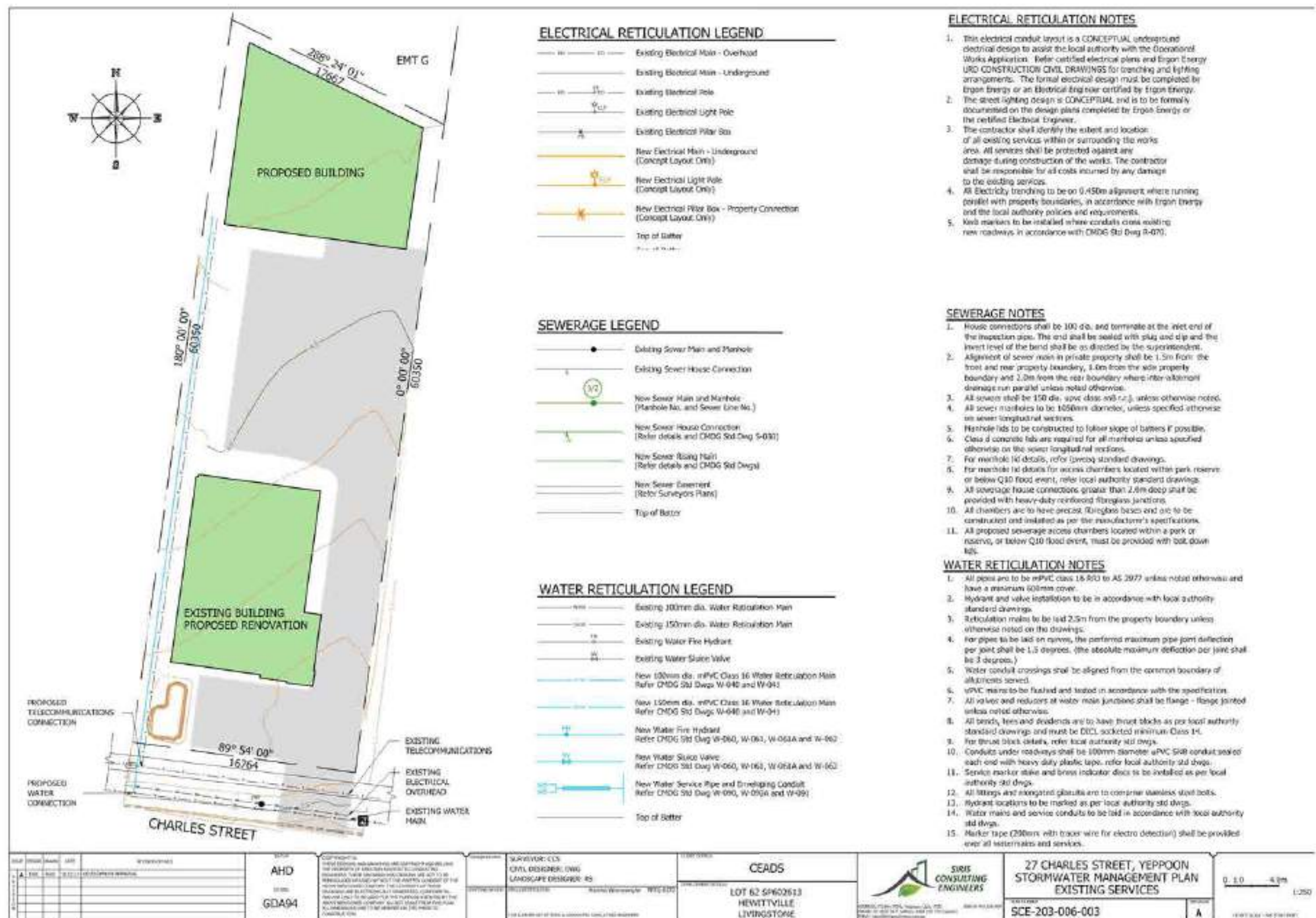
Plan No.	Plan Title
SCE-203-006-001	COVER SHEET / LOCALITY PLAN
SCE-203-006-002	EARTHWORKS PLAN
SCE-203-006-003	EXISTING SERVICES PLAN
SCE-203-006-004	STORMWATER PLAN
SCE-203-006-005	SEDIMENT & EROSION CONTROL PLAN
SCE-203-006-006	DRIVEWAY DETAIL PLAN
SCE-203-006-007	DRIVEWAY SETOUT POINTS PLAN

SIRIS CONSULTING ENGINEERS

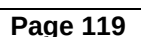
ADDRESS: PO Box 220, Yeppoon, QLS, 4703
 PHONE: 07 450 8777 (office), 0407 510 234 (mobile)
 EMAIL: sales@siriscorp.com.au

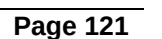
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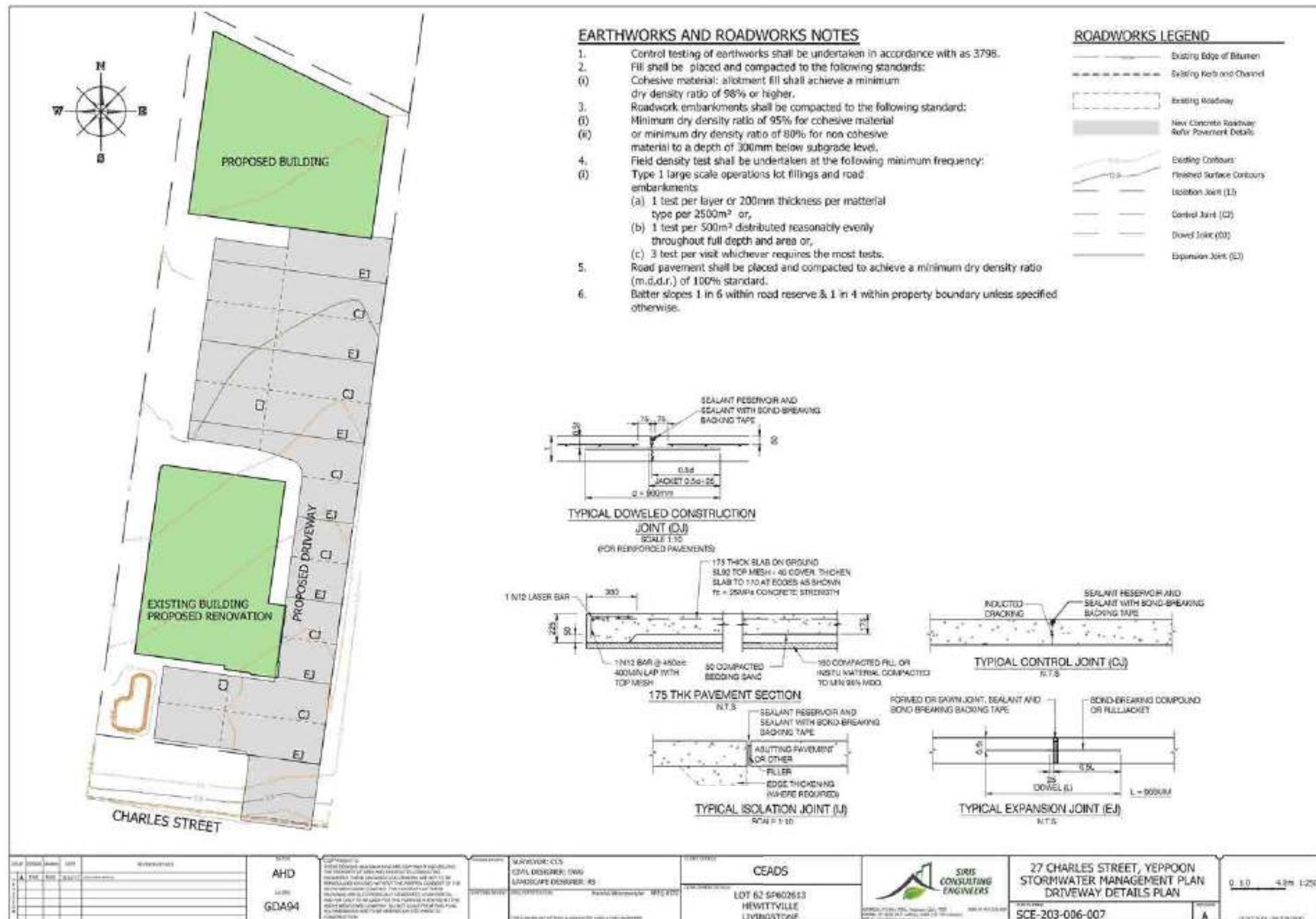












12.7 MONTHLY FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2018**File No:** FM12.14.1**Attachments:** 1. Monthly Financial Report - March 2018 [↓](#)**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services**Author:** Matthew McGoldrick - Interim Chief Financial Officer

SUMMARY

Presentation of the Livingstone Shire Council Monthly Financial Report for the period ending 31 March 2018 by the Interim Chief Financial Officer.

OFFICER'S RECOMMENDATION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 March 2018 be received.

BACKGROUND

The attached financial report has been compiled from information within Council's Finance One and Pathway systems. The report presented includes:

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

The attached financial information presents a snapshot of the month (March) and year-to-date position of Council's financial performance for the 2017-2018 financial year.

Commitments are excluded from the reported operating & capital costs.

All variances are reported against the 2017-2018 Adopted Budget. All operating budgets have been developed on a monthly basis; therefore there may be timing variances between actual position and adopted budget. In these instances, the variance will be identified as a timing variance in the commentary.

For the month of March for the first time business unit reporting has been included. These reports show the business units segregated Revenue and Expenditure Statements and Balance Sheets. This report is provided for the first time to inform Council of the performance of the business units within Council.

COMMENTARY

The financial report compares actual performance to date with Council's 18Q2 revised budget for 2017/18 and identifies, for Councillors' information, significant variances or areas of concern. It also provides information about additional areas of financial interest to Council and reinforces sound financial management practices throughout the organization. This information is provided through the attached Monthly Financial Report.

In addition to the presentation of actuals compared to the Original Budget there is comparison against the Q2 adopted revised Budget. This is particularly relevant for Capital projects being undertaken or completed this financial year.

Financial Performance

The operating performance for the month to 31 March 2018 shows an operating surplus of \$21.2m at the end of March (Refer to Table A in attachment 1). The Financial Performance Summary below compares year to date surplus to the year to date budgeted surplus of \$20.49m.

Financial Performance Summary to 31 March 2018					
	YTD 18Q2 Budget (\$m)	YTD Actual (\$m)	Variance (\$m)	Variance YTD %	Status
Operating Revenue	\$79.39	\$77.51	(\$1.89)	(2%)	■
Operating Expense	(\$67.90)	(\$61.82)	\$6.08	(9%)	✓
<i>Operating Surplus</i>	<i>\$11.49</i>	<i>\$15.68</i>	<i>\$4.19</i>	<i>36%</i>	✓
Capital Income	\$37.46	\$36.89	(\$0.56)	(2.0%)	✓
Capital Expenditure	\$66.03	\$55.91	(\$10.12)	(15%)	✓

Note: Actual results exclude purchase order commitments.

Status Legend:

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

Operating Revenue

The year to date operating revenue has a variance of \$1.89m below budget. This variance is due to lower than expected recoverable works revenue and a quarter of water consumption to be billed. All other revenue line items are exceeding budget or in line with budget. Table A:1 in the Monthly Financial Report (Attachment 1) shows operating revenue by major category of actuals to budget variances by line item.

Operating Expenses

The year to date operating expenditure as at 31 March 2018 is below budget by \$6.08m, which excludes \$5.34m in committals. Table A:1 in the Monthly Financial Report (Attachment 1) reports operating expenditure by major category of actuals to budget variances by line item. All expenditure YTD is below or near budget.

Capital Income

Total capital income is marginally below budget by \$564k. Overall the claims process and receipt of grants and subsidies has tracked well during the year and whilst the YTD position of capital grants and subsidies are marginally behind budget these funds will be received either in the current financial year, or in the next financial year with some capital projects expected to be completed in 18/19. These changes will be factored into the 18Q3 and 18/19 budget preparation. Infrastructure charges continue to track below the revised budget and this will be closely monitored during the budget process to assess the impact on capital project funding.

Capital Expenditure

Capital expenditure incurred as at 31 March 2018 is summarized in Table D.1 and D.2 in Attachment 1. The current adopted budget is \$88.04m with total capital expenditure spend for the current financial year at \$59.10m with a further \$18.00m in committals.

Table D.3 highlights the significant capital works projects with an adopted budget greater than \$1m and includes this year's budget and spend to date, and project life-to-date costs and budget.

Statement of Financial Position as at 31 March 2018

A detailed balance sheet is provided in Table B.1 in Attachment 1 as at 31 March 2018.

The balance sheet shows a low level of liabilities consisting predominantly of trade and other payables, and indicates that Council is currently in a sound financial position.

Council's total loan balances are \$76.356m with the three quarters loan repayments having been made. Interest on long term borrowings range from 3.123% to 5.554%, with the average being 4.54%.

Cash Flow

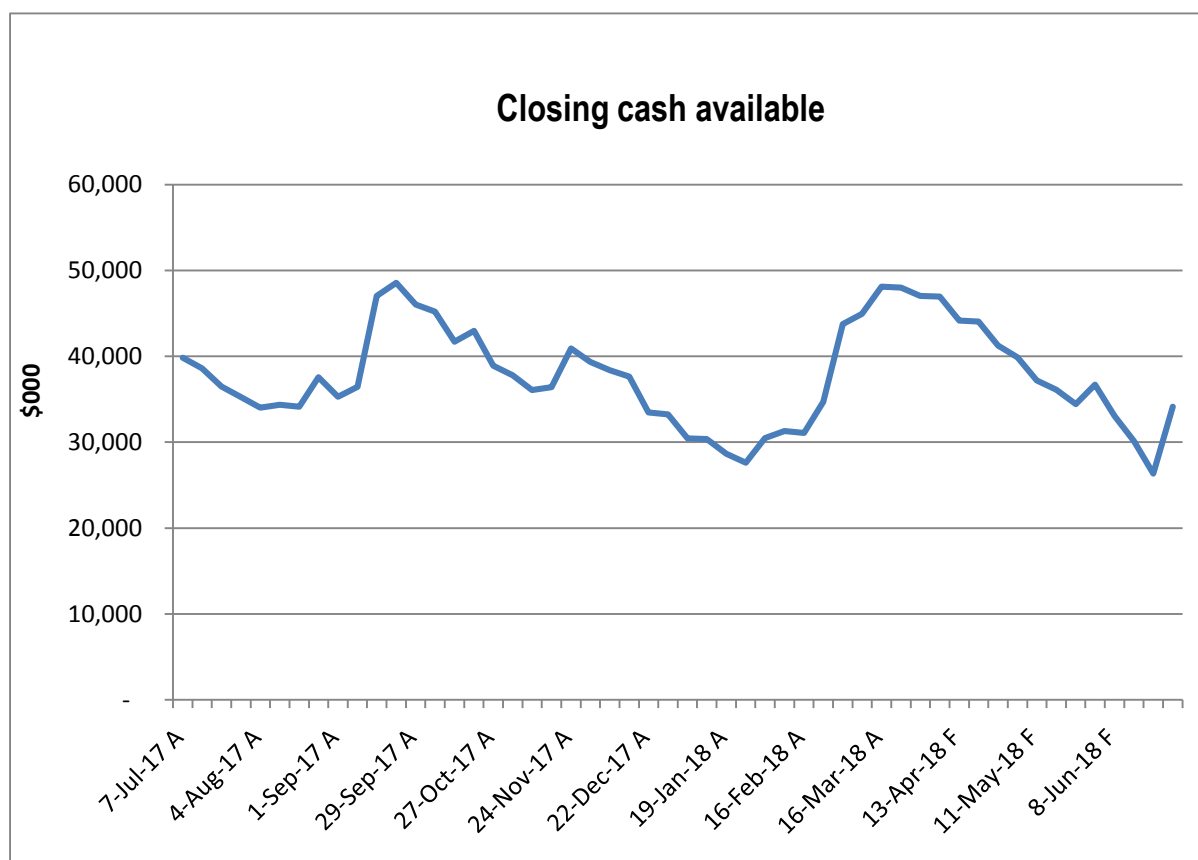
The statement of cash flows provided in Table C in Attachment 1 shows Council's expected cash flows for the financial year and the actual cash flow to the end of March 2018. The cash position remains in line with expectations with cash totaling \$44.986m at the end of March 2018.

The interim cash flow statement shows a strong surplus from operating activities, primarily from \$70.906m in rating revenue received. The surplus from operating activities is being utilized to fund Council's investment activities, predominantly for investment into Council's assets.

Available cash is either invested with the Queensland Treasury Corporation (QTC) Capital Guaranteed Cash Fund or held in fixed term deposits with financial institutions. The annual effective interest rate for the QTC at call deposits, at the end of March was 2.16%. Interest rates for the three (3) term deposits, range between 2.65% and 2.69% and reflect the fixed interest rate for the term of the investment.

Interest earned on cash and investments for the month of March was \$80k.

A graph of the total cash available Actual and projected to 30th June is presented below.



Outstanding Debtors

At 31 March 2018, outstanding debtors stand at \$2,548,964. This balance comprises a current portion of debtors and that balance is \$2,165,877, or 84.9% of this balance. There are 22 accounts which are over 60 days and are valued at \$292,076 which represents 11.45% of the total outstanding debtors. A listing of the Over 60 day accounts is attached for Council's information.

Outstanding and Overdue Rates and Charges

The total rates debtor balance at 31 March 2018 stands at \$8,158,166, which is 8.84% as a percentage of Rates Revenue (Sept 2017 8.43%). There is still \$1,263,627 in pre-paid rates at the 31 March, net rates outstanding is \$6,894,539. The portion of the current levy unpaid is \$6,341,553 which represents 78% of the balance outstanding. The revenue generated from rates through the levy in March is in line with budget expectations.

The KPI target for Rates debtors is to bring the rates as a percentage of total rates revenue Generated to below 3.75% by June 30 and the collection process is on track.

The following table analyses this overdue amount by age of debt.

Aging Period	Arrears balance (before deducting prepaid rates)	% of total eligible for collection
Current	\$6,341,553	77.73%
1 year	\$1,001,892	12.28%
2 years	\$432,607	5.30%
3 years	\$236,664	2.90%
4 years	\$104,073	1.28%
5 years	\$41,357	0.51%
TOTAL	\$8,158,166	

The next round of eligible properties for sale for rate arrears has been presented to Council for consideration. Once the notification period expires and if no action is taken by the ratepayer to pay the arrears a report incorporating a recommendation for sale for arrears will be presented to Council in May 2018.

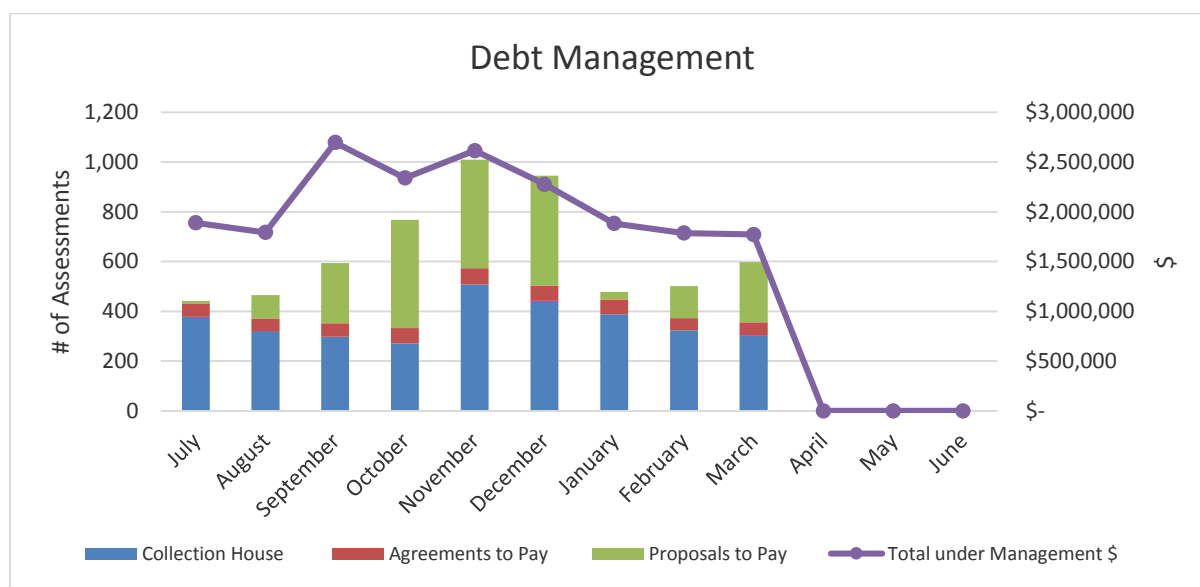
Council offers a direct debit facility with 2,405 direct debits totaling \$834,913 processed in March.

Debt Management – Ratepayers always have the option to enter into formal payment arrangements, which prevents legal action being progressed by Council's debt collection agency. Interest is applied at a rate of 11% per annum, compounding monthly, on all overdue balances, including those under a formal payment arrangement.

In total 20% of the overdue balances are under management, this reflects 304 assessments out of 17,451 rateable assessments (1.74%).

March saw an increase of 113 ratepayers entering into proposals to pay (242 in total), representing a total of \$333,310. Proposals to pay require all current arrears to be paid in full prior to the next rates issue, all arrangements to pay up to December are now revisited at the end of the March discount period. There are 52 (February: 49) assessments under long term arrangements (agreements to pay) with a total of \$193,637 with varying settlement periods.

A total of 304 (February: 323) assessments, representing \$1,244,183 (February: \$1,368,761) are currently being managed by Council's debt collection agency. There were no new accounts were referred to Collection House in March 2018.



Procurement Activities

Council strongly supports locally-owned and operated businesses, including those with an office or branch in our region. Council is able to report on direct local spend for both operational and capital expenditure in addition to employee salaries & wages. The data provided is only reflective of the payments made through Accounts Payable and via corporate credit cards and does not make any consideration for other economic impacts.

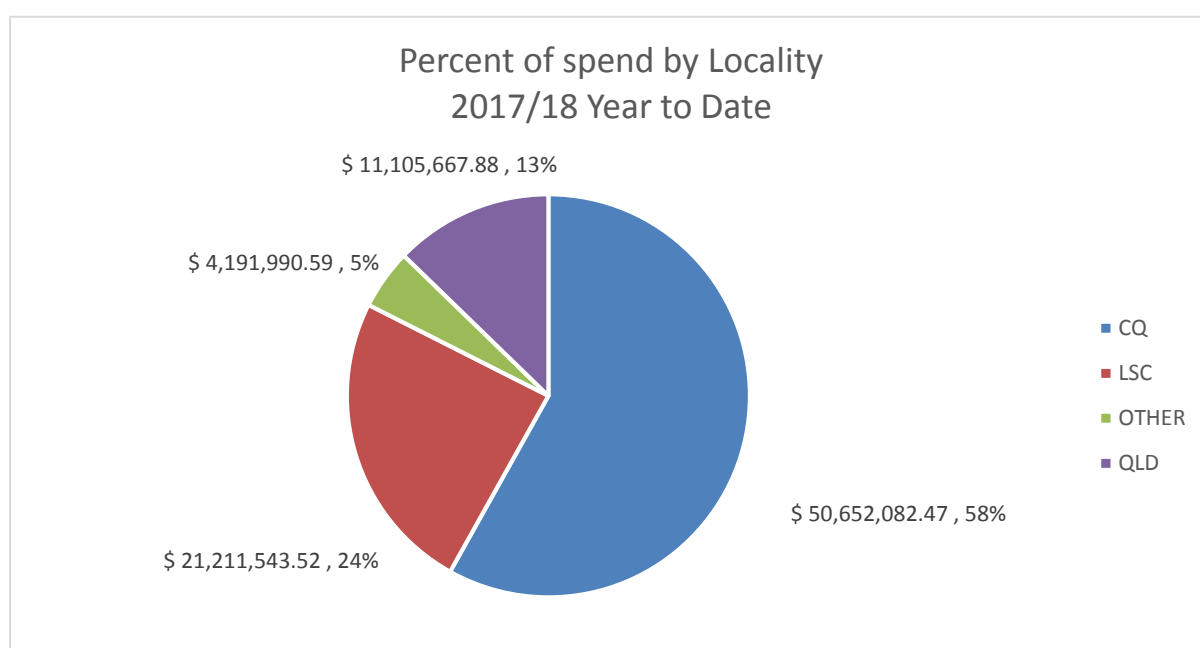
LSC = Businesses located within the shire boundaries.

CQ = Business completely set up and run outside of LSC boundaries but within the Central Queensland.

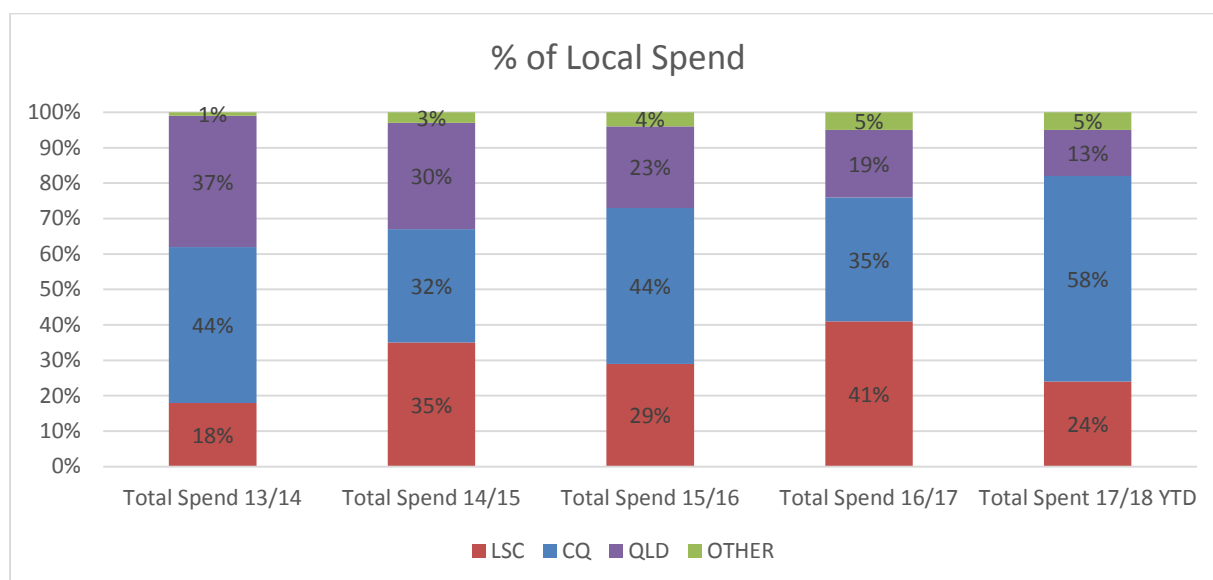
QLD = Business based outside of Central Queensland but within Queensland

OTHER = Business based outside of Queensland.

The following pie chart illustrates the total dollars spent this financial year by geographical categories. Of the \$50.6m spent in CQ, \$34.1m of this represents payments made to three (3) of the principal contractors delivering major projects.



YTD local spend for March 2018 was 24% or \$21.2m. The bar graph below summarizes the allocation by local spend categories per financial year since 2013/14.



PREVIOUS DECISIONS

Council adopted the 2017/2018 budget on 27 June 2017 and the Q2 revision was adopted on the 20th March 2018.

BUDGET IMPLICATIONS

The monthly financial report shows Council's financial position in relation to the adopted budget.

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

Not applicable.

STAFFING IMPLICATIONS

Not applicable

RISK ASSESSMENT

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

CORPORATE/OPERATIONAL PLAN

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

CONCLUSION

The financial report provides information about Council's financial performance and position for the month ending 31 March 2018.

12.7 - MONTHLY FINANCIAL REPORT FOR PERIOD ENDING 31 MARCH 2018

Monthly Financial Report - March 2018

Meeting Date: 17 April 2018

Attachment No: 1



Livingstone
SHIRE COUNCIL

**Monthly Financial Report
for period ending
31/03/2018**

Contents

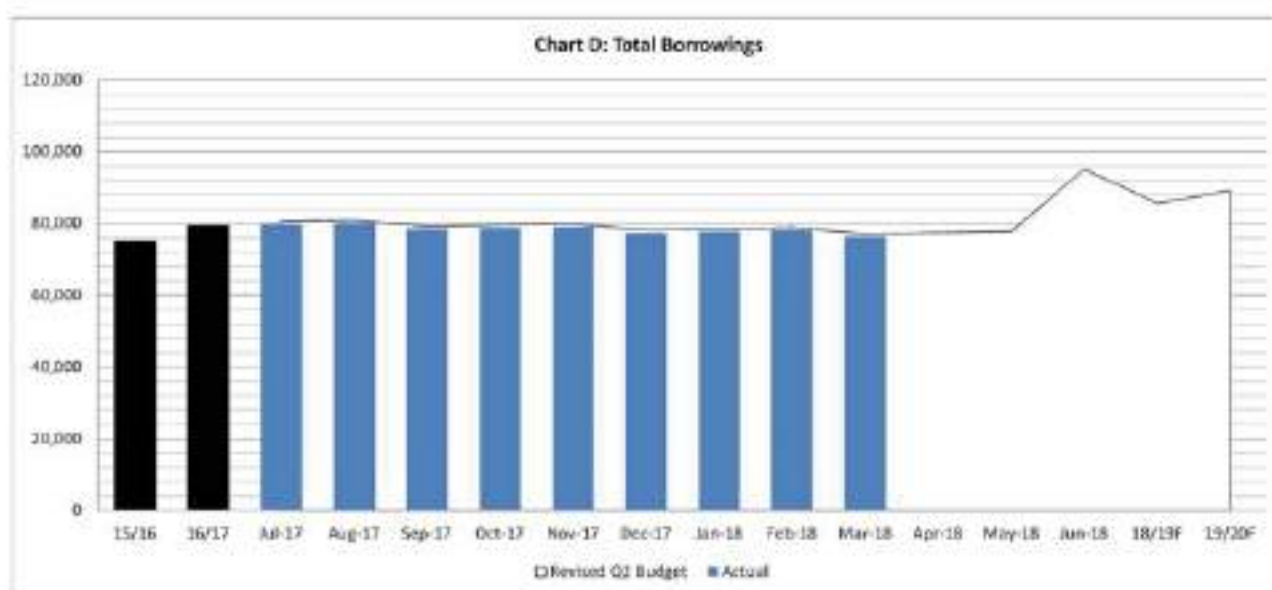
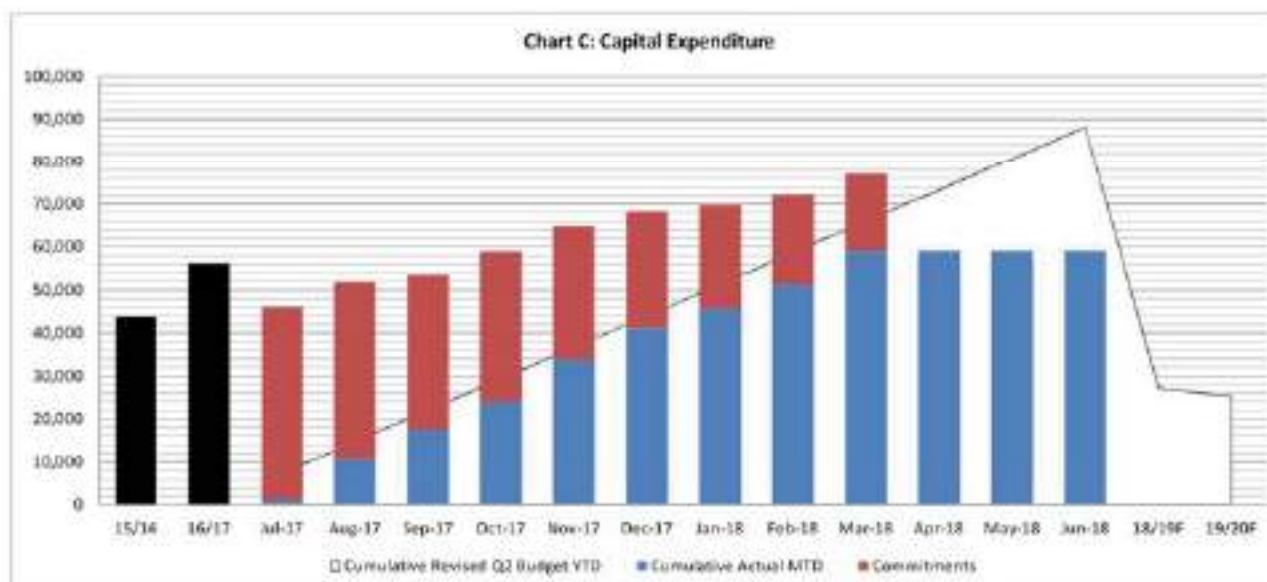
Financial Health Indicators

- Key strategic financial indicators
- Summary financial statements

Attachments: Detailed financial statements

Financial Health Indicators

Key strategic financial indicators: trend analysis



Summary financial statements for the year to date ending
31/03/2018

A. Summary of financial results

A. Income Statements

	Year-to-date		Variance		Status	Comments
	Budget	Actual				
	(\$m)	(\$m)	\$	%		
Own-source Revenues	71.41	71.89	0.48	1%	✓	Own-source revenue is reported as slightly ahead of budget following the second bi-annual issue of General Rates in January. Total Operational Revenue is behind in comparison to the YTD Budget mostly as the result of recoverable works being behind budget by approximately \$1M. Employee expenses are under budget primarily due to leave reduction strategies and the tightening of recruitment processes for vacant roles. Overall operating expenses are under YTD budget by approximately \$6M which is mostly due to an underspend of \$1.7M in employee benefits and \$3.6M in materials & services.
Total Revenues	79.39	77.51	(1.89)	-2%	✗	
Employee Expenses	(24.77)	(23.02)	1.75	-7%	✓	
Total Expenses	(67.90)	(61.83)	6.07	-9%	✓	
Operating Result	11.49	15.68	4.19	36%		

B. Balance Sheet

	Year-to-date		Variance		Status	Comments
	Budget	Actual				
	(\$m)	(\$m)	\$	%		
Cash and Cash Equiv	36.75	44.99	8.24	22%	✓	Total current assets are above budget as second half-yearly rates notices were issued during January ahead of their budgeted timeframe which has in turn increased Council's cash balances as at end of March. Borrowings are currently reported as below budget as the interest is recognised monthly and the borrowings balance has been updated as part of the 18Q2 Budget.
Current Assets	48.37	59.87	11.50	24%	✓	
Current Liabilities	18.64	10.50	(8.15)	-44%	✓	
Non-Current assets	989.13	942.40	(46.73)	-5%	✗	
Borrowings	77.15	76.36	(0.80)	-1%	✓	
Non-Current Liabilities	83.01	86.47	3.46	4%	✗	
Net Assets	935.84	905.31	(30.53)	-3%		

C. Cash flows

	Year-to-date		Variance		Status	Comments
	Budget	Actual				
	(\$m)	(\$m)	\$	%		
Net Operating	19.02	23.31	4.29	23%	✓	In line with total cash & cash equivalents being above budget, net operating cash flows are above budget, due mostly to the savings outlined above in relation to employee benefits and materials & services. The variance in net investing cash flows is mostly due to cash outlays on the construction of assets being behind the YTD Budget which was recognised in 1/12th instalments.
Net Investing	(23.19)	(19.21)	3.97	-17%	✓	
Net Financing	(3.07)	(3.10)	(0.03)	1%	✓	
Closing Cash Balance	36.75	44.99	8.24	22%		

D. Capital program

	Year-to-date		Variance		Status	Comments
	Budget	Actual				
	(\$m)	(\$m)	\$	%		
Renewal	8.22	3.79	(4.43)	-54%	✓	Total renewals are reported as less than budget partly due the capital works program not being delivered in 1/12 equal portions during the year (budget timing difference). Re-prioritisation of capital projects due to the requirement to meet funding expenditure deadlines has resulted in an increase in expenditure on new/upgrade capital projects. Council currently has \$77M either spent (\$59M) or committed (\$18M) towards the 18Q2 Capital Expenditure budget of \$95M (including land development).
New/Upgrade	57.81	55.32	(2.50)	-4%	✓	
Total Capital Program	66.03	59.11	(6.93)	-10%		

Status Legend:

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



Key strategic financial indicators as at: 31/03/2018

Operating performance					
	Target Benchmark	Adopted Budget	YTD Actual		Commentary
Operating surplus ratio					
Operating surplus/operating revenue	10%	-4.2%	20.2%	✓	Both ratios are ahead of the target benchmark due to the levy of the second half-yearly General Rates and Utility Charges in January. These ratios indicate that operating revenue is greater than operating expenses and this assists with funding capital expenditure.
Operating efficiency ratio					
Operating revenue/operating expense	110%	96%	125%	✓	
Fiscal flexibility					
	Target Benchmark	Adopted Budget	YTD Actual		Commentary
Net financial liabilities ratio					
Total liabilities - current assets /operating revenue	<60%	105%	49%	✓	The Net Financial Liabilities ratio is currently favourable and this is indicative of the levy of the second half-yearly rates and utility charges in January 2018.
Own-source operating revenue ratio					
Own source/operating revenue	>60%	80.3%	93%	✓	The own-source operating revenue ratio is favourable when compared to the target benchmark as General Rates & Utility Charges and Fees & Charges are comparatively higher when compared to all sources of operating revenue. The interest cover ratio at 4.0% is within the target benchmark range due to the levy of half-yearly rates & utility charges and Council having now made 3 of the quarterly repayments on the loan portfolio for the 2017-18 financial year.
Interest cover ratio					
Net Interest Expense / Total Operating Revenue	0% - 5%	4.9%	4.0%	✓	
Liquidity					
	Target Benchmark	Adopted Budget	YTD Actual		Commentary
Cash balances - Cash capacity in months					
Cash at bank/cash operating expense	3.0	3.0	9.9	✓	This ratio indicates that Council has sufficient cash to meet current cash operating expenses for approximately 9.9 months. This favourable ratio is due to the timing of the collection of the vast majority of half-yearly General Rates and Utility Charges in February and March 2018.
Ability to pay our bills - Current Ratio (times)					
Current assets/current liabilities	2.0	1.7	5.7	✓	The current ratio is well above the target benchmark of 2.0, again due to the levy of the second half-yearly General Rates and Utility Charges.
Asset sustainability					
	Target Benchmark	Adopted Budget	YTD Actual		Commentary
Asset Sustainability Ratio					
Renewal expenditure/depreciation	90%	60%	21%	✗	Asset sustainability ratio will remain lower than the target benchmark due to the large proportion of new assets not requiring renewal at this stage. Capital renewal projects are progressing as per the capital works schedule with 34.6% of the 18Q2 capital expenditure renewal budget spent YTD.
Status Legend					
KPI target (budget) achieved or exceeded		✓	KPI target (budget) not achieved		
			✗		

Attachments

A.1: Monthly Summary revenue and expenditure report (by line item)

YTD 75%

	This period				Year-to-date				Full year		
	Revised Q2 Budget	Actual	Variance	Variance %	Revised Q2 Budget	Actual	Variance	Variance %	Adopted Budget	Revised Q2 Budget	%YTD (Ind Committals) of Revised Q2 Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	%
Revenues											
Rates & Utility Charges	0	1,750	1,750	0%	67,496	67,698	202	0%	68,903	68,624	99%
User fees & charges	297	330	33	11%	3,348	3,535	187	6%	4,197	4,216	84%
Operating grants	67	134	67	99%	4,549	3,409	(1,141)	-25%	4,798	6,280	54%
Interest	93	80	(13)	-14%	840	677	(163)	-19%	1,010	1,120	80%
Sales revenue	238	109	(129)	-54%	2,582	1,532	(1,050)	-41%	6,297	4,251	36%
Other	66	44	(22)	-34%	566	654	88	16%	651	710	92%
Total operating revenues	762	2,447	1,684	221%	79,391	77,505	(1,886)	-2%	85,856	85,201	90%
Expenses											
Employee benefits	(2,823)	(2,857)	(34)	1%	(24,772)	(23,021)	1,751	-7%	(33,807)	(32,695)	-71%
Materials & Services	(2,145)	(1,223)	922	-43%	(20,557)	(15,708)	4,849	-24%	(26,557)	(27,967)	-78%
Depreciation	(1,720)	(2,043)	(323)	19%	(18,399)	(17,877)	522	-4%	(23,452)	(23,568)	-75%
Interest	(344)	(367)	(24)	7%	(3,094)	(3,128)	(34)	1%	(4,243)	(4,127)	-76%
Other	(166)	(1,511)	(1,345)	813%	(1,079)	(2,292)	(1,213)	112%	(1,400)	(1,406)	-177%
Less: Total operating expenses	(7,197)	(8,001)	(804)	11%	(67,901)	(61,827)	6,074	-9%	(89,459)	(88,653)	-76%
Net operating result	(6,435)	(5,555)	880		11,491	15,678	4,188	36%	(3,602)	(3,651)	-275%
Capital Income											
Capital Grants	3,919	6,527	2,608	67%	35,273	33,856	(1,417)	-4%	40,202	47,031	4%
Infrastructure Charges	238	91	(146)	-62%	2,139	1,725	(414)	-19%	4,500	2,852	0%
Other capital income	17	217	200	1203%	160	1,812	1,662	1108%	200	200	0%
Less: capital expenses	(12)	0	12	-100%	(105)	0	105	-100%	(140)	(140)	0%
Net Capital Income	4,162	6,836	2,674	64%	37,457	37,393	(64)	0%	44,762	49,943	106%
Total comprehensive income	(2,273)	1,281	3,554		48,948	53,072	4,124		41,160	46,292	103%

A.2: Monthly Summary revenue and expenditure report (by program)

YTD 75%

	This period				Year-to-date				Full year		
	Revised Q2 Budget	Actual	Variance	Variance %	Revised Q2 Budget	Actual	Variance	Variance %	Adopted Budget	Revised Q2 Budget	%YTD (Ind Committals) of Revised Q2 Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	%
Office of the CEO											
Revenue	18	3	(15)	-86%	308	216	(91)	-30%	453	438	-49%
Expenses	(992)	(608)	386	-39%	(10,230)	(7,195)	3,035	-30%	(13,358)	(13,390)	55%
Infrastructure											
Revenue	3,039	2,079	(1,859)	-47%	27,855	34,089	6,234	22%	35,328	37,247	92%
Expenses	(4,738)	(4,696)	42	-1%	(45,493)	(40,913)	4,580	-10%	(58,870)	(59,588)	-76%
Liveability and Wellbeing											
Revenue	227	268	39	17%	2,609	2,957	348	13%	3,104	3,342	88%
Expenses	(1,617)	(2,298)	(681)	42%	(14,359)	(14,277)	82	-1%	(18,999)	(19,043)	-80%
Central Funds											
Revenue	19,889	99	(19,789)	-100%	43,051	40,243	(2,808)	-7%	46,972	45,013	-89%
Expenses	149	(402)	(551)	-369%	2,181	559	(1,623)	-74%	1,768	2,919	-19%

Reason for year-to-date variance	Action required/taken to correct variance
	Review the detailed allocation for operating expenses between the Office of the CEO and Strategic Growth & Economic Development departments.

B: Monthly summary of assets and liabilities report							YTD	75%
		Year-to-date				Full year		
		Revised Q2 Budget	Actual	Variance	Variance	Adopted Budget	Revised Q2 Budget	%YTD (Ind. Commitals of Revised Q2 Budget)
		(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	%
Assets								
Cash and cash equivalents		34,750	42,986	8,236	24%	13,337	32,330	133%
Investments		2,000	2,000	0	0%	2,000	2,000	100%
Inventory		1,255	415	(840)	-67%	1,350	1,255	33%
Receivables:		-	-	-	-	-	-	0%
Rates		7,503	7,904	401	5%	7,405	7,503	105%
Other		-	-	0	0%	-	-	0%
Land - for resale		6,495	9,560	3,065	47%	6,495	14,473	66%
Infrastructure:		-	-	-	-	-	-	-
PPE		984,123	836,542	(147,581)	-15%	992,547	984,123	85%
Capital WIP		-	99,161	99,161	0%	-	-	0%
Other assets		1,374	3,707	2,333	170%	2,281	1,374	270%
Total Assets		1,037,900	1,002,275	(35,625)	-3%	1,025,415	1,043,958	96%
Liabilities								
Employee benefits		5,004	9,488	4,484	90%	5,025	5,804	190%
Trade creditors and accruals		8,522	647	(7,875)	-92%	8,921	8,522	8%
Borrowings:		-	-	-	-	-	-	-
Short-term		5,117	1,234	(3,883)	-76%	5,026	5,117	24%
Long-term		72,035	75,122	3,087	4%	90,418	90,151	83%
Other liabilities		10,978	10,473	(505)	-5%	10,199	10,978	95%
Total Liabilities		101,656	86,965	(14,691)	-5%	118,589	119,772	81%
Current assets		48,369	59,873	11,504	24%	29,254	52,237	115%
Current liabilities		18,643	10,495	(8,148)	-44%	17,059	17,611	60%
Non-current assets		989,131	942,401	(46,730)	-5%	996,161	990,621	95%
Non-current liabilities		83,013	66,469	(16,544)	-20%	102,529	102,161	85%
Net community assets		935,844	905,310	(30,534)	-3%	905,826	923,286	98%

C: Monthly summary cash flow report										YTD	75%
	This period				Year-to-date				Full year		
	Revised Q2 Budget	Actual	Variance	Variance	Revised Q2 Budget	Actual	Variance	Variance	Adopted Budget	Revised Q2 Budget	%YTD (Ind. Commitals) of Revised Q2 Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	%
Cash inflows from operations -											
Rates & utility charges	23,338	10,451	(12,885)	-55%	65,240	70,906	5,666	9%	68,903	72,707	103%
User fees and charges	561	472	(89)	-16%	5,140	5,314	(826)	-13%	7,777	7,924	68%
Operating grants	67	134	67	90%	4,539	3,320	(1,219)	-27%	4,798	6,270	69%
Interest	93	80	(13)	-14%	840	677	(163)	-19%	1,010	1,120	67%
Other	15	(1,321)	(1,337)	-8702%	298	(1,330)	(1,628)	-547%	7,889	1,253	-17%
Total operating cash inflows	24,073	9,815	(14,257)	-59%	77,057	79,896	2,839	2%	90,377	89,274	87%
Cash outflows from operations -											
Employee entitlements	(2,823)	(2,857)	(34)	1%	(24,775)	(22,968)	1,807	-7%	(33,607)	(32,496)	68%
Payments to suppliers	(2,721)	(247)	2,474	-91%	(29,111)	(24,886)	4,223	-15%	(26,557)	(39,737)	94%
Interest	(330)	(367)	(37)	11%	(2,970)	(3,129)	(159)	5%	(4,243)	(3,980)	74%
Other	(166)	(1,814)	(1,648)	996%	(1,182)	(4,591)	(3,409)	288%	(3,241)	(1,509)	142%
Total operating cash outflows	(6,039)	(5,285)	754	-12%	(59,038)	(55,575)	3,462	-4%	(67,848)	(76,904)	82%
Net cash flows from operations	18,033	4,530	(13,503)	-75%	18,019	23,311	4,292	23%	22,530	12,371	103%
Investing cash flows -											
Proceeds on disposal of assets	0	61	61	0%	0	1,275	1,275	0%	300	317	425%
Capital grants & Infrastructure											
Charges	7,038	6,619	(419)	-6%	42,846	34,418	(8,428)	-20%	44,702	49,864	77%
Net fr from cash investments	0	0	0	0%	0	1,000	1,000	0%	0	0	0%
Acquisition of assets	(7,337)	(8,151)	(814)	11%	(66,033)	(55,908)	10,125	-15%	(95,112)	(83,043)	59%
Net investing cash flows	(299)	(1,471)	(1,172)	392%	(23,187)	(19,215)	3,972	-17%	(50,110)	(37,642)	38%
Financing cash flows											
New borrowings	0	0	0	0%	0	0	0	0%	20,000	20,000	0%
Repayment of borrowings	(1,704)	(1,704)	0	0%	(3,074)	(3,103)	(29)	1%	(4,098)	(4,190)	29%
Net financing cash flows	(1,704)	(1,704)	0	0%	(3,074)	(3,103)	(29)	1%	15,902	15,810	20%
Net combined cash flows	16,030	1,356	(14,675)	-92%	(7,242)	994	8,236	-114%	(11,678)	(9,662)	-9%
Add: Opening cash balance	20,720	43,630	22,910	111%	43,992	43,992	22,910	52%	27,017	43,992	163%
Closing cash balance	36,750	44,986	8,236	22%	36,750	44,986	8,236	22%	15,339	34,330	293%

D.1: Monthly summary capital revenue and expenditure report by category (all projects) **YTD 75%**

	This period				Year-to-date				Full year		
	Revised Q2 Budget	Actual	Variance	Variance	Revised Q2 Budget	Actual	Variance	Variance	Adopted Budget	Revised Q2 Budget	%YTD (incl. Commitments) of Revised Q2 Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	%
Renewal of existing assets -											
Capital grants and contributions	0	(61)	(61)	0%	-	(1,045)	(1,045)	0%	-	-	0%
Renewal expenditure	913	411	(502)	-55%	8,219	3,789	(4,430)	-54%	14,156	10,956	46%
New assets/Upgrade of existing assets											
Capital grants and contributions	(4,157)	(6,775)	-2,618	63%	(37,413)	(36,348)	1,065	-3%	(40,202)	(49,884)	73%
New/upgrade expenditure	6,424	7,547	1,123	17%	57,814	55,316	(2,498)	-4%	83,272	77,085	94%
Total											
Capital grants and contributions	(4,157)	(6,836)	(2,679)	64%	(37,413)	(37,393)	20	0%	(40,202)	(49,884)	75%
Renewal, upgrade and acquisition	7,337	7,958	621	8%	66,032	59,105	(6,927)	-10%	97,428	88,043	68%

D.2: Monthly summary capital revenue and expenditure report by asset class (all projects) **YTD 75%**

	This period				Year-to-date				Full year		
	Revised Q2 Budget	Actual	Variance	Variance	Revised Q2 Budget	Actual	Variance	Variance	Adopted Budget	Revised Q2 Budget	%YTD (incl. Commitments) of Revised Q2 Budget
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	%
Land											
Capital grants and contributions	-	156	156	0%	-	(767)	-767	0%	-	-	0%
Renewal, upgrade and acquisition	4	15	19	460%	38	25	(13)	-33%	150	50	86%
Buildings											
Capital grants and contributions	(245)	(501)	-256	105%	(2,204)	(7,386)	(5,182)	235%	(1,006)	(2,939)	251%
Renewal, upgrade and acquisition	551	889	338	61%	4,950	6,427	1,467	30%	5,290	6,613	101%
Plant & Equipment											
Capital grants and contributions	-	(61)	(61)	0%	-	(731)	(731)	0%	-	-	0%
Renewal, upgrade and acquisition	251	5	(246)	-98%	2,262	1,188	(1,074)	-47%	2,276	3,016	71%
Roads & Drainage											
Capital grants and contributions	(1,565)	(518)	1,047	-67%	(14,086)	(12,345)	1,741	-12%	(13,496)	(18,781)	56%
Renewal, upgrade and acquisition	2,759	795	(1,964)	-71%	24,834	15,140	(9,694)	-39%	26,650	33,112	77%
Water											
Capital grants and contributions	(74)	(30)	44	-59%	(665)	(590)	75	-11%	-	(467)	67%
Renewal, upgrade and acquisition	315	156	(159)	-50%	2,834	2,112	(722)	-25%	3,735	3,778	89%
Sewerage											
Capital grants and contributions	(210)	(15)	195	-93%	(1,890)	(183)	1,707	-90%	(3,000)	(2,520)	7%
Renewal, upgrade and acquisition	397	105	(292)	-74%	3,576	760	(2,816)	-79%	16,260	4,768	19%
Site Improvements											
Capital grants and contributions	(1,808)	(5,555)	(3,747)	207%	(16,271)	(13,727)	2,544	-16%	(21,500)	(21,695)	63%
Renewal, upgrade and acquisition	3,059	5,768	2,709	89%	27,529	28,659	1,130	4%	40,767	36,705	93%
Land Development											
Capital grants and contributions	(255)	0	255	-100%	(2,297)	(1,662)	635	-28%	(1,260)	(3,463)	54%
Renewal, upgrade and acquisition	577	255	(322)	-56%	5,192	4,792	(400)	-8%	2,300	6,922	74%

D.3: Summary capital expenditure report by project (>\$1 million)

	% Project Complete	Project Dates		WIP B/F FY 16/17	Project Costs YTD FY17/18			Project EOFY Forecast Cost*	Budget FY17/18			Project Life Costs	
		Planned Start Date*	Planned Completion Date*		Actual	Commitments	Total Project Costs		Adopted Budget	Revised Budget*	Variance	Project LTD Costs Excl Cap	Approved Project Life Budget
Major projects (>\$1m)				(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Scenic Hwy Reconstruction at Statue Bay													
1050897 (U) UEC-RC-Scenic Hwy - Statue Bay Downslope	50%	27/09/16	31/05/18	2,307	3,720	2,970	6,689	7,400	6,450	7,400	950	6,996	0
1058232 (U) UC-RC-Scenic Hwy at Statue Bay Clayt	50%	3/07/17	31/05/18	1,660	81	30	111	1,630	800	1,630	830	1,773	16,500
1103745 (N) UC-NC-Scenic Hwy - Statue Bay Upslope	50%	26/03/17	31/05/18	382	4,209	2,493	6,702	7,350	6,190	7,350	1,160	7,063	0
1108775 (U) UC-NC-Scenic Hwy-Statue Bay Construction	15%	14/03/18	30/06/18	0	50	2,445	2,495						
Subtotal of Scenic Hwy Reconstruction at Statue Bay				4,349	8,059	7,937	15,997	16,380	13,440	16,380	2,940	17,850	16,500
Panorama Drive													
1025985 (U) REC-NC-Panorama Drv-Segment 1A T-43	100%	-	22/12/17	0	7	0	7	0	0	0	0	4,037	9,690
1067045 (N) REC-NC-Panorama Drv project management T-39 T-43 T-13	100%	-	22/12/17	6,635	66	6	72	75	0	75	0	6,707	8,810
1067046 (N) REC-NC-Panorama Drv Segment 2 design T-43 T-13	100%	-	22/12/17	777	0	0	0	0	0	2,300	2,300	777	0
1067047 (N) REC-NC-Panorama Drv Segment 2 civil	99%	-	22/12/17	16,254	2,119	90	2,209	2,300	1,251	1,251	0	18,464	11,500
1067048 (U) REC-RC-Panorama Drv Segment 1B Limestone Creek Rd T-39	0%	-	2/07/18	76	1	0	1	8	220	8	(212)	77	0
Subtotal of Panorama Drive				23,743	2,194	95	2,289	2,383	1,471	3,634	2,163	30,432	30,000
Yepoon Foreshore Redevelopment													
0976018 (N) Foreshore Design & Project Management	97%	-	30/06/18	2,762	1,377	72	1,448	1,812	1,173	1,812	440	4,210	1,500
1074103 (N) Foreshore Multi-Deck Carpark and Tan	100%	-	31/07/16	615	160	0	160	161	210	161	(50)	10,871	12,000
1074104 (N) Foreshore Service Road, Paths to Wet	100%	-	15/12/17	1,779	1,395	0	1,395	1,345	1,175	1,345	170	3,174	2,000
1074105 (N) Foreshore Water Park Precinct (pool,	90%	-	30/04/18	820	17,058	2,974	20,032	19,888	17,623	19,897	2,275	20,852	13,000
1074107 (U) Foreshore Anzac Parade Shared Zone a	85%	3/07/17	30/04/18	225	2,501	1,206	3,707	4,567	3,916	4,567	651	3,932	8,250
1074108 (U) Foreshore Revetment Wall, Timber Boardwalk and Wharf	100%	-	30/11/17	42	53	0	53	53	1,713	53	(1,660)	95	4,000
1074109 (N) Foreshore Contingency and Management Reserve	100%	-	30/11/17	281	31	0	31	25	245	25	(220)	312	3,900
1074111 (U) Foreshore Road Realignment (Appleton	100%	15/05/17	15/12/17	1,738	1,893	0	1,893	1,899	1,604	1,859	194	3,623	3,000
Subtotal of Yepoon Foreshore Redevelopment				8,263	24,460	4,252	29,712	29,507	27,719	29,519	1,800	47,070	47,250
Gateway Land Development													
1051624 (N) Gateway Sig1 Land Development	95%	-	31/07/16	0	136	0	136	158	0	158	158	136	0
1063754 (N) Gateway General	80%	-	31/07/16	0	159	6	165	140	0	100	100	165	0
1067294 (N) Gateway Sig2 Land Development	95%	-	31/07/17	0	668	9	677	760	0	760	760	2,650	1,800
1067296 (N) Gateway Sig3 Land Development	0%	-		0	0	0	0	0	0	0	0	552	0
Subtotal of Gateway Land Development				0	963	15	878	1,058	0	1,018	1,018	3,503	1,800
Homemaker Centre													
1067267 (N) PED Homemaker Centre Demolition & Site Fencing	85%	-	30/03/18	0	210	31	242	300	0	300	300	442	200
1067268 (N) PED Homemaker Centre General	65%	-		0	87	3	70	100	0	100	100	88	0
1067269 (N) Homemaker Centre Land Development	50%	6/09/17	16/01/18	0	772	74	846	2,300	1,100	2,124	1,024	1,259	3,000
1108296 (N) Homemaker Centre Service Relocation	90%	6/09/17	19/01/18	0	935	74	1,009	450	0	450	450	1,009	0
1108297 (R) Homemaker Centre SPS replacement	25%	6/09/17	16/02/18	0	100	36	136	200	0	200	200	138	0
1108298 (N) Homemaker Centre Earthworks	95%	6/09/17	2/02/18	0	1,981	107	2,088	2,741	0	2,741	2,741	2,068	0
1108299 (N) Homemaker Centre SRM 300mm trunk sewer rising main	10%	6/09/17	16/02/18	0	42	8	51	50	0	50	50	51	0
Subtotal of Homemaker Centre Land Development				0	4,107	336	4,443	6,141	1,100	2,524	1,424	5,074	3,200
0971753 (R) REC-GR-Gravel Resheet Program A	75%	3/07/17	12/04/18	0	781	179	960	779	1,131	779	(352)	960	779
1105686 (U) RC-RC-Coowonga Road-25km	60%	8/11/17	28/03/18	0	406	181	587	1,409	1,500	1,400	0	587	1,500
1105687 (U) RC-RC-St Christopher Chapel Rd	5%	8/01/18	15/06/18	0	11	0	11	1,000	1,000	1,000	0	11	1,000
1100767 (N) PED-Emu Park Village & Forshore Revitalisation	13%	3/07/17	21/12/18	60	60	121	181	800	4,250	800	(3,450)	241	4,500
1100768 (N) OC-Emu Park multi-sports Complex Sig2 & 3	70%	3/07/17	27/03/18	215	3,464	806	4,270	4,926	3,870	4,476	606	4,465	4,500
1074856 (N) UC-SW-Tarangamba Rd culverts at Ross	5%	1/08/17	3/10/18	21	50	5	55	1,300	1,300	1,300	0	76	1,300
1100771 (N) UC-Misc-Various Infrastructure Agree	0%	3/07/17	26/06/18	0	0	0	0	500	1,000	1,000	0	0	1,000
0983816 (R) Fleet Renewal Program	67%	3/07/17	27/06/18	0	821	935	1,756	2,650	2,250	2,650	400	1,756	2,650
0983058 (N) Capricorn Coast Cemetery Roadworks	35%	8/05/17	6/03/18	725	225	524	749	1,850	2,500	1,835	(665)	1,475	1,835
0985173 (N) Capricorn Coast New Cemetery Internal	7%	2/03/18	21/06/18	0	59	27	82	1,000	1,500	1,000	0	82	1,000
1100027 (N) Local Disaster Coordination Centre	99%	2/01/17	31/01/16	451	5,742	14	5,756	5,774	5,015	5,774	760	6,207	6,220
1070087 (R) WC-W-Main Replacement Reticulation	50%	9/01/18	20/06/18	0	2	0	2	860	1,000	860	0	2	860
0959072 (N) SN STP YPN Augmentation SEW-33	7%	4/12/16	21/12/18	254	302	35	336	3,500	15,000	3,500	(11,500)	501	15,000

*19Q2 estimates

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

	Water				Sewer				Waste				Council				Consolidated				YTD
	Revised Q2 Budget	YTD Actual	Variance	Variance %	Revised Q2 Budget	YTD Actual	Variance	Variance %	Revised Q2 Budget	YTD Actual	Variance	Variance %	Revised Q2 Budget	YTD Actual	Variance	Variance %	Revised Q2 Budget	Actual	Variance	Variance %	75%
Rates & Utility Charges	15,102	14,533	(570)	-4%	9,008	9,294	286	3%	5,841	5,748	(105)	-2%	38,979	38,126	(748)	-2%	68,825	67,696	(1,227)	-1%	
User fees & charges	340	277	(83)	-24%	118	132	14	12%	1,019	764	(255)	-25%	2,738	2,363	(375)	-14%	4,216	3,535	(681)	-16%	
Operating grants	0	0	0	0%	0	0	0	0%	0	0	0	0%	6,280	3,409	(2,871)	-46%	6,280	3,409	(2,871)	-46%	
Interest	0	0	0	0%	0	0	0	0%	0	0	0	0%	1,120	677	(443)	-40%	1,120	677	(443)	-40%	
Sales revenue	0	0	0	0%	0	0	0	0%	0	0	0	0%	819	0	(819)	-100%	819	0	(819)	-100%	
Other	214	54	(160)	-75%	326	47	(279)	-86%	46	24	(22)	-48%	4,394	2,951	(2,333)	-53%	4,394	2,187	(2,794)	-63%	
Total operating revenues	15,657	14,864	(793)	-5%	9,452	9,472	20	0%	6,707	6,534	(173)	-3%	54,224	46,635	(7,589)	-14%	68,940	77,505	(8,539)	-10%	
Expenses																					
Employee benefits	(2,072)	(1,394)	678	-33%	(1,776)	(1,097)	679	-38%	(405)	(289)	116	-28%	(28,442)	(20,240)	8,202	-29%	(32,695)	(23,021)	9,674	-30%	
Materials & Services	(4,638)	(3,309)	1,329	-29%	(3,572)	(2,278)	1,294	-36%	(4,391)	(2,329)	2,062	-47%	(21,542)	(13,138)	8,403	-36%	(34,143)	(21,054)	13,089	-38%	
Depreciation	(3,243)	(2,433)	811	-25%	(4,551)	(3,413)	1,138	-25%	(780)	(585)	195	-25%	(14,994)	(11,247)	3,747	-25%	(23,568)	(17,677)	5,891	-25%	
Interest	(661)	(314)	367	-54%	(343)	(460)	(117)	-34%	(661)	(500)	161	-24%	(2,443)	(1,654)	789	-24%	(4,127)	(3,128)	999	-24%	
Other	(2,307)	(1,630)	678	-29%	(1,301)	(940)	361	-28%	(238)	(156)	(83)	-35%	8,202	5,470	(2,732)	-33%	4,832	3,059	(1,775)	-37%	
Less: Total operating expenses	(12,942)	(9,080)	3,863	-30%	(11,643)	(8,166)	3,355	-29%	(5,997)	(3,647)	2,450	-41%	(59,219)	(41,010)	18,209	-31%	(89,702)	(61,825)	27,877	-31%	
Net operating result	2,715	5,784	3,069	113%	(2,091)	1,284	3,375	-161%	710	2,883	2,273	321%	(4,995)	5,625	10,620	-213%	(3,661)	15,680	19,342	-528%	

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

	Water	Sewerage	Waste	Council	Year-to-date				Full year		
					Budget	Actual	Variance	Variance	Adopted Budget	Revised Q2 Budget	YTD (incl. Commitments) of Adopted Budget
	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	%
Assets											
Cash and cash equivalents	12,475	5,368	9,687	17,455	13,741	44,986	31,245	227%	15,337	34,330	183%
Inventory	0	0	0	415	1,255	415	(840)	-67%	7,405	1,255	6%
Receivables:	0	0	0	0	0	0	0	0%	0	0	0%
Rates	3,149	734	490	3,532	7,503	7,904	401	5%	1,350	7,503	2515%
Land - for resale	0	0	0	9,580	6,495	9,580	3,085	47%	6,495	14,473	147%
Infrastructure:	0	0	0	0	0	0	0	0%	0	0	-
PPE	192,199	119,323	9,788	515,839	984,123	836,542	(147,581)	-15%	982,547	984,123	85%
Capital WIP	2,833	1,298	127	94,803	0	99,161	99,161	0%	0	0	0%
Other assets	56	4	176	3,069	1,374	3,707	2,333	170%	2,281	1,374	60%
Total Assets	210,812	126,727	20,268	644,467	1,014,491	1,002,275	12,216	-1%	1,025,415	1,043,058	90%
Liabilities											
Employee benefits	853	653	55	8,330	5,004	9,488	4,484	90%	5,025	5,004	167%
Trade creditors and accruals	22	26	0	599	8,522	647	(7,875)	-92%	8,521	8,522	11%
Borrowings:	0	0	0	0	0	0	0	0%	-	-	0%
Short-term	168	107	178	781	5,117	1,234	(3,883)	-76%	5,026	5,117	52%
Long-term	10,840	6,931	11,241	48,110	72,035	75,122	3,087	4%	90,418	90,151	83%
Other liabilities	0	0	9,742	527	10,978	10,473	(505)	-5%	10,199	10,978	103%
Total Liabilities	11,683	7,717	21,217	54,347	107,666	96,965	(4,691)	-5%	116,589	119,772	82%
Current assets	16,691	6,108	10,353	34,025	48,369	58,873	11,504	24%	29,254	52,237	238%
Current liabilities	804	748	233	9,710	18,843	10,495	(8,348)	-44%	17,059	17,611	65%
Non-current assets	193,121	120,621	9,915	610,443	966,123	942,401	(46,720)	-5%	996,161	990,821	94%
Non-current liabilities	10,879	6,969	20,984	45,637	83,013	86,469	3,456	4%	102,529	102,161	84%
Net community assets	199,129	119,010	-	949	935,844	905,310	-30,534	-3%	905,826	923,286	100%

12.8 DECISION ASSESSMENT REPORT FOR DEVELOPMENT APPLICATION D-17-2017 FOR A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (TWO LOTS INTO FOUR LOTS)

File No: D-17-2017

Attachments:

1. Bungundarra Locality Map [↓](#)
2. Aerial map of subject site (2014 image) [↓](#)
3. Original Proposal Plan [↓](#)
4. Amended Proposal Plan (reduction to four lots) [↓](#)
5. Final Proposal Plan (with boundary realignment) [↓](#)
6. Related application approved plan (D-219-2017) [↓](#)
7. Matters of Local Environmental Significance Mapping [↓](#)
8. Amended Bushfire Assessment [↓](#)
9. Agriculture Options Report [↓](#)
10. DAFF third party advice - Rural Fragmentation [↓](#)
11. DSDIP third party advice - Vegetation Clearing [↓](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment

Author: Madelaine Ward - Senior Planning Officer

SUMMARY

Applicant:	Mr Colin Roebuck
Planning consultant:	Scot Stewart
Surveyor:	Capricorn Survey Group (CQ) Pty Ltd
Real Property Address:	Lot 1 on SP289213 and Lot 100 on SP280815
Common Property Address:	535 Bungundarra Road and Lot 100 Bungundarra Road, Bungundarra
Area of Site:	359 hectares (approximately)
Planning Scheme:	<i>Livingstone Shire Planning Scheme 2005</i>
Planning Scheme Zoning:	Rural Zone
Planning Scheme mapping:	Locally significant vegetation (PSM 10)
Planning Scheme Overlays:	Steep land (OM 2B) Wetlands (OM 3A) Waterway (OM 3B) Bushfire Hazard (OM 5B) Capricorn Coast Landscape Special Management Area – Precinct B and Green breaks (OM 9)
Existing Development:	Vacant land, densely vegetated hillslopes with some cattle grazing at lower topographies
Level of Assessment:	Code assessable

Referral agencies: Nil

Third party advice: Department of Infrastructure, Local government and Planning for vegetation clearing
Department of Agriculture and Fisheries for agriculture and rural lands

Adopted Infrastructure Charges Area: Outside the Priority Infrastructure Area\

Application progress:

Application Lodged:	27 January 2017
Acknowledgement notice issued:	9 February 2017
Notice of a minor change received:	14 February 2017
Confirmation of minor change and withdrawal of acknowledgement notice sent:	15 February 2017
Third party advice from Department of Agriculture and Fisheries regarding fragmentation of rural land received:	20 February 2017
Request for Further Information sent:	23 February 2017
Third party advice from Department of Infrastructure, Local Government and Planning regarding vegetation clearing received:	24 March 2017
Applicant requests extension to the information request response period until 8 September 2017	22 August 2017
Request for Further Information responded to:	8 September 2017
Council request for additional twenty (20) business to decision period days until 6 November 2017 without agreement:	25 September 2017
Council request for additional twenty (20) business days to decision period until 23 November 2017:	23 October 2017
Applicant agreement received:	24 October 2017
Council workshop meeting	23 October 2017
Council request for additional forty (40) business days to decision period until 11 January 2018:	14 November 2017
Applicant agreement received:	20 November 2017
Council request for additional thirty (30) business days to decision period until 22 February 2018:	2 January 2018
Applicant agreement received:	9 January 2018
Amended proposal plan provided (minor change)	29 January 2018
Council workshop meeting (held over from 5 March) – Officers report	19 March 2018
Council request for an additional twenty (20) business days to decision period until 20 April 2018	21 March 2018
Applicant agreement received:	22 March 2018
Amended Bushfire hazard response received:	3 April 2018
Council workshop – Applicant deputation	4 April 2018
Council meeting date:	17 April 2018

Statutory determination date:	20 April 2018

OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for Reconfiguring a Lot (two lots into four lots), made by Mr Colin Roebuck, on Lot 1 on SP289213 and Lot 100 on SP280815 and located at 535 Bungundarra Road and Lot 100 on Bungundarra Road, Council resolves to Refuse the application based on the following grounds;

- 1.0 The proposal compromises the achievement of Shire Wide Outcomes (a) and (j) of the *Livingstone Shire Planning Scheme 2005*, specifically the proposal will result in;
 - (i) Fragmentation of rural land as a result of exempt clearing (under the *Vegetation Management Act 1997*) of large tracts of bushland (approximately ten (10) hectares in total) through the creation of additional allotments and requisite bushfire breaks for access, building location envelopes and property boundaries identified as having significant local environmental and scenic value and further identified as forming an important biodiversity corridor under the draft planning scheme; and
 - (ii) Inconsistent lot sizes and land use patterns (being small rural holdings with one hectare building location envelopes) from that which is intended for zoned land (being Agriculture) and in which the necessary water and access infrastructure is not existing and will not be provided for by the developer, but the future landowner. Therefore, the development cannot be considered an efficient and logical extension of development within the locality.
- 2.0 The proposal fails to satisfy the purpose of the Rural Zone Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in;
 - (i) Potential for land use conflicts with nearby productive agricultural uses, resulting from the location of non-rural activities on rural land through the provision of a Dwelling house on each lot (indicated by the Building Location Envelope). This can only be mitigated through the provision of rural activities on the allotment, which is not proposed at this time however may be achievable, subject to the desire of the future landowner; adequate planning grounds or evidence has not been provided to support an overwhelming demand for further large rural residential allotments to be provided at this location and sufficient grounds have not been provided to deviate from the applicable relevant instruments and cannot be regarded as being in the public interest.
 - (ii) The creation of lots less than sixty (60) hectares conflicts with the draft Livingstone Planning Scheme to commence May 2018. In addition, the proximity of Rural Residential zoned land indicates that any future need for 'lifestyle allotments' can be adequately catered for within appropriately zoned land.
- 3.0 The proposal fails to satisfy the purpose of the Clearing Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in:
 - (i) Clearing of large portions of locally significant vegetation which will significantly and irreversibly impact the visual integrity and ecological features and processes that underpin the biodiversity of the locality, specifically of a site which is identified as forming part of an identified biodiversity corridor under the draft planning scheme.
- 4.0 The proposal fails to satisfy the purpose of the Capricorn Coast Landscape Special Management Area Code under the *Livingstone Shire Planning Scheme 2005* as the proposal will result in:
 - (i) Diminished landscape values in terms of physical changes to the natural environment and significant visual detracting as a result of the necessary clearing for bushfire mitigation. In addition, the proposal does not provide for

the protection of vegetation located outside the building location envelopes.

BACKGROUND

Bungundarra Road forms the boundary for the Capricorn Coast Agricultural Area to north, whereby allotments which do not contain Class C3 land may be subdivided to a minimum of ten (10) hectares. The minimum lot size for the south-western side of Bungundarra Road is 150 hectares where containing Class C1, C2, or C3, sixty (60) hectares for Class A1 and thirty (30) hectares for Class A2. Historically, there have been several approvals given under different planning controls for subdivision resulting in the creation of additional lots, of various sizes, in the locality of Bungundarra. This has resulted in a significantly different land use pattern than what was envisaged for the area. The location and reasons surrounding previous approvals is detailed later in this report. Much of which was based upon existing vegetation, topography and vegetation constraints and accessibility in terms of potential bushfire risk being able to be appropriately mitigated through the imposition of reasonable and relevant conditions.

Council had previously received a development application over this land (Council reference D-168-2016) for one lot into two lots. This application was withdrawn on 23 January 2017 on the advice of officers that the proposal could not be supported. Council received the current application for two lots into five (now four) lots on 27 January 2017.

Council, at its workshop meeting of 23 October 2017 gave direction to officers to advise the applicant to make a change to the development application by way of;

- a reduction in the lot yield, being a reduction of lots from five down to three, with the amalgamation of proposed lots two, three, four and five resulting in one additional allotment accessible from Bungundarra Road and one additional allotment accessible from Madges Road; and
- a Building Location Envelope will be required for proposed lot 3, from Madges Road and should be sited no more than 100 metres from the road reserve.

The applicant provided an amended proposal plan on 29 January 2018 which reduces the yield by one lot, to create four allotments with two accessible from Madges Road and two accessible from Bungundarra Road.

Related application D-219-2017 for a boundary realignment was recently approved under delegation over Lot 100, and 9 Paddys Swamp Road, being a lot adjoining the subject premises and owned by S and I Groves and effects the lot sizes of this application as detailed in the below proposal table.

COMMENTARY

PROPOSAL

The proposal originally sought the creation of five lots. Through the application assessment, the proposal has been amended is now for the reconfiguration of two lots to create four lots with the following site areas:

Proposed Lot(s)	Original Site Area (hectares)	Amended Site Area (hectares)	Final Site Area (hectares)
One (1)	211.3	210.7	210.7
Two (2)	25.1	31.01	30
Three (3)	25.1	25.65	25.1
Four (4)	25.1	25.99	25.8

Five (5)	25.1	N/A	N/A
Lot 21 (Groves)	N/A	N/A	45.8

Building Location Envelopes on lot three (3) and four (4) are proposed to be one (1) hectare in area with the Building Location Envelopes on lot two (2) proposed to be 4,084 square metres in area. The proposal will result in a total additional property boundary length of approximately 2,800 square metres which may be cleared for ten (10) metres either side, resulting in 5.6 hectares in clearing. The required thirty-three (33) metre fire break outside the BLE's will result in a further 3.3 hectares being cleared. Vehicular access to proposed lot 1 and 2 will be from Bungundarra Road whilst access to lots 3 and 4 will be from the end of Madges Road. The extent of clearing necessary for vehicular access will result in approximately 1.6 hectares of necessary clearing of 10 metres in width. This results in a cumulative area of approximately ten (10) hectares being cleared as a direct result of the proposal.

The proposal does not include any additional provisions for covenants however it is noted that 535 Bungundarra Road (incorporating proposed lot 1) contains a large covenant for the purpose of protecting vegetation.

SITE AND LOCALITY

The subject site is over two allotments and is currently not improved with any structures but is characterised as vegetated rural land. The site is constrained by a number of environmental features including local and state significant vegetation. A 41.64-hectare portion of 535 Bungundarra Road (Lot 100 on SP280815) is contained within a vegetation protection covenant, registered on the title as well as a portion on SP280812 of 11 hectares. Part of the subject site is mapped as containing Locally Significant Vegetation under the current Planning Scheme, while the entire site is mapped as containing Matters of Locally Environmental Significance under the new Planning Scheme. Specifically, the local environmental values on the site are:

- part of a regional biodiversity corridor, old growth forest and woodland; and
- potential habitat and buffer areas for *Cycas ophiolitica*, potential koala habitat, glider habitat and climate change refugia.

The regional biodiversity corridor, a significant environmental feature over the site, provides an ecological function by connectivity for fauna, running from the south east to the north west through the subject site and linking other significant vegetation communities over a large tract of land. The biodiversity corridor was initially identified in the Natural Environment study by RPS (2010).

The topography of the site is characterised by several hills and gullies and is traversed by a waterway which aligns to the current shared property boundary and is located at approximately twenty-five (25) metres Australian Height Datum. The highest point on the land is located within proposed lot 2 at approximately 145 metres Australian Height Datum. The site exhibits topography in excess of fifteen per cent in terms of landslide hazards however areas identified as being within a Building Location Envelope do not exceed slope of 20 degrees (36.4 per cent), for the purpose of Bushfire Mitigation.

The locality is characterised by a range of rural allotment sizes with a mix of agricultural uses including a number of large pineapple plantations approximately three (3) kilometres to the west. Lot sizes vary greatly within the locality as Bungundarra Road forms the boundary between the Capricorn Coast Agricultural Area and the balance of the Shire.

Related permits (approvals or refusals) and approvals on adjoining properties

Lot number	Development	Lawful use

	approval no.	
Lot 1 on SP289213 535 Bungundarra Road (subject site)	D-44-2010	Reconfiguring a Lot (one lot into three lots)
	D-52-2015	Reconfiguring a Lot (one lot into three lots)
Lot 100 on SP280815 Lot 100 Bungundarra Road, Bungundarra (subject site)	D-396-2011	This lot was created as a balance lot by way of the Reconfiguring a Lot (Two lots into seven lots) approved 1 May 2012
	D-219-2017	Boundary Realignment (two lots into two lots) approved 29 March 2018
Lot 2 on SP280812 775 Bungundarra Road, Bungundarra (to the north)	D-Y/2007-519	Reconfiguring a Lot (one lot into six lots) approved 16 December 2008
	D-156-2011	Reconfiguring a Lot (three lots into four lots) approved 30 June 2011
	D-107-2015	Boundary Realignment (Two lots into two lots) approved 30 June 2015
Lot 7 on SP256817 Lot 7 Bungundarra Road Lot 8 on SP256817 709 Bungundarra Road (to the north) Lot 9 on SP256817 Lot 9 Bungundarra Road (to the north) Lot 10 on SP280815 665 Bungundarra Road (to the north)	D-396-2011	Reconfiguring a Lot (Two lots into seven lots) approved 1 May 2012 creating the allotment
	D-302-2012	Operational works for Access works
Lot 1 on LIV40730 (to the north east)	No records	
Lot 1 on SP289213 535 Bungundarra Road (to the east)	D-52-2015	Reconfiguring a Lot (One lot into three lots)
Lot 2028 on LIV40730 249 Madges Road, Bungundarra (to the south)	No records	

ASSESSMENT DETAILS

The application has been considered by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in

accordance with the requirements of the *Sustainable Planning Act 2009*, based on consideration of the relevant State planning instruments, the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other matters as considered relevant.

Internal Referrals

Natural Resource Management's Comments – 5 October 2017

Vegetation

*The proposed lots are in a significant area which provides high biodiversity values, habitat/wildlife corridors including a regional corridor running north-west – south east, and wide ranging topography. The site contains significant local value, containing old growth forest and woodland, potential habitat and buffer areas for *Cycas ophiolitica*, potential koala habitat and climate change refuge. The value of the site at a local level is enhanced because of the broadscale clearing which has taken place in the surrounding landscape. While the environment on the subject site itself has been disturbed over recent years, there is a growing need to protect the local environmental value still on the site which is under threat from further development as well as facilitate the regeneration and enhancement of previous local environmental value over the site. While this site is zoned as Rural under the Livingstone Planning Scheme, which allows for a number of rural activities to take place on properties, proper consideration needs to be also given to affording adequate protection of the environment of the Livingstone shire.*

The proposal and supporting documentation fails to justify the proposed allotment layout based on the following grounds:

Loss of biodiversity:

- The lot layout is not conducive to the protection and maintenance of the environmental values and will result in fragmentation of vegetation.*
- Extensive areas will need to be cleared to cater for the development, including firebreaks and fence-lines, building envelopes and potentially for agricultural uses. Lot boundaries are inside waterways/riparian vegetation and steep slopes with minimal protection of the environmental values through appropriate boundary placement.*
- The methodology used in the report lacks survey and assessment of higher value areas, often inaccessible, that the development will have potential impact upon through provision of fence lines, access tracks and firebreaks.*
- The ecological report submitted focusses on state-wide values and dismisses local values which are not the same, in particularly habitat values. The local environmental values on the site are centred around endemic habitat (gliders, koalas and Cycads), a regional biodiversity corridor, at risk vegetation communities in the shire such as lemon-scented gum communities and climate change refugia. The state focus is on a number of vegetation communities eg. Narrow Leaf Ironbark, Poplar Gum from a statewide perspective.*
- The report regularly makes reference to the Vegetation Management Act's ability to provide protection to the environmental values however, there are many exemptions under the legislation.*
- The report focusses on a small total area of locally significant vegetation which will be cleared (less than 2% of the entire site) rather than what the actual value is of the locally significant vegetation which will be lost through the development.*

Protection of networks of habitat:

- The ecological report does not appropriately acknowledge the regional corridor which runs through the proposed development from a north-west to south-east aspect and is mapped in the new Planning Scheme. This is a major environmental feature over the site, with the extent of it covering most of the subject site and the proposal provides minimal potential mitigation options.*
- Insufficient justification has been provided to demonstrate that the development ensures the biodiversity corridors have sufficient width to protect habitat, minimise impacts from*

adjoining land use and enhance connectivity in accordance with a regional corridor of at least 500 metres wide (as per the Draft Livingstone Planning Scheme). The response to the Clearing Code in the report has indicated that 200m width corridors will be retained which is generally not wide enough for a regional type of corridor.

Land degradation

- *Clearing of vegetation particularly along property boundaries has the potential to exacerbate erosion, soil structure and stormwater runoff and affect significant adjacent watercourses such as Daly Creek which feeds extensive wetlands further downstream. The presence of potential future access tracks to each proposed lot has not been identified and therefore cannot be addressed appropriately by officer's assessment however the risk is noted and may prove costly to future landowners to demonstrate compliance with access widths and geometry necessary for fire-fighting purposes.*

Bushfire

The site is located in an area of bushfire risk containing hazardous vegetation, steep slopes and has an aspect from the potentially dangerous north-west/west/south west. The applicant has provided A Bushfire Attack Level Assessment and Bushfire Management Plan in accordance with method 1 under the Australian Standard AS3959. The report indicates;

- *Sufficient water supply for firefighting – the Bushfire Management Plan has suggested that reticulated water supply and on-site storage of not less than 10,000 litres however it has not been demonstrated that this is achievable.*
- *No alternative access has been provided to lots if nominated primary accesses are blocked. This would be critical to lot 2 and a lesser extent lots 3-4. In this regard the major concerns are length of access tracks, gradients, cross fall, drainage and erosion. In order to mitigate this risk BLE's should be located no more than 100 metres from the primary road frontage and include a second route with clearance and width suitable for an emergency response vehicle, resulting in further clearing.*
- *While clearing within the proposed lots may mitigate immediate local risks there has been minimal regard given to the overall fire regime in this area, which is highly susceptible to bushfire.*

Growth Management Comments – 3 October 2017

The proposed development does not align with either the current or draft new Livingstone Planning Schemes as far as minimum lot size. The subject land has been subject to previous fragmentation and this application is a further extension of those previous applications and approvals.

The strategic position is that the proposal is not supported in its current form. There may be a lesser yield which is able to address the matters of: appropriate access, fire hazards and BAL for the identified building envelopes, fire breaks along fence lines, proximity to the priority area for pineapple growing.

Third party advice

The development application was referred to the Department of Infrastructure, Local government and Planning on 23 March 2017 for third party advice regarding vegetation clearing. The Department provided advice on 24 March 2017 which included vegetation management reports for the subject site and confirmed the following additional exempt operational work for clearing could be carried out on the property, should the proposal be supported;

- *the distance of one and a half times the height of the tallest tree or thirty (30) metres (whichever is greater) around any residential dwellings and/or associated structures.*
- *firebreaks of up to ten (10) metres along any of the site boundaries.*

- *Access tracks of up to ten (10) metres in width from the property access point to any residential dwellings and/or associated structures.*

In addition, Council sought third party advice from the Department of Agriculture and Fisheries in relation to the fragmentation of rural land on 9 February 2017. The Department provided advice on 23 February 2017 and again on 26 September 2017 following the information request response including;

- *The State Planning Policy is clear that Agricultural Land Classification (ACL) Class A and B land should be protected by avoiding fragmentation into lot sizes inconsistent with the **current or potential use** of the land for agriculture.*
- *The existing lots have a combination of soil types classed as B, C1 and C2 class agricultural land as well as areas of D class non-agricultural land, due to habitat and other limitations.*
- *Vegetation management is a crucial issue which limits the development potential for any horticulture activity on Lot 2.*
- *Potential for complaints from neighbours, for example, odour complaints if protected cropping systems or small scale intensive animal production occurs close to a common boundary and what about the building of greenhouses and sheds to support intensive horticulture.*

State Planning Policy – July 2014

Part E of the State Planning Policy provides for interim development assessment provisions for local government until such time as the State Planning Policy is reflected within the planning scheme. The state interests identified are listed below.

Liveable communities: Not applicable as the proposal does not involve any common private title or fire hydrant requirements at this preliminary stage.

Mining and extractive resources: Not applicable as the site is not identified as containing any known resources.

Biodiversity: The subject site is identified as containing Regulated Vegetation which intersects a watercourse and Regulated vegetation (wetland). As such an assessment against the following interim code is necessary.

Development:	
(1) enhances matters of state environmental significance where possible, and	Does not comply The proposal identifies that the subdivision may result in a maximum of ten (10) hectares be cleared as exempt under the <i>Vegetation Management Act 1997</i> through the provision of cleared Building Location Envelopes, and clearing for ten (10) metres either side of a property boundary for Bushfire Mitigation. This figure does not include the exempt clearing allowable for vehicular access. Given the extent of vegetation identified on the site, further information was requested to justify the development. The applicant provided information on 11 September 2017 which included a locally significant vegetation report and a response to third party advice received from the Department of Local Government, Planning and
(2) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and	
(3) manages the significant adverse environmental impacts on matters of state environmental significance by protecting the matters from, or otherwise mitigating, those impacts.	

	Infrastructure regarding clearing vegetation. This advice included a flora survey and mitigation measures for wildlife protection in the instance where vegetation clearing is taking place. The findings of this report rely heavily upon other legislative mechanisms to ensure the protection of the biodiversity values of the site. The de-regulation of vegetation clearing at the State level no longer adequately ensures that vegetation which is identified as being significant, is protected. In addition, the proposal fails to provide any additional vegetation management mechanisms to be employed such as vegetation covenants, to ensure areas of highest biodiversity value areas can be protected. In this instance, the proposal fails to satisfy the state interest, despite identifying the potential significant adverse impacts of the development in terms of exempt vegetation clearing, the proposal does not adequately mitigate these impacts through the provision of an allotment layout which minimises overall fence areas and includes provision for covenants in areas of high value, as identified by the flora studies undertaken on-site. It should be stated that the local value is considered higher than the state value for this particular vegetation community, specifically, the least concern remnant vegetation (Narrow leaf Ironbark woodland) which is found quite widely throughout Queensland.

Coastal environment: Not applicable as the subject site is not located near the coastline.

Water quality: Not applicable as although Livingstone Shire Council is identified as a climatic region and the proposal involves a land area greater than 2500 square metres, it will not result in six or more dwellings.

Emissions and hazardous activities: Not applicable as the proposal does not involve emissions and/or hazardous activities.

Natural hazards: The majority of the site is identified as being within the level 1 flood hazard area as well as containing a medium-high potential for bushfire intensity, specifically in relation to the proposal located of BLE's on proposed Lot 1 and 2. Accordingly, an assessment against the following interim code provisions is necessary:

<u>For all natural hazards:</u>	
Development:	
(1) Avoids natural hazard areas or mitigates the risks of the natural hazard to an acceptable or tolerable level, and	Can be conditioned to comply In relation to flood hazard, there are no Building Location Envelopes proposed within

(2) Supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and	the flood area. In this regard, the risk of localised creek flooding to property is considered tolerable, given the Rural Zone.
(3) 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, and	In relation to Bushfire hazard, the applicant was requested to provide a bushfire attack level assessment and management plan in accordance with the <i>Australian Standard AS3959-2009</i> . This assessment was a desktop assessment to be utilised for the basis of siting a future dwelling house. The original report found the fire danger index to be forty (40) for proposed Lot 2 and around twenty (20) for the remaining allotments. The vegetation classification for proposed lots 2-4 was Woodland with Lot 1 being found to contain Grassland, Open Forest and Woodland. Given the size of the BLE, the distance from vegetation was originally assumed to be twenty-five (25) metres. Slope was found to be between 10 and 20 degrees. In order to appropriately mitigate the risk to properly, significant vegetation clearing (a distance of thirty-three metres from the outer extent of the BLE resulting in a total land area of three hectares for each allotment) is recommended in addition to building standards to be in accordance with the Australian Standard, at the cost of the future land owner. As such, the proposal fails to mitigate risk of the natural hazard whilst maintaining natural processes and protective functions of the site. The necessary clearing for bushfire mitigation will significantly diminish the biodiversity values of the site.
(4) Avoids 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, and	
(5) Maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard	

State transport infrastructure: Not applicable as the site is not located within 400 metres of a public passenger transport facility or a future public passenger transport facility,

Strategic airports and aviation facilities: Not applicable as the subject site is not in proximity to any identified aviation facilities.

Central Queensland Regional Plan

The Central Queensland Regional Plan commenced in October 2013 and is not appropriately reflected within the *Livingstone Shire Planning Scheme 2005*. The regional plan aims to provide policy direction for decision making for the co-existence of extractive/mining industry, agriculture and priority living areas. In this regard, the four regional policies are not applicable to this application as it is not for an extractive/mining or agricultural land use and is not within proximity to an identified Priority Living Area (the closest being the locality of Yeppoon and surrounds). The regional plan does not provide any assessment benchmarks for reconfiguring a lot.

Related and relevant state legislation

Vegetation Management Act 1997

The site is identified as containing Category B vegetation (least concern) which is considered regulated vegetation under the *Vegetation Management Act 1997*. This legislation aims to protect the vegetation communities and wildlife habitat identified and contains provisions for enforcement proceedings if breaches are identified. This legislation

provides for the clearing of up to ten (10) hectares of vegetation on the site as exempt clearing for the purposes of bushfire management/mitigation involving the clearing of Building Location Envelopes and ten (10) metres either side property boundaries as well as all access tracks. Other vegetation may be carried out, in accordance with the state codes for purposes such as bushfire management and weed control. Additional clearing may be subject to an application for certain purposes such as Agriculture.

While the site is mapped by the State government as containing least concern remnant vegetation (the lowest level of protection) which is subject to the requirements of the *Vegetation Management Act*, there are several exempt and self-assessable solutions allowed including for: fire breaks and other management activities, clearing for pest management, clearing for essential infrastructure such as for fences, access tracks and clearing for a dwelling house (less than 2 hectares). Essentially the *Vegetation Management Act*, apart from regulating clearing for some agricultural uses, only affords moderate protection to the vegetation.

Nature Conservation (Wildlife Management) Regulation 2006

This legislation aims to protect animal breeding places and protected plants. The flora survey provided by the applicant found no endangered, vulnerable or near threatened plants under the Act. In addition, this report found no threatened species listed under the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC)*. The flora survey provided recommends a fauna spotter catcher be on site during any clearing of trees that are greater than thirty (30) centimetres in diameter at breast height. Council's Natural Resource Management team have advised that as being part of the Biodiversity Corridor, the land has old growth forest and woodland communities' which are potential habitat for *opiolitica*, potential koala habitat, glider habitat and climate change refugia, from a strategic perspective, regardless of the findings of the flora survey.

Livingstone Shire Planning Scheme 2005

Planning Scheme Shire Wide Outcomes The Shire Wide Desired Environmental Outcomes, as identified by section 2.2 of the *Livingstone Planning Scheme 2005* are as follows:

- (a) *Development does not adversely affect the values of the Shire's natural environment including coastal areas, wetlands, beaches, headlands, waterways, protected areas, undeveloped hillslopes, and areas of significant native vegetation, from any adverse effects accruing from clearing, soil degradation and pollution, due to erosion and contamination, acidification, salinity, waste disposal and any modifications to natural processes.*

Does not comply: As previously detailed, the proposed subdivision will result in a maximum of ten (10) hectares of exempt clearing to take place by way of clearing for access tracks, building location envelopes, fire management and fence lines, it is considered to adversely impact upon the biodiversity values of the site as well as its amenity. The site is identified as containing tracts of locally significant vegetation which is further classified as regulated vegetation (Category B). Proposed building location envelopes are located on currently undeveloped hillslopes to maximise vistas but given the topography will be largely visible from surrounding areas, diminishing the natural rural setting.

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

Complies: The subject site is not connected to Council's reticulated water network and accordingly the proposal will not affect water availability throughout the Shire. Provision for on-site water resources would be necessary through tanks and bores.

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

Can be conditioned to comply: The subject site is identified as being bushfire prone and furthermore the risk of such is unavoidable in this area and appropriate mitigation measures are necessary. The applicant provided a Bushfire Hazard Assessment and Management Plan as part of the information request response. With BAL levels found to range from 20 to 40, the report recommended a Building Location Envelope of 1 hectare for each allotment and maximum clearing (being ten metres) for all property boundaries and access. In addition, the building location envelope must maintain a firebreak of thirty-three (33) metres from the outer extent of the BLE to reduce the BAL to a tolerable level. The creation of additional allotments increases the number of properties and persons at risk of this hazard, despite the recommended mitigation measurements, the proposal cannot be considered to be consistent with this policy intent and is further explored in the Special Management Area Code response.

Compliance with this outcome is only achievable through widespread vegetation clearing which cannot be considered consistent with shire wide outcome (a).

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

Complies in part: The subject site is identified as containing Good Quality Agricultural Land (Class C2) and is currently approximately 359 hectares in area. Given the significant site constraints in terms of slope, vegetation, drainage features and a waterway, the site has a diminished capacity for large scale agricultural activities through mainstream practices. The applicant provided an Agricultural options report which suggests the land may be utilised for small primary production such as custard apples. Given the surrounding agricultural uses, Council officers requested third party advice from the Department of Agriculture and Fisheries regarding this matter which suggests a preference that proposed Lots 3 and 4 are only used for 'sustainable agricultural uses' such as horticulture and tree crops. The implications of rural fragmentation upon these values and potential for adverse amenity impacts is explored further in the referrals section of this report below.

Concerns also arise with the potential for additional residential dwellings in proximity to nearby agricultural production land, such as the pineapple growing area on Ingrey Road in terms of the ability of the existing operations to appropriately manage production with spraying, vehicle movements and expansion.

Compliance with this outcome is only achievable through widespread vegetation clearing which cannot be considered consistent with shire wide outcome (a).

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

Not applicable: The proposal is not of the scale of development which is subject to an economic demand analysis.

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

Not applicable: The proposal is for freehold subdivision and will not impact upon emerging business and industry trends.

- (g) *The Shire's tourism industry is strengthened and expanded based on the sustainable use of natural, cultural, and man-made assets, and the orderly provision of services and facilities.*

Not applicable: The proposal is for freehold subdivision and will not impact upon the Shire's tourism industry.

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

Complies: The proposal is for the subdivision of rural land and will not impact upon the main business centre function of Yeppoon.

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

Not applicable: The proposal relies on vehicular access from Bungundarra Road for proposed lot 1 and 2 whilst lot 3 and 4 are proposed to gain access from Madges Road, which is currently unconstructed to the property boundary.

- (j) *Development occurs in an area:*

- (i) *which is intended for the development as identified by the outcomes for zoned land; and*
- (ii) *in which services and facilities required in respect of the development are existing, planned or provided by the development.*

Complies in part; able to be conditioned in part: The proposal is located within the Rural Zone and is identified as land preferred to contain large rural holdings. The proposed subdivision is not considered to be intended for the zone and will result in fragmentation, impacting on the environmental and amenity values of the site. The development would be required to provide all on-site services necessary given the rural location. Of greatest importance is access and water provision, given the constraints of the land and bushfire risk. In this regard, each allotment must provide on-site water supply for domestic and firefighting purposes and may include the provision of a bore, dams, water storage tanks or a combination of each. Onsite water storage of not less than 10,000L is recommended for firefighting purposes.

- (k) *Development does not adversely affect:*

- (i) *the community's health and safety; or*
- (ii) *the amenity enjoyed by people in different areas of the Shire.*

Complies in part: The proposal is not considered to adversely impact upon the communities' health and safety, however increased bushfire risk is likely given the opportunity for additional persons residing on the created allotments. The amenity of those in the area is considered to be affected by the development given the clearing associated with bushfire management along access tracks, building location envelopes and property boundaries. This will result in significant 'scarring' of the natural landscape and will be visible to surrounding residents given the aspect and topography of the site.

- (l) *Development reflects the community's reasonable expectations and harmonises with the natural environment and does not prejudice the Shire's existing scenic amenity, particularly along the Capricorn Coast.*

Complies in part: The proposal is for the creation of four rural allotments with building location envelopes of one hectare proposed on hillslopes. Although a Dwelling house on a rural allotment is consistent with the communities' expectations for rural land, the lot size preferred for this area is not being created by the development and therefore can be considered inconsistent with the communities' expectations. It is not considered that the immediate community would expect the hillslopes to be cleared and developed for dwelling houses with some small scale horticulture and/or cropping and would expect vegetation to be retained, given the large tract of bushland and presence of a biodiversity corridor. Despite this, the applicant purports that proposed Lots 2, 3 and 4 may be utilised for small crop production, resulting in additional clearing, although the use is consistent and reasonable, the outcome of the development upon the landscape is not.

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

Not applicable: The subject site is not identified as containing any known historic values.

The performance assessment of the proposal demonstrates that the development will compromise achievement of several Planning Scheme Shire Wide Desired Environmental Outcomes without significant vegetation clearing. Specifically, (a) and (j) in regards to environmental and scenic degradation and the community's expectations of development within the locality, are unable to be satisfied through reasonable and relevant conditions.

Rural Zone Outcomes

The Overall Outcomes applicable to the Rural Zone are set out at section 3.3 of the scheme as follows:

- (a) *The purpose of the Rural Zone Code is the achievement of the overall outcomes sought for the Rural Zone.*
- (b) *The overall outcomes sought for the whole of the Rural Zone are:*
 - (i) *Land used for rural activities such as grazing, agriculture and horticulture is protected from development, which in Council's opinion would significantly infringe on the landscape setting and rural amenity of the Shire;*
 - (ii) *Land with productive capacity is preserved for a range of existing and emerging agricultural activities significant to the economy of the Shire;*
 - (iii) ***Large tracts of bushland identified as having significant environmental value are protected from development;*** (emphasis added)
 - (iv) ***Agriculture, including both extensive and intensive activities is protected from land use conflicts resulting from the location of non-rural activities on rural land;*** (emphasis added)
 - (v) *Uses and works are located and designed to maximise the efficient use and extension and safe operation of infrastructure;*
 - (vi) *Residential purposes are ancillary to the primary rural purposes in the rural area; and*
 - (vii) *Mineral and extractive resources and transport routes associated with resources are protected from incompatible development.*

The consistent and inconsistent land uses in the Rural zone are as follows:

- O1
 - (a) *Only uses consistent with the overall outcomes for, and preferred for development within the Rural zone are established in the zone.*
 - (b) *The following uses and use classes are consistent with, and preferred within the Rural zone:*
 - (i) *All Rural Purposes.*
- O2 *Provided the following uses are developed:*
 - *to be compatible with surrounding Rural Purposes by being of similar scale, intensity and character, and*
 - *to support preferred uses, and*
 - *to not adversely affect the amenity of the locality; or*
 - *to provide recreational or community facilities that are more appropriately located in the rural area;*

they are consistent uses within the Rural zone:

- (a) *Residential Purposes comprising:*
 - (i) *a single dwelling house per lot,*
 - (ii) *Home-based business,*
 - (iii) *Host farm*
- (b) *Arts and craft centre,*
- (c) *Extractive industry,*
- (d) *Garden centre,*
- (e) *Landscape supplies,*
- (f) *Local utility,*
- (g) *Major utility,*
- (h) *Outdoor recreation, and*
- (i) *Telecommunications facility (medium impact)*

O3 Uses other than:

- *preferred uses nominated in O1, or*
 - *consistent uses developed to comply with the provisions set out in O2;*
- do not establish in the Rural Zone, do not comply with the overall outcomes sought for the Rural Zone and conflict with this code.*

The proposal is for the subdivision of two allotments to create four allotments with provision for a Building Location Envelope to contain a Dwelling house on each lot. Although the future potential use may be considered to be a preferred use within the zone in terms of a residential dwelling on a rural lot, the proposal itself for subdivision of rural land is considered to impede the achievement of the purpose of the zone in terms of the environmental values and potential land use conflict with future users and hence the purpose of the Rural Zone, in particular, the proposal will result in;

- Fragmentation of rural land as a result of exempt clearing (under the *Vegetation Management Act 1997*) of large tracts of bushland (up to ten (10) hectares in total) through the creation of additional allotments and requisite bushfire breaks for access, building location envelopes and property boundaries identified as having significant local environmental and scenic value; and
- Potential for land use conflicts with nearby productive agricultural uses, resulting from the location of non-rural activities on rural land through the provision of a Dwelling house on each lot (indicated by the Building Location Envelope). This can only be mitigated through the provision of rural activities on the allotment, which is not proposed at this time however may be achievable, subject to the desire of the future landowner.
- An increase in persons and property (through the creation of three additional allotments) at significant risk of bushfire (Bushfire Attack Level of 19 subject to a 33 metre wide firebreak). Although mitigation measures are able to be conditioned, provision of bushfire mitigation through on-site services including firebreaks, water and access will largely be the responsibility of future property owners. This mitigation is not achievable without significant environmental and scenic degradation.

Council should note that pursuant to Section 326 (1) (b) of the *Sustainable Planning Act 2009*, the assessment manager's decision may conflict with the Planning Scheme if there are sufficient grounds to justify the decision despite the conflict.

The assessment of the overall outcomes concludes that the proposed development, is likely to conflict with the purpose of the Rural zone, and in this instance there are not sufficient grounds available to support an alternative favourable consideration of the development, specifically as such a large tract of bushland identified as having significant environmental value are protected from development.

Rural Zone Code Requirements

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

Specific Outcomes		Response
Subdivision Design		
O4	Reconfigured lots are designed and developed with: • sufficient area and suitable proportions for preferred or consistent uses; • adequate frontage for safe and convenient vehicular and pedestrian access; • suitable areas within each lot for the location of relevant activities and works, and: • do not expose people and works to unacceptable risks from flooding or other hazards.	Complies in part The proposal is for the creation of four lots with three of the lots less than the 150 hectare lot size sought by the acceptable outcome. The proposed lots may be able to cater for a single dwelling and the supporting report indicates small scale cropping production could occur on the future lots. Despite this the limited rural potential for the lots (operations would likely have to be supported by an 'off-farm' income) combined with the clearing of large tracts of bushland compromises the outcomes sought for the zone, being to avoid potential of land use conflicts between non-rural uses and large agricultural operations to the west of the property. Further, in terms of the creation of lots in a bushfire hazard area, the risk is able to be mitigated through the provision of extensive bushfire breaks for all property boundaries, Building Location Envelopes and access tracks and building construction to be in accordance with the relevant Australian Standards however these measures will remain largely the responsibility of the future owners and have not been demonstrated to be achievable through the application material.
Character and Amenity		
O5	Uses and works are located, designed and operated to minimise adverse impacts on: • existing environmental conditions relating to air, water and soil, • the amenity of adjacent properties and public spaces, • visual quality of landscapes in terms of: – reducing ribbon development and sprawl, – loss of green break separations, • obstructing significant local and distant views of prominent natural features and landmarks, and • the health and safety of people using the premises and adjacent	Does not comply The subject site will result in the clearing of significant vegetation in order to provide Building Location Envelopes, fire breaks along property boundaries and internal access tracks. This clearing will be clearly visible to surrounding properties given the topography of the land is considered to impact upon the visual quality of landscape and the amenity of surrounding properties. Further, the fragmentation of the land will impact the existing green break separation between the Bungundarra community and the nearby productive agricultural land.

Specific Outcomes		Response
	premises.	
O6	Buildings and structures are: • of a type and scale which have an attractive, functional appearance; • constructed of materials and finishes compatible with other development in the area; • integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping, outlook and off-street parking; and • designed to adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces	Not applicable The proposal does not provide details of any buildings and structures at this stage. The proposed building location envelopes are considered to have adequate size and dimension to cater for a dwelling house and ancillary structures normally associated with a rural property. It should be noted that all future Dwelling houses are required to obtain a Development Permit for a Material Change of Use for a Dwelling house given the Overlays listed on the site. Specifically, steep land and bushfire hazard. In this regard, Australian Standards will be utilised to ensure compliance at the building works stage and would be the responsibility of future owners.
O7	For a noise sensitive place, activities are laid out and buildings are designed and constructed to mitigate to a level, that does not unreasonably adversely affect the health and safety of people using premises, the effects of noise from: • Traffic on major roads (including State controlled roads); or • Operations within railway corridors.	Not applicable The subject site is not identified as being a noise sensitive place.
Cultural Heritage Values		
O8	Cultural heritage values associated with the landscape features of a site and its surroundings or relics of past activities found during development of the site are respected and are not subjected to changes that would significantly reduce the capacity to appreciate those areas, places and sites, their character or the memories or history they represent, in terms of visual detracting, public accessibility or physical change, damage or removal.	Complies The subject site is not identified as containing any significant cultural heritage values pursuant to Schedule 3 of the Planning Scheme.
Flood Immunity		
O9	Development is immune to flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	Complies The subject site is not identified as being prone to flooding as it is traversed by a waterway which could reasonably be assumed to be prone to localised creek flooding during a significant event. Unfortunately, Council does not have any flood information/data for the area. Despite this, all Building location envelopes are sited

Specific Outcomes		Response
		above forty (40) metres Australian Height Datum, significantly limiting any potential impact from flood.
Community Safety		
O10	Personal safety and property security are optimised through the design of buildings and spaces incorporating: • Opportunities for surveillance; • Clear definition of boundaries between private and public spaces; and • Robust construction materials.	Not applicable The proposal does not involve any buildings or structures at this stage. It should be noted that future Dwelling houses are required to obtain a Development Permit for a Material Change of Use for a Dwelling house given the Overlays listed on the site.
Vehicle Parking and Movement		
O11	Development is provided with an on-site parking and movement system designed and constructed to: • be integrated with the site layout including: – direct access to a road providing a level of service required to accommodate traffic generated by the use; and – appropriately designed footpath crossovers; and – provision for safe pedestrian movement between public footpath and facility entry points; and • accommodate all modes of transport (including motor vehicles and bicycles) generated by the use; and • facilitate non-discriminatory accessibility; and • provide for safe and efficient loading and unloading of goods; and • allow for vehicle queuing necessary for the use; and • provide for passenger set down/pick up necessary for the use; and • facilitate public access to the foreshore and riparian open space networks.	Complies Proposed Lots 1 and 2 are proposed to access from Bungundarra Road with the access locations already approved as part of an unrelated Access works permits. Access to proposed lots 3 and 4 is proposed to be from Madges Road. Council engineers confirm that Madges Road is currently a gravel seal for five existing allotments. This development would require upgrading of Madges Road to a Rural operational class 75 for the full length of Madges Road (being 2.5 kilometres) and would be subject to a Development Permit for Road works and Access works, at no cost to Council. These works could not be considered for a conversion or offset as the road is not trunk infrastructure under the Adopted Infrastructure Charges Resolution.
Infrastructure		
O12	Water supply, sewerage, drainage, roads, power and communications are provided to meet the appropriate standards of service and construction at least whole-of-life cost, which: • comprise components and materials	Complies in part The subject site does not have access to reticulated water or sewer. An on-site water supply of not less than ten (10) kilolitres through tanks, bores and/or dams would be required for each allotment. Onsite sewerage

Specific Outcomes	Response
that are: – readily accessible and available; and – robust and reliable in terms of operational life and purpose; and – easily maintained without unnecessarily requiring specialist expertise or equipment; and • are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems.	treatment and disposal would also required, subject to a Development Permit, from which no contaminated runoff must be discharged to Daly Creek.

As evident from the above assessment, the proposal does not comply with the Specific Outcomes for subdivision design and character and amenity which further undermine the ability of the proposal to achieve the Overall Outcomes and Purpose sought for the Rural Zone.

Special Management Areas Codes The subject site is affected by the scenic amenity overlay (precinct B) and four (4) of the elements within the Natural Features Code:•
Bushfire Hazard (Overlay Map O5);

- Steep Land (Overlay Map O2);
- Wetland (Overlay Map O3);
- Waterway (Overlay Map O3);

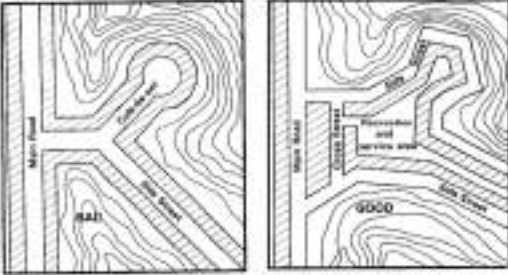
Natural Features Code

- (b) *The purpose of the Natural Features Code is the achievement of the overall outcomes sought for the special management areas shown on Overlay Maps O1 to O8.*
- (c) *The overall outcomes sought for the special management areas shown on Overlay Maps O1 to O8 are that development affecting identified places, area, landscapes, features and sites;*
- (i) *is managed to protect the significant values of the various natural features and resources in terms of:*
- (A) *physical change;*
 - (B) *damage or removal;*
 - (C) *accessibility;*
 - (D) *visual destruction;*
- (ii) *avoids or minimises, within acceptable levels, risk to the natural or built environment or human health or safety.*

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

Specific Outcomes	Response
Bushfire Hazard Special Management Area	

Specific Outcomes		Response
O5	Public safety, lives and property are not placed at unacceptable levels of risk.	Complies in part An amended Bushfire assessment found the BAL could be reduced to 19 with the introduction of a fire break of a minimum width of 33 metres from the outer point of the BLE. This will require significant vegetation clearing (approximately 4.4 hectares inclusive of the BLE area) and building construction techniques to mitigate the risk to a tolerable level. In doing so, the scenic and biodiversity values of the land are significantly diminished.
O6	The highest intensity of use occurs in those parts of the site which are least bushfire prone and limits the intensity of use elsewhere	Complies in part The original bushfire report found proposed Lots 3 and 4 achieved a BAL of 19 whereas proposed Lot 2 returned a BAL of forty. Although, there are mechanisms available to minimise the risk through building provisions and vegetation clearing, these requirements could be negated should the BLE be relocated to a less prone area of land with less slope.
O7	Purposes resulting in high concentrations of people on a site (including child care centre, educational establishment, hospital, residential purposes comprising multi-unit long term accommodation and short term accommodation, commercial and industrial purposes) being exposed to unacceptable levels of risk are inconsistent with the outcomes sought for this special management area	Not applicable The proposal does not result in high concentrations of people, being for a Rural subdivision for two additional allotments.
O8	Development is sited and designed to minimise bushfire risk having regard to: (a) aspect, (b) elevation, (c) slope, and (d) vegetation.	Complies in part In relation to Bushfire hazard, the applicant was requested to provide a bushfire attack level assessment and management plan in accordance with the <i>Australian Standard AS3959-2009</i> . This assessment was a desktop assessment to be utilised for the basis of siting a future dwelling house. This report found the fire danger index to be forty (40) for proposed Lot 2 and around twenty (20) for the remaining allotments. The vegetation classification for proposed lots 2-4 was Woodland with Lot 1 being found to contain Grassland, Open Forest and Woodland. Given the size of the BLE, the distance from vegetation was assumed to be twenty-five (25) metres. Slope was found to be between 10 and 20 degrees. In order to appropriately mitigate the risk to property, significant vegetation clearing is

Specific Outcomes	Response
	recommended in addition to building standards to be in accordance with the Australian Standard, at the cost of the future land owner. As such, the proposal fails to mitigate risk of the natural hazard whilst maintaining natural processes and protective functions of the site. The necessary clearing for bushfire mitigation will significantly diminish the biodiversity values of the site. An amendment to this report was able to recommend a minimum bushfire break of 33 metres outside the BLE area to reduce the BAL to 19.
O9 Road layouts facilitate easy and safe movement in the event of encroaching fire and provides for alternative safe access if one direction is blocked in the event of fire (Refer Figure A below).  Figure A	Not applicable The proposal does not result in any new roads. Despite this, proposal provides minimal detail as to the location of future internal access to each identified Building Location Envelope. Specifically, proposed lot two results in significant potential for entrapment in the event of a fire, offering only one point of entry and exit.
O10 A sufficient supply of water is available for fire-fighting purposes	Can condition to comply The subject site does not have access to reticulated water or sewer. An on-site water supply of not less than ten (10) kilolitres through tanks, bores and/or dams would be required for each allotment.
Steep Land Special Management Area	
O11 Buildings and structures are located on a site with natural ground level slopes that do not exceed 15%.	Complies in part All building location envelopes, with the exception of proposed lot two are not location on an area with a slope in excess of fifteen (15) percent. Access to the property is largely existing however will require significant upgrades to gradient and width to satisfy emergency access.
O12 Public safety, lives and property are not placed at unacceptable levels of risk.	Complies in part Although the proposal does not impact public safety, the risk to lives and property of potential owners is not an acceptable level.
O13 Development occurs in those parts of the site which are geologically stable and limits the intensity of use	Complies in part The location of proposed lot two is considered to be highly constrained by

Specific Outcomes		Response
	elsewhere.	slopes in excess of fifteen percent. Although the BLE is located on a relative plateau, the ingress and egress will be constrained by these areas.
O14	Buildings and structures are designed, sited and erected to maintain: (a) natural landform; (b) natural drainage patterns; (c) existing vegetation.	Not applicable The proposal does not involve buildings or structures at this stage however it is noted that the development is unable to retain intact tracts of locally significant vegetation.
Wetland Special Management Area		
O15	There are no significant adverse effects on identified wetlands in terms of: (a) habitat; (b) water quality; (c) landscape quality.	Complies The wetland is confined to the southern portion of Lot 100, within which no additional Building Location Envelopes or property boundaries are proposed.
Waterway Special Management Area		
O16	There are no significant adverse effects on identified waterways in terms of: (a) habitat; (b) riparian vegetation; (c) water quality; (d) water flow; (e) landscape quality and amenity; and (f) recreational value.	Complies Similarly, The waterway is confined to the southern portion of Lot 100, within which no additional Building Location Envelopes or property boundaries are proposed.
O17	Riparian land is preserved for public use where the land is required for ecological, open space or recreation functions including: (a) public use; (b) access for maintenance; (c) linking core and remnant habitat areas (d) protecting water quality and ecological processes; and (e) other public benefit.	Not applicable The proposal involves freehold land and does not require public use or access to riparian land.

Capricorn Coast Landscape Code

The site is also identified as being within the **Capricorn Coast Landscape Management A Precinct** (Overlay Map O9).

- (b) *The purpose of the Capricorn Coast Landscape Code is the achievement of the overall outcomes sought for the special management areas shown on Overlay Maps O9.*
- (c) *The overall outcomes sought for the Capricorn Coast Landscape special management areas are:*
 - (i) *Development integrates all aspects of engineering and architecture with the natural features and characteristics of the site to minimise any adverse effects on the environment and landscape.*

- (ii) *Areas identified as having landscape values are protected from development or the effects of development that may reduce those values in terms of physical changes to the natural environment, damage or removal of vegetation, prominence of the development within its landscape setting and the extent of associated visual detracting. (emphasis added)*
- (iii) *Vegetation outside the immediate envelope of a building or structure is preserved. (emphasis added)*
- (iv) *Development is not visually detracting when viewed from a Level 1 Viewer Place¹⁹³ in terms of;*
- (A) *scarring by exposed earthworks; or*
- (B) *canopy removal on hilltops, prominent headlands, ridges and hillslopes; or*
- (C) *modification of the natural environment which dominates the landscape.*
- (v) *Development does not adversely impinge on the integrity of identified 'green break' areas which provide a green-belt of natural landscape defining the limits of each of the coastal towns/localities.*

The proposal fails to satisfy the purpose of the Capricorn Coast Landscape Special Management Area Code given the significant fragmentation and resulting clearing involved at lot sizes well below the minimum lot size, being 150 hectares at present and 60 hectares under the draft scheme.

Specific Outcomes		Response
O1	The height of buildings and structures, except in the Yeppoon Central zone is not greater than: 9 metres if within 20 metres of the frontage to the Scenic Highway, Farnborough Road, Yeppoon Road, Tanby Road and Emu Park Road; or - elsewhere, 12 metres.	Not applicable The proposal does not involve any building works. Any future dwelling house will require a Development Permit for a Material Change of Use.
O2	The slope of natural ground level of any development site is not greater than 15%.	Does not comply The proposed Building Location Envelope for Lot two is in excess of fifteen (15) per cent slope. This location is unable to be supported by Council engineers until provision of a slope stability report can detail an appropriate location.
O3	Clearing except in association with other assessable site development is inconsistent development.	Does not comply As previously stated, the proposal will result in the clearing of ten (10) hectares of vegetation as exempt development under the <i>Vegetation Management Act 1997</i> . Additional clearing will require a Development Permit.
O4	Buildings and structures are not sited above fifty (50) metres Australian Height Datum.	Does not comply Although the proposal does not involve building or structures, four of the five building location envelopes are sited above fifty (50) metres Australian Height Datum.
O5	Buildings and structures are constructed	Not applicable

Specific Outcomes		Response
O6	primarily of non-reflective materials or if reflective materials form part of a building or structure, the level of light reflectivity of the material is not greater than 10%. Buildings and structures including infrastructure are constructed in materials that complement the coastal location and blend with the surrounding area in terms of colour and texture.	The proposal does not include for any buildings or structures. Any future Dwelling house is required to obtain a Development Permit for a Material Change of Use. Not applicable The proposal does not include for any buildings or structures. Any future Dwelling house is required to obtain a Development Permit for a Material Change of Use.
O7	Retaining walls are restricted to a maximum of 1.5 metres vertical height.	Not applicable The proposal does not involve any retaining walls at this stage. Any retaining structures in excess of 1.5 metres will trigger building works assessable against the planning scheme.
O8	Earthworks do not result in batter slopes that: • have a vertical height greater than 3 metres; or • are steeper than 25%.	Not applicable The proposal does not involve any earthworks at this stage.
O9	Earthworks and buildings are not located: • across or result in the redirection of watercourses and natural drainage lines; or • to require the removal of vegetation which defines watercourses and natural drainage lines.	Not applicable The proposal does not involve any earthworks at this stage.
O10	In Landscape special management area – Precinct A, despite applicable minimum lot size and minimum frontage outcomes nominated in the Residential zone code, new lots are not less than 1 500 m² in area and comprise at least one discrete area of not less than 500 m² which: • has a minimum dimension of 20 metres; and • is located at least 15 metres from the road fronting the lot; and • has a natural ground level slope not greater than 15%.to require the removal of vegetation which	Not applicable The subject site does not contain any land identified as Precinct A however there are two large tracts of land identified as Precinct B.

As evident from the above assessment, the proposal is unable to comply with the various requirements of the Special Management Area Codes in terms of bushfire hazard and slope stability and comprises the outcomes sought for the scenic amenity area.

Clearing Code

(1) Purpose

- a) *The purpose of the Clearing Code is the achievement of the overall outcomes sought for the control of clearing.*
- b) *The overall outcomes sought are:*
- (i) The visual integrity of the natural landscape is not significantly impacted by indiscriminate and unnecessary clearing; (emphasis added)*
 - (ii) Ecological features and processes that underpin the biodiversity of the Shire are not disturbed by inappropriate clearing; (emphasis added)*
 - (iii) Vegetation in areas vulnerable to land degradation is not cleared, unless such clearing is required for the management of the degradation.*

The proposal cannot be considered to be consistent with the purpose and overall outcomes of Clearing code as the resultant clearing will significantly and irreversibly impact upon the visual amenity and ecological values of the land and the larger vegetation network for the locality.

Specific Outcomes		Response
Vegetation Management		
O1	Development protects the nature conservation values and water quality of watercourses, wetlands, lakes and springs from degradation.	Complies in part The existing property boundary is located along the mapped waterway and may be subject to vegetation clearing which would be considered exempt development. It is understood that significant vegetation clearing has been undertaken along the southern side of the watercourse (being the northern property boundary of Lot 1 on SP289213), which limits the ecological function of the waterway in terms of erosion.
O2	Areas identified (refer to PSM 10A & 10B – Locally Significant Vegetation) as containing locally significant vegetation are protected from development and its effects that may significantly reduce the values of the area in terms of: (a) damage or removal of vegetation; (b) loss of biodiversity; (c) loss of canopy cover and habitat; (d) visual detracton.	Does not comply As previously stated, the site contains a large tract of Locally significant vegetation. The allotment layout proposed will result in vegetation clearing through these areas, significantly diminishing the ability for the remaining vegetation to continue to perform ecological functions.
O3	Viable networks of habitat are protected from damage or destruction which may lessen their value to sustain wildlife.	Does not comply The location of property boundaries and resulting vegetation clearing which can be considered exempt development will result in significant vegetation clearing through areas recognised as containing Locally significant vegetation. The property is further identified as containing an important biodiversity corridor under the draft Livingstone planning scheme. In this regard, the proposal will directly result in the fragmentation through

Specific Outcomes		Response
		clearing for property boundaries and fire breaks as well as fencing of these locally significant vegetation communities which perform an important biodiversity role within the locality.
O1	Watercourses and adjacent habitat are protected in terms of: (a) minimising erosion and slumping; (b) retaining vegetation to provide for the natural filtering of sediments, nutrients and other pollutants prior to discharge; and (c) adverse impacts on the aquatic habitat.	Complies in part The existing property boundary is located along the mapped waterway and may be subject to vegetation clearing which would be considered exempt development. It is understood that significant vegetation clearing has been undertaken along the southern side of the watercourse (being the northern property boundary of Lot 1 on SP289213), which limits the ecological function of the waterway in terms of erosion.
O1	Vegetation removal does not result in land degradation as a result of: - erosion, particularly top soils; - reduction in the fertility of the soil; or - changes in the water table which increase surface wetness or salinity.	Complies in part Although the extent of clearing is relatively unknown, the potential exempt clearing which would need to take place in order to mitigate bushfire can be considered to result in an increased risk of erosion, particularly of access tracks. There are not considered to be a significant known impact upon the fertility of soil or the water table.
O1	Land cleared to facilitate agriculture including forestry business or other intensive forms of agriculture is capable of sustainable use for such activities.	Not applicable The proposed clearing is to facilitate a 1 hectare building location envelope on each lot and provide for access and property boundary clearing for bushfire management. Despite this, the applicant provided an Agricultural Options report which suggests that custard apples are able to be grown on the sites in a sustainable manner.

The proposal conflicts with the Specific Outcomes of the Clearing Code in several instances which further limits its ability to achieve the overall outcomes and purpose of the code.

Planning Scheme Policies

PSP 8	Retention of Vegetation within development	Does not comply This policy provides for the retention of vegetation within development and specifically areas of significant remnant vegetation including areas identified by the State under the <i>Vegetation Management Act</i> and Planning Scheme Map 10 as locally significant and at least twenty (20) metres from the banks of a watercourse. This proposal will result in clearing of both these areas as exempt development due to the location of property boundaries. The

	development is unable to take place without this clearing (due to bushfire mitigation requirements) and therefore cannot be supported.

INFORMATION REQUEST

As detailed above, due to the significant constraints of the land and the code requirements, further information was requested by Council on 23 February 2017. The information requested included the following items;

- Sufficient grounds to support the proposal in accordance with section 326(1)(b) of the *Sustainable Planning Act 2009*.
- An assessment against the Desired Environmental Outcomes of the *Livingstone Shire Planning Scheme 2005*.
- An Agricultural land study prepared by a suitably qualified professional which demonstrates compliance with Specific Outcome O4 of the Rural Zone Code which states; *“Reconfigured lots are designed and developed with:*
 - *Sufficient area and suitable proportions for preferred or consistent uses;*
 - *Adequate frontage for safe and convenient vehicular pedestrian access;*
 - *Suitable areas within each lot for the location of relevant activities and works;*
 - *Do not expose people and works to unacceptable risks from flooding or other hazards.”*
- Further details as to how the proposal will not result in land use conflicts in accordance with Overall Outcome (iv) of the Rural Zone Code which states; *“Agriculture, including both extensive and intensive activities is protected from land use conflicts resulting from the location of non-rural activities on rural land”*.
- An evidence based assessment, such as economic analysis of a typical agricultural production system or an analysis of the median holding sizes of typical local successful agricultural enterprises.
- A site specific Ecological Assessment Report, prepared by a suitably qualified professional which clearly demonstrates that the proposal will not adversely impact upon the environmental values of the site, in accordance with Overall Outcome (iii) of the Rural Zone Code which states; *“Large tracts of bushland identified as having significant environmental value are protected from development”*.
- A geotechnical report to support the proposed Lot which clearly demonstrates the site is suitable for construction given the slope and soil classification. This report should include recommendations for internal access given the evident gulleys between the vehicular access from Bungundara Road and the proposed Building Location Envelope.
- Justification of the proposal against the Purpose of the Capricorn Coast Landscape Special Management Area Code.
- An amended Bushfire Hazard Assessment and Bushfire Management Plan which includes a full Bushfire Attack Level Assessment inclusive of Lot One.

The applicant provided a response to this request on 8 September 2017. The details of this response are utilised to formulate the officer responses and recommendations of this report.

REFERRALS

The original application was made for the creation of allotments of 25 hectares with the exception of lot 1 which was proposed as 210 hectares. Accordingly, an Acknowledgement

Notice was issued on 9 February 2017 for referral to the Department of Infrastructure, Local Government and Planning in accordance with Schedule 9, Table 7.2.4 of the *Sustainable Planning Regulation 2009*. On 14 February 2017, the applicant gave notice of a minor change to the development application to ensure all allotments created were 25.1 hectares, therefore removing the need for referral. Council withdrew the Acknowledgement Notice on 15 February 2017 with a confirmation of the minor change.

Despite this, the development application was referred to the Department of Infrastructure, Local government and Planning on 23 March 2017 for third party advice regarding vegetation clearing. The Department provided advice on 24 March 2017 which included vegetation management reports for the subject site and confirmed the following additional exempt operational work for clearing could be carried out on the property, should the proposal be supported;

- *the distance of one and a half times the height of the tallest tree or thirty (30) metres (whichever is greater) around any residential dwellings and/or associated structures.*
- *firebreaks of up to ten (10) metres along any of the site boundaries.*
- *access tracks of up to ten (10) metres in width from the property access point to any residential dwellings and/or associated structures.*

In addition, Council sought third party advice from the Department of Agriculture and Fisheries in relation to the fragmentation of rural land on 9 February 2017. The Department provided advice on 23 February 2017 and on 4 October 2017 including;

*"The State Planning Policy is clear that Agricultural Land Classification (ACL) Class A and B land should be protected by avoiding fragmentation into lot sizes inconsistent with the **current or potential use** of the land for agriculture.*

Although the LSC Town Planning Scheme shows the subject lots as C2 land classification, as identified through Queensland Agricultural Land Audit, the subject land is identified as a mixture of ALC Class A land and C2 land. Also, directly to the west of the subject land, there are extensive areas of perennial horticulture which constitute the surrounding land use.

The State Interest Guideline for Agriculture outlines how to appropriately integrate State Planning Policy 2 and recommends Councils considers:

- *The diversity and needs of current and potential agricultural uses of land*
- *The area of land required for a typical agricultural holding to conduct an efficient and successful business based on local agricultural land uses*
- *Evidence based assessments, such as economic analysis of a typical agricultural production system or an analysis of the median holding sizes of typical local successful agricultural enterprises*

Given the provisions in the SPP and the SPP State Interest Guidelines for Agriculture and the direction to consider typical local successful agricultural enterprises, it is difficult to see how the application would comply with the SPP.

It is questionable that the smaller lots created by the proposed sub-division could sustain viable and ongoing purposeful agricultural production, which is the intent for Rural zoned land.

DAF considers that reconfiguration of the lots as described would prevent the use of the land for potential large scale farming activity and could fragment ALC Class A land. In this regard we would ask the proponent to justify that the four 25 hectare lots are individually large enough to support an economically viable agricultural production system; in respect to horticultural products traditionally grown in close proximity to the subject site, and would not result in the fragmentation of ALC Class A land."

This advice was utilised to formulate items 1.1-1.5 of the Information Request. The applicant provided a response to these items including an Agricultural options report which recommended a custard apple farm as a viable pursuit on the land. In this regard, the proposal contains no provision for such uses and this will be largely at the future owners wishes. For this reason, the property is intended to be retained in its current size, allowing for additional agricultural options utilising mainstream practices with potential for expansion from the western existing primary producers.

Draft Livingstone Shire Planning Scheme

Council anticipates the adoption of the new planning scheme in early 2018, subject only to final ministerial approval. Considering the timing of a decision on the subject application, the 'Coty principle' has been utilised to ensure decision making is consistent with anticipated policy changes. The Coty principle arises from the case of *Coty (England) Pty Ltd –v- Sydney City Council* (1957) which provides that weight may be given to a new planning document (which arises after the lodgement date), depending on how far it is along the legislative path to adoption. Essentially the principle provides that the new document should be given more weight the further it is along the legislative path. Generally, the cases indicate that if the new document is towards the end of the public exhibition period it should receive considerable weight. Given the draft scheme adoption is imminent the Coty principle allows Council to give full weight to the new policy directions.

The subject site is located within the Rural Zone in the draft scheme and is identified as containing Agricultural Land Class A and B, whereby the minimum lot size is sixty (60) hectares. The proposal fails to meet the minimum lot size and accordingly would require an impact assessable development application under the new provisions, allowing adjoining land owners and the community to be notified of the proposal and comment on its merits. This would also provide submitters with the opportunity to object or support the proposal and provide appeal rights against any decision made by Council.

The site is mapped with the Habitat and Vegetation Biodiversity Overlay under the draft scheme and includes the introduction of biodiversity corridor. The biodiversity corridor was initially identified in the Natural Environment study by RPS (2010).. The local environmental values on the site are centred around endemic habitat (gliders, koalas and Cycads), a regional biodiversity corridor, at risk vegetation communities in the shire such as lemon-scented gum communities and climate change refugia. The corridor offers Insufficient justification has been provided to demonstrate that the development ensures the biodiversity corridors have sufficient width to protect habitat, minimise impacts from adjoining land use and enhance connectivity in accordance with a regional corridor of at least 500 metres wide (as per the Draft Livingstone Planning Scheme). The response to the Clearing Code in the report has indicated that 200 metres width corridors will be retained which is generally not wide enough for a regional type of corridor.

PREVIOUS DECISIONS

It is noted that Council has previously approved development applications for Reconfiguring a Lot within the immediate vicinity of the subject site which also failed to meet the minimum lot size stipulated in the *Livingstone Shire Planning Scheme 2005*. These decisions include the following;

- D-Y/2007-519 Reconfiguring a Lot (one lot into six lots) at 817 Bungundarra Road
- D-44-2010 for Reconfiguring a Lot (one lot into three lots) at 487 Bungundara Road
- D-52-2015 for Reconfiguring a Lot (one lot into three lots) at 487 Bungundara Road
- D-156-2011 Reconfiguring a Lot (three lots into four lots) at 777 Bungundarra Road
- D-396-2011 for Reconfiguring a Lot (two lots into seven lots) at 777 and 487 Bungundarra Road

As can be seen above, each approval paves the way for additional applications and the impacts of such decisions should not be considered in isolation, in particular the extent of vegetation clearing which has taken place as a direct result of the creation of additional allotments within the vicinity. In each instance above, a large 'balance area' has remained intact in order to provide an ecological and scenic function. This area is now the subject of the current development application.

In addition, it should be noted that each decision is made on its merits at the time and with the best planning information available. There are instances above whereby there were sufficient grounds to support the proposals, subject to reasonable and relevant conditions, which are not considered to exist in the current case. Specifically, the land use conflicts between adjoining properties and bushfire hazard are unavoidable for the current proposal. It should also be noted that a large consideration in supporting these previous applications was on the proviso that the intact vegetation on this subject site (formerly the balance land for previous decision) remain intact and in some cases be protected by a covenant.

BUDGET IMPLICATIONS

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

LEGISLATIVE CONTEXT

The application is being assessed pursuant to the *Sustainable Planning Act 2009*

LEGAL IMPLICATIONS

A decision by Council contrary to the approval sought by the applicant may be appealed to the Planning and Environment Court. The legal implications of deciding this development application unfavourably is the risk of appeal from the developer. These potential legal implications also bring unknown budget implications.

STAFFING IMPLICATIONS

There are no significant staffing implications associated with this assessment.

RISK ASSESSMENT

A determination of the application contrary to the outcome sought by the applicant may be escalated to appeal by the applicant, should they contend the position by Council is unreasonable. Officers consider that the risk of appeal is a low probability however it is possible. Costs of an appeal would be borne by Council

Council's reputation may be impacted if it does not maintain the policy position of the draft scheme given the endorse policy position. Decisions divergent from these policies may undermine future decision making

CORPORATE/OPERATIONAL PLAN

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

CONCLUSION

The proposed development, being for the reconfiguration of two rural allotments into four allotments with a one hectare Building Location Envelopes on three of the proposed lots, cannot be considered to be consistent with the Purpose or Overall Outcomes of the Rural Zone Code or the Special Management Area Codes in terms of the environmental constraints on the land including bushfire hazard, locally significant vegetation. A performance based assessment of the proposal has found that it would detract from the achievement of the Desired Environmental Outcomes of the Shire in terms of its impacts upon the biodiversity and scenic values of the locality as well as its potential for inverse amenity impacts upon the surrounding preferred agricultural uses, including large Pineapple Farms to the west, which are to be protected from incompatible development such as residential uses. In addition, the proposal would result in large areas of clearing necessary

for bushfire management, further fragmenting the viable areas for agriculture and the scenic and environmental values.

Importantly, the development conflicts with the policy direction adopted by Council for the new planning scheme which is anticipated to commence in May 2018, and to which based on the Coty Principle can be given significant weight in the determination of this application.

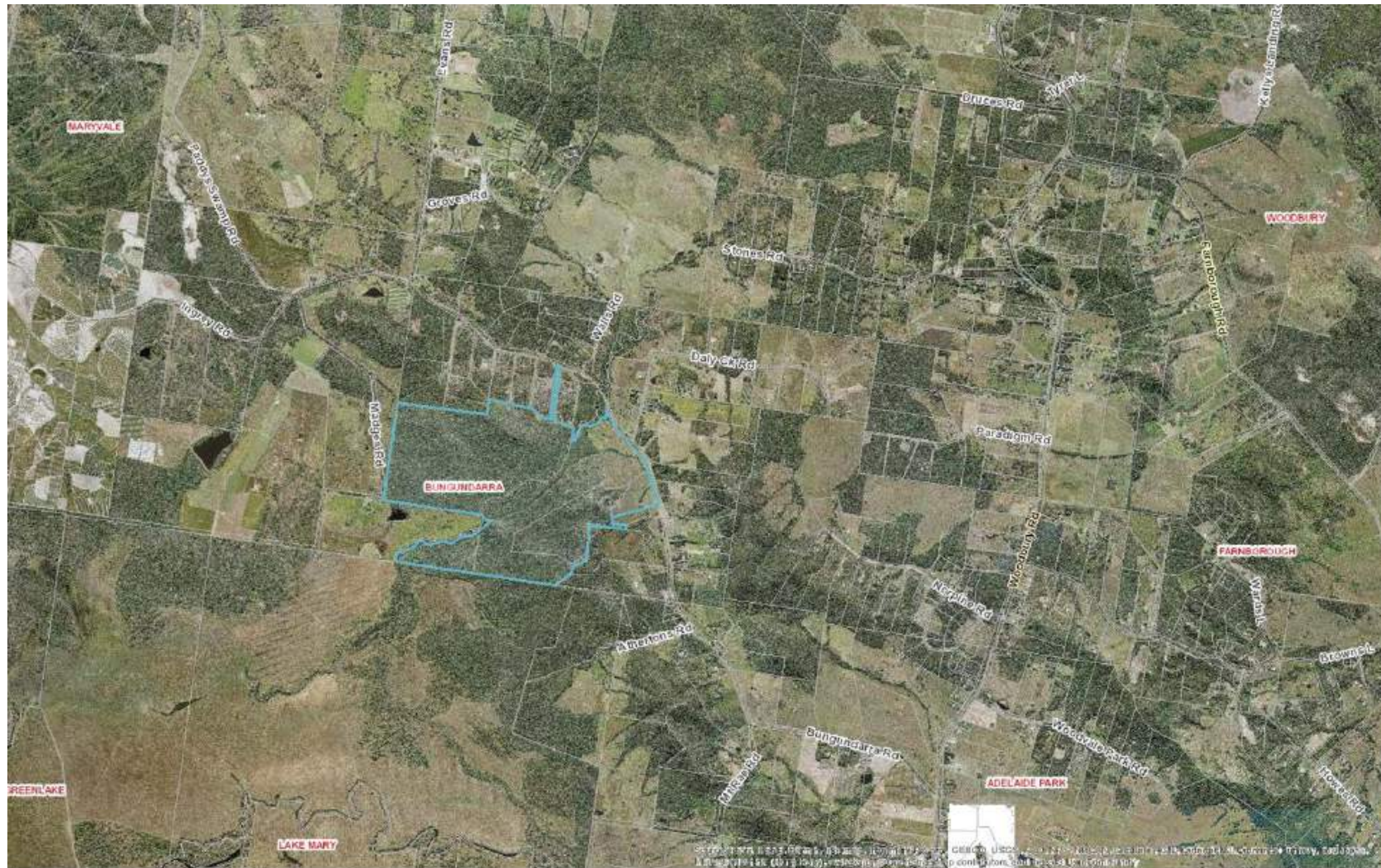
Insufficient grounds were provided to justify approving the application, despite the various conflicts with the relevant instrument under Section 326(1)(b) of the *Sustainable Planning Act 2009*. The term “grounds” is defined in the *Sustainable Planning Act 2009* to mean matters of public interest and it is concluded that the application is not in the public interest. In addition, conditioning compliance with one element of the conflict (being bushfire risk and appropriate mitigation) will significantly and irreversibly diminish the ecological and scenic values of the subject site and the locality in general. Accordingly, the proposal cannot be supported from an Officer perspective and is recommended for refusal.

**12.8 - DECISION ASSESSMENT
REPORT FOR DEVELOPMENT
APPLICATION D-17-2017 FOR A
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT (TWO LOTS
INTO FOUR LOTS)**

Bungundarra Locality Map

Meeting Date: 17 April 2018

Attachment No: 1



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The Shire Government of Queensland (Dept. of Natural Resources and Mines) 2018.
 Other data © Livingstone Shire Council 2018.

Bungundarra Locality Map

Map Created by: Web AppBuilder for ArcGIS



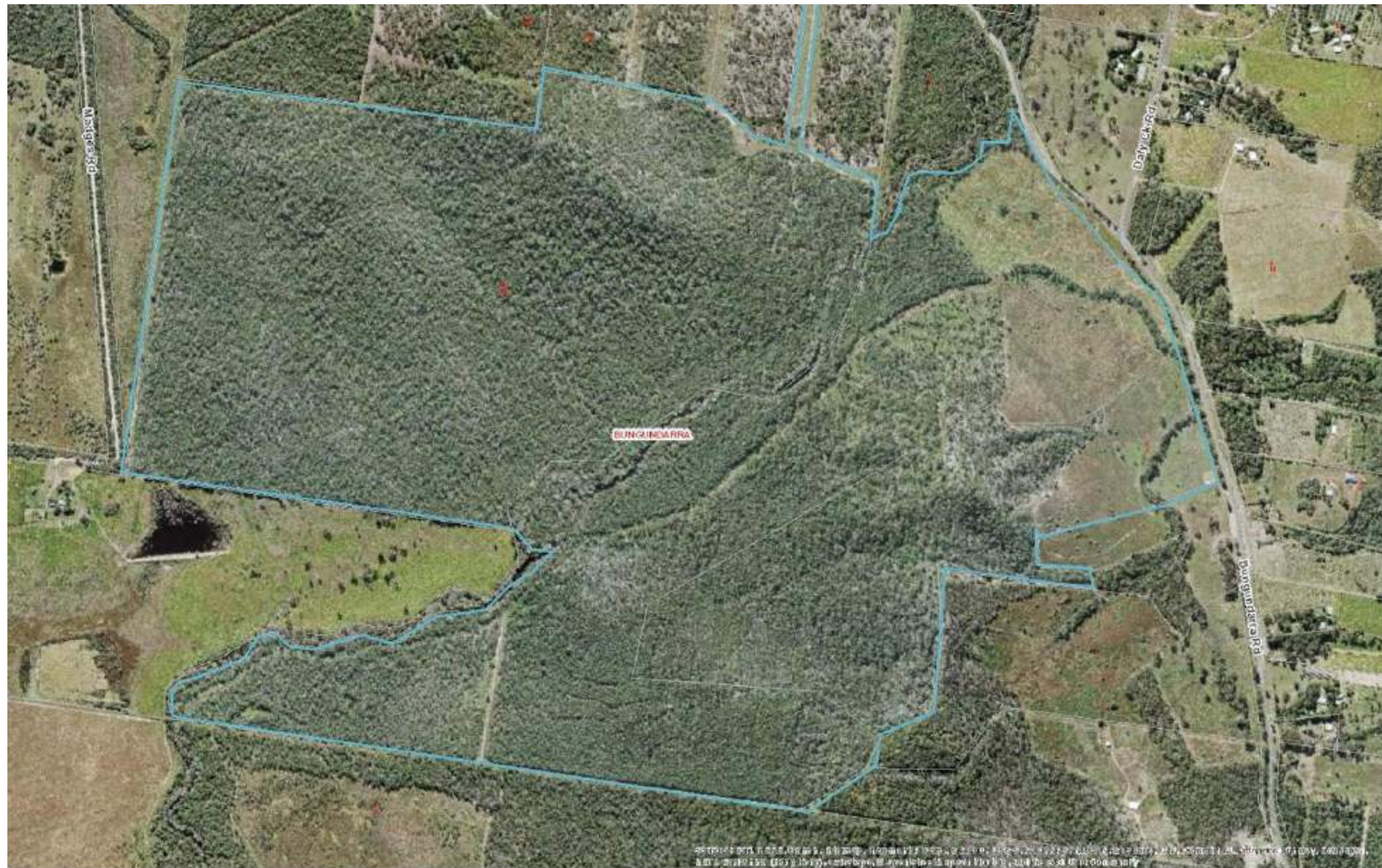
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**12.8 - DECISION ASSESSMENT
REPORT FOR DEVELOPMENT
APPLICATION D-17-2017 FOR A
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT (TWO LOTS
INTO FOUR LOTS)**

Aerial map of subject site (2014 image)

Meeting Date: 17 April 2018

Attachment No: 2



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The Shire Government of Queensland (Dept. of Natural Resources and Mines) 2015.
Other data © Livingstone Shire Council 2015.

Aerial map of subject site (2014 image)

Map Created by: Web AppBuilder for ArcGIS



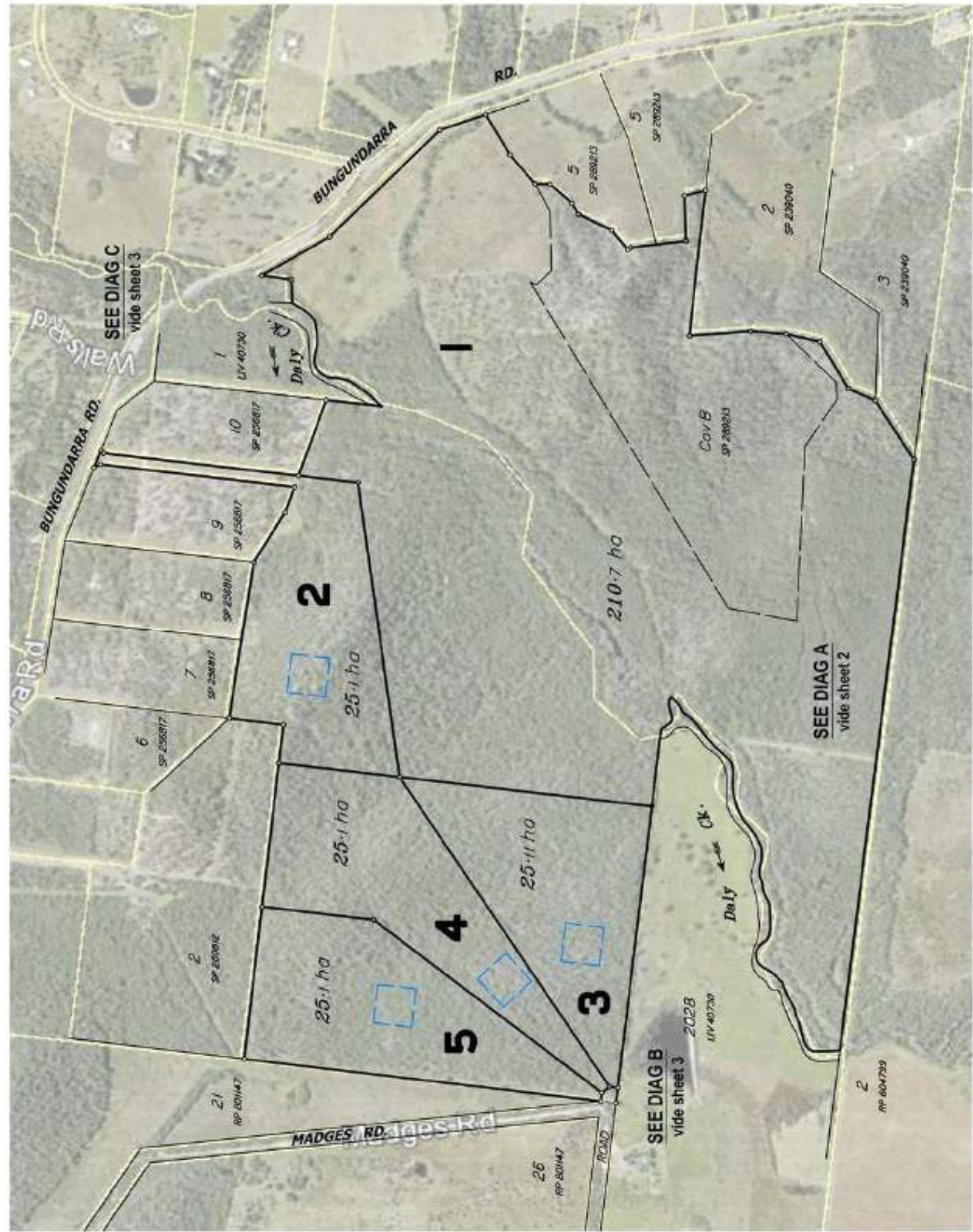
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**12.8 - DECISION ASSESSMENT
REPORT FOR DEVELOPMENT
APPLICATION D-17-2017 FOR A
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT (TWO LOTS
INTO FOUR LOTS)**

Original Proposal Plan

Meeting Date: 17 April 2018

Attachment No: 3



BLE
(100m x 100m)

Scale 1:10000 - Lengths are in Metres.



IMPORTANT NOTE

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

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

House plans shown are typical only.

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

This note is an integral part of this plan.

sheet

C. Roebuck

**487 Bungundarra Rd,
Bungundarra**

**Reconfiguration Plan
(2 Lot into 5 Lots)
(with Ortho Underlay)**

**Lot 1 on SP289213
&
Lot 100 on SP280815**

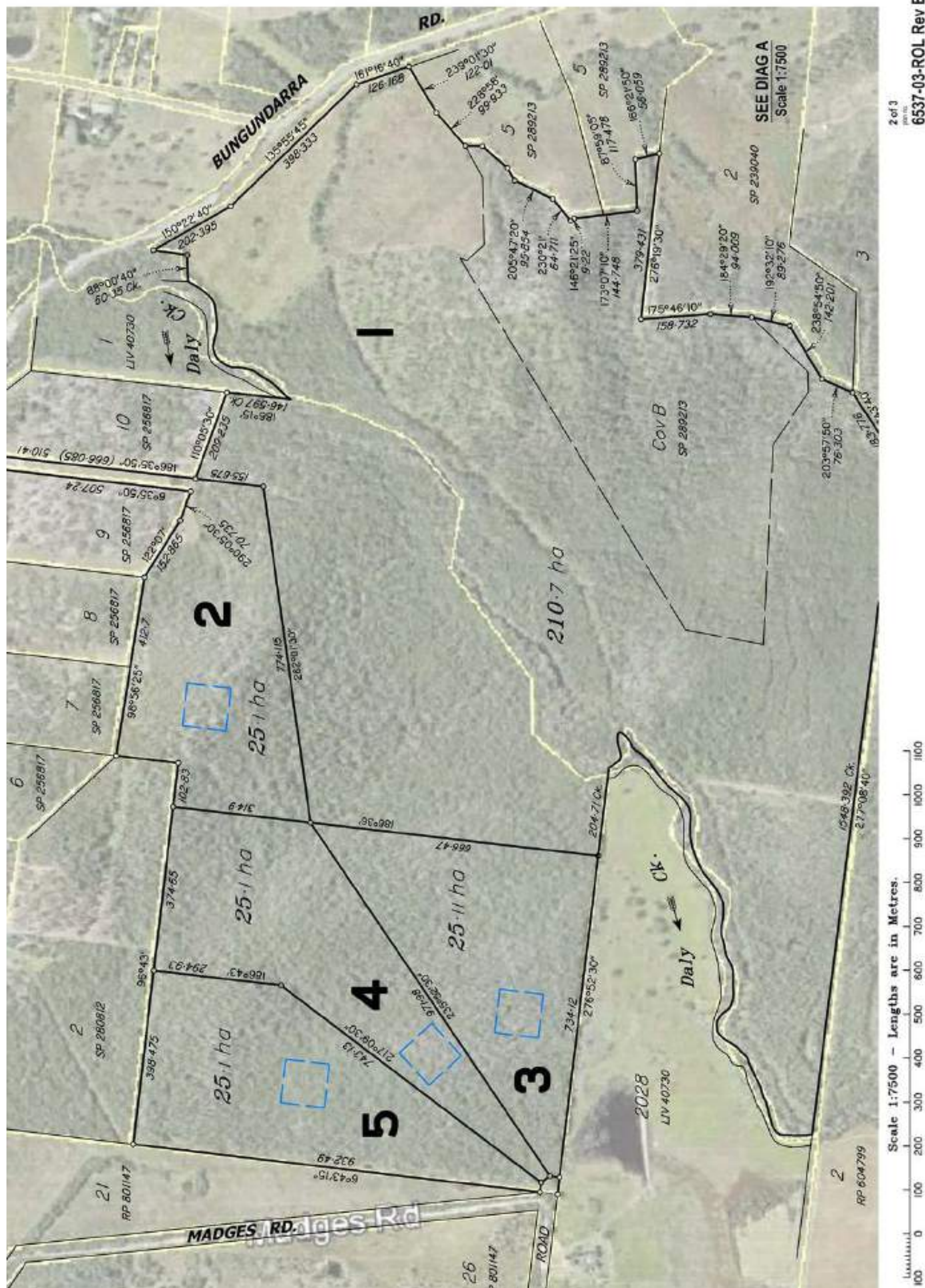
Livingstone Shire Council

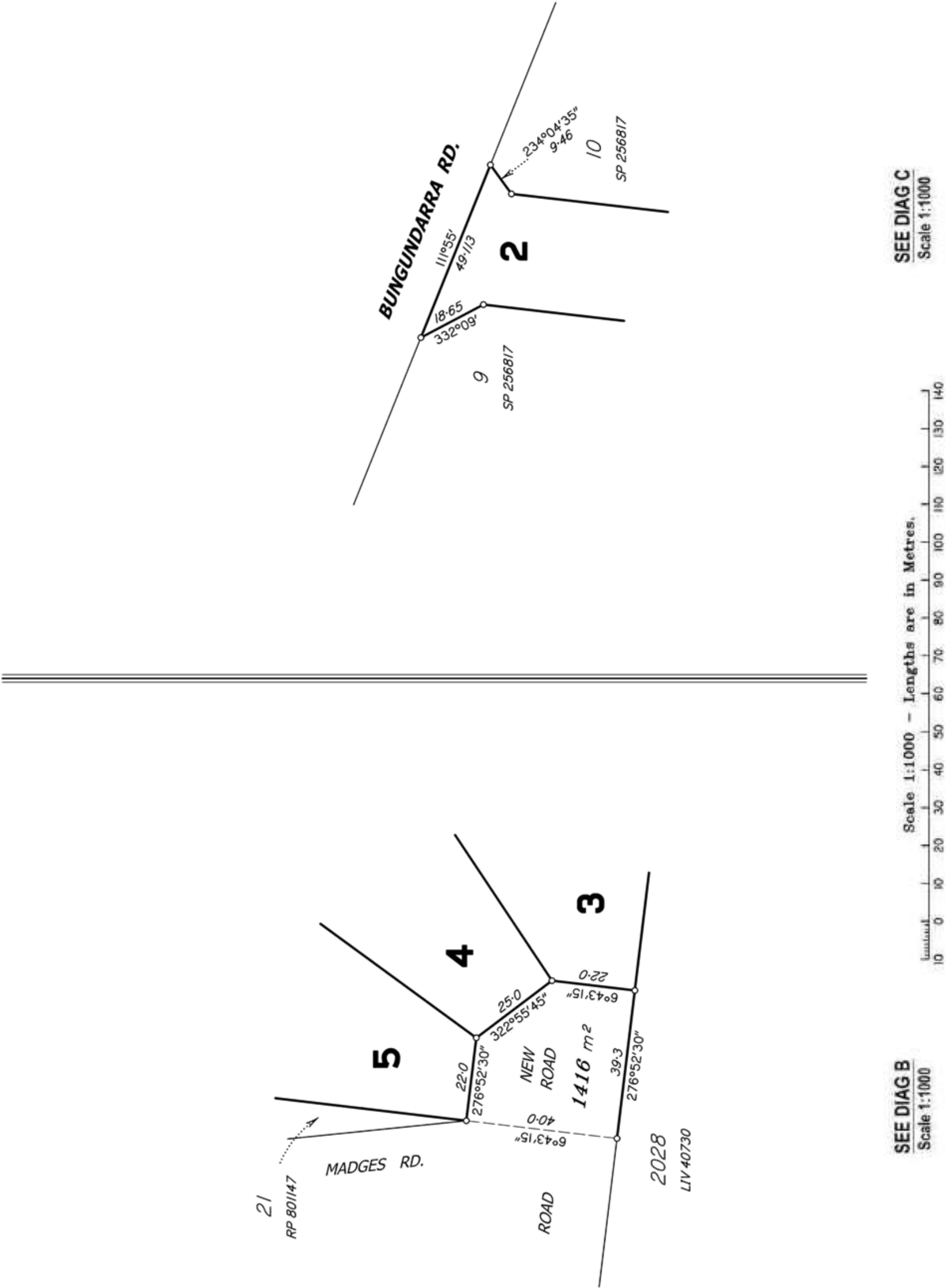
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12/11/19	ASSET DATA	ASSET DATA	ASSET DATA



Capricorn Survey Group (08) 455 133 133

SCALE 1:10000 @ A3
PROJECT NO. 0537-03-ROL
SHEET NO. 1 of 3
DATE NO. 6537-03-ROL
PROJECT NO. B





**12.8 - DECISION ASSESSMENT
REPORT FOR DEVELOPMENT
APPLICATION D-17-2017 FOR A
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT (TWO LOTS
INTO FOUR LOTS)**

**Amended Proposal Plan (reduction to
four lots)**

Meeting Date: 17 April 2018

Attachment No: 4



IMPORTANT NOTE

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

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

House plans shown are typical only.

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

This note is an integral part of this plan.

Client

C. Roebuck

Project

**487 Bungundarra Rd,
Bungundarra**

Plan of

**Reconfiguration Plan
(2 Lot into 4 Lots)
(with Ortho Underlay)**

SP

**Lot 1 on SP289213
&
Lot 100 on SP280815**

SP

Livingstone Shire Council

REV	DATE	REVISION	APPROVED
A	11/11/18	AMENDMENT	CSG
B	14/3/17	AMENDMENT	CSG
C	20/01/18	AMENDMENT	CSG

Created

CSG Capricorn Survey Group (Pty) Ltd
100 Victoria Parade, P.O. Box 100
Livingstone NSW 2890
P 07 4022 2118
F 07 4022 2119
capricorn@surveysg.com.au

Scale

1:10000 @ A3

Sheet no.

1 of 2

Plan no.

6537-03-ROL

Doc No

6537-03-ROL-C

Version

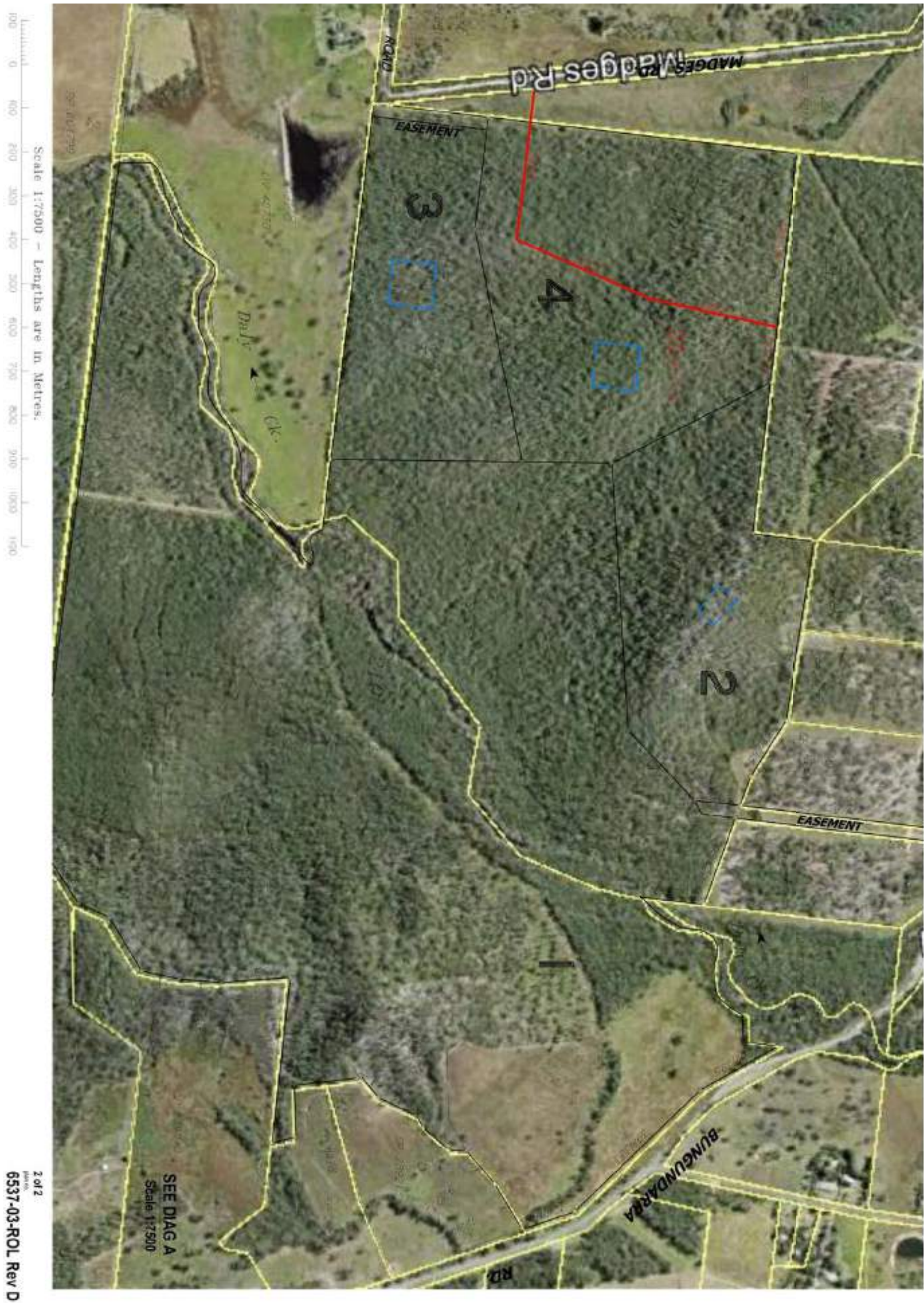
C

**12.8 - DECISION ASSESSMENT
REPORT FOR DEVELOPMENT
APPLICATION D-17-2017 FOR A
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT (TWO LOTS
INTO FOUR LOTS)**

**Final Proposal Plan (with boundary
realignment)**

Meeting Date: 17 April 2018

Attachment No: 5

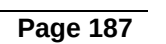


**12.8 - DECISION ASSESSMENT
REPORT FOR DEVELOPMENT
APPLICATION D-17-2017 FOR A
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT (TWO LOTS
INTO FOUR LOTS)**

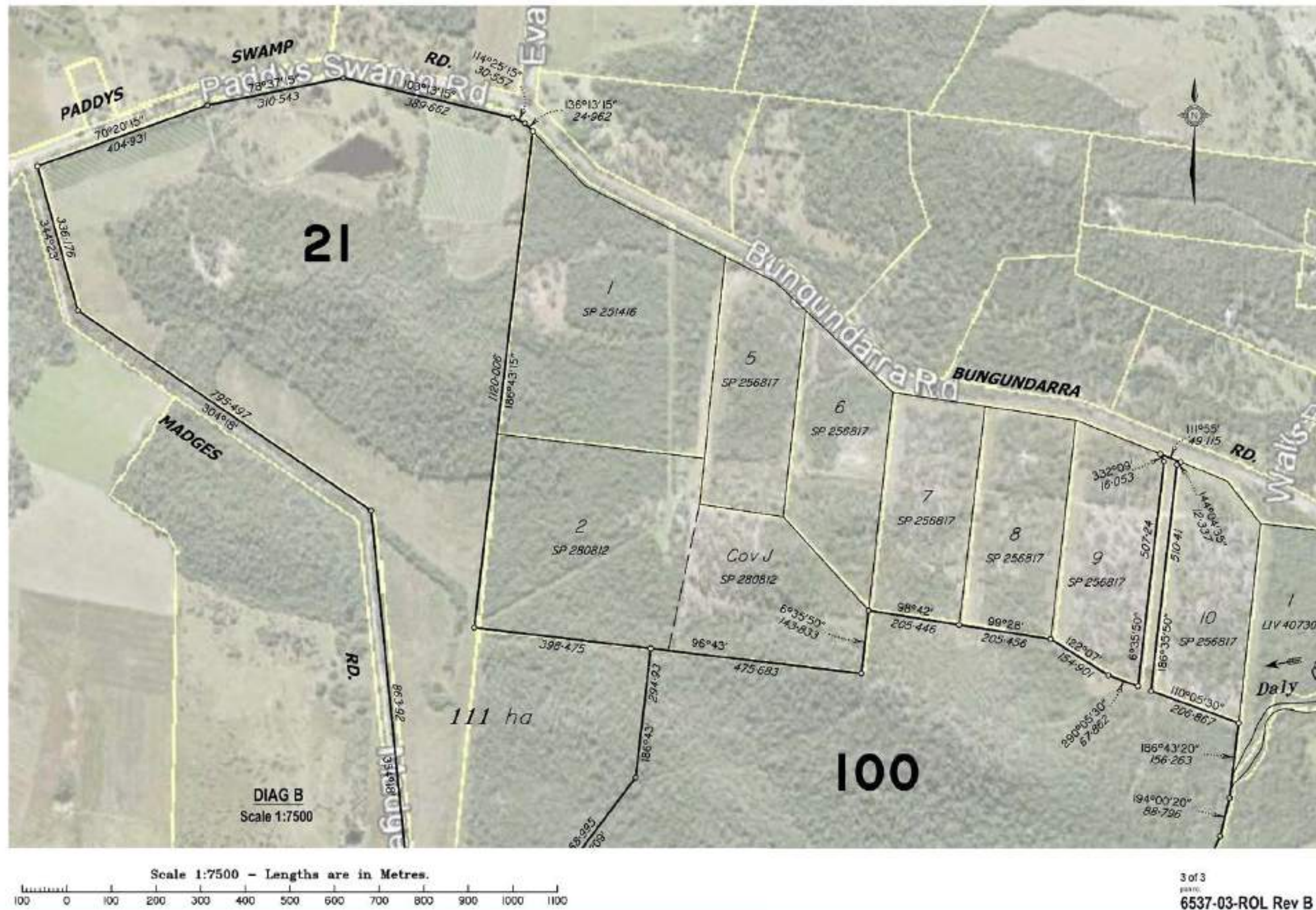
**Related application approved plan (D-
219-2017)**

Meeting Date: 17 April 2018

Attachment No: 6







**12.8 - DECISION ASSESSMENT
REPORT FOR DEVELOPMENT
APPLICATION D-17-2017 FOR A
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT (TWO LOTS
INTO FOUR LOTS)**

**Matters of Local Environmental
Significance Mapping**

Meeting Date: 17 April 2018

Attachment No: 7



**12.8 - DECISION ASSESSMENT
REPORT FOR DEVELOPMENT
APPLICATION D-17-2017 FOR A
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT (TWO LOTS
INTO FOUR LOTS)**

Amended Bushfire Assessment

Meeting Date: 17 April 2018

Attachment No: 8



Bushfire Prone Planning will correctly identify the BAL (as per AS3959 – 2009) of any particular site and assists to identify appropriate and effective means to achieve a 'target BAL'. Building construction standards can be increased to meet the requirements of your assessed BAL. Alternatively, vegetation modification surrounding the allotment/dwelling can be undertaken to reduce the BAL and consequent exposure level during a bushfire.

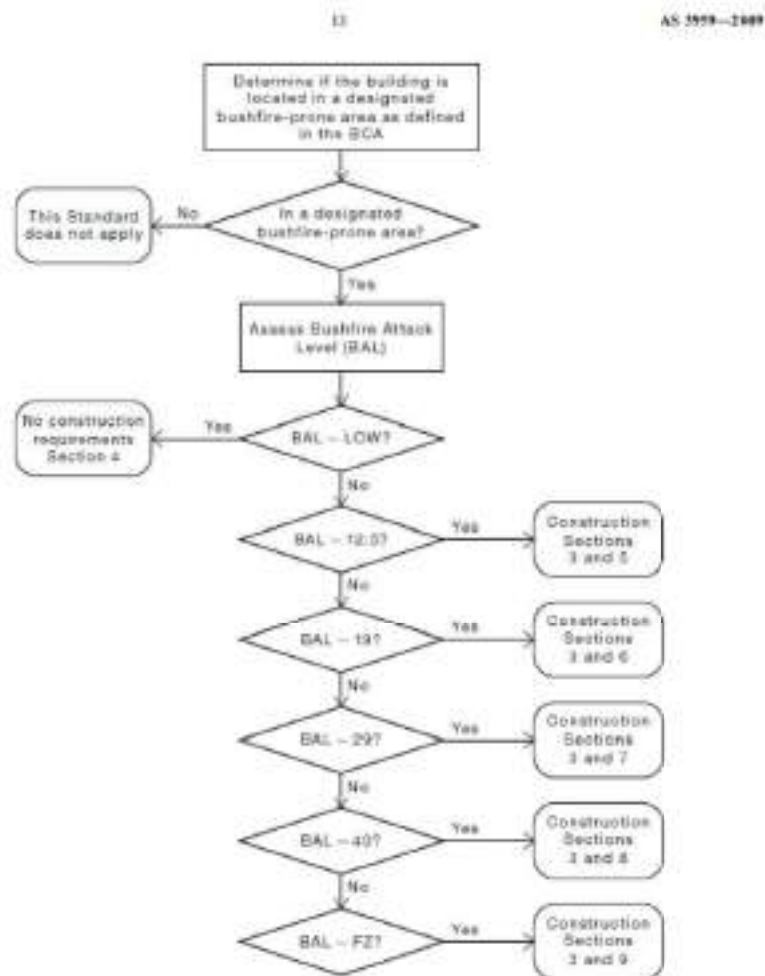


FIGURE 1.1 FLOW DIAGRAM SHOWING THE PROCESS FOR DETERMINING CONSTRUCTION REQUIREMENTS



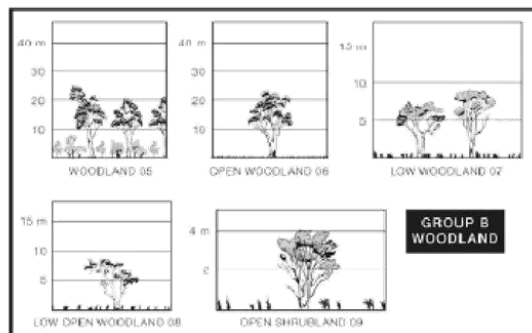
The BAL assessment is a simple process

Step	Procedure	Proposed Lot 2	Proposed Lot 3	Proposed Lot 4
1	Determine the fire danger index for the site. The FDI for Queensland is 40.	40	40	40
2	Determine if bushfire prone vegetation is near the proposed building. This includes most types of vegetation including trees, shrubs and unmanaged grasses. It does not include mowed grass and non-vegetated areas.	Woodland (BO5)	Woodland (BO5)	Woodland (BO5)
3	Determine horizontal distance between proposed building and bushfire prone vegetation.	Trees are approximately 22m tall. 1.5 times height of tallest tree =33m. Firebreak 33m.	Trees are approximately 22m tall. 1.5 times height of tallest tree =33m. Firebreak 33m.	Trees are approximately 22m tall. 1.5 times height of tallest tree =33m. Firebreak 33m.
4	Determine the slope of land under vegetation	Downslope 20 degrees	Downslope 10 degrees	Downslope 10 degrees
5	Determination of Bushfire Attack Level. Using Table 2.4.5 determine BAL.	BAL 19	BAL 19	BAL 19
6	Determination of the appropriate construction requirements	Refer to AS3959-2009	Refer to AS3959-2009	Refer to AS3959-2009



The vegetation is typical of this area with the steep and mid upper slopes consisting of 11.11.4/11.11.5, the lower slopes containing *Eucalyptus platyphylla* but dominated by *Corymbia clarksonia* and *Lophostemon suaveolens* consistent with 11.11.20 and the alluvials usually with deep but average duplex soils dominated by *Corymbia clarksonia* and *Lophostemon suaveolens* consistent with 11.3.9. All of these vegetation communities are consistent with a woodland definition, trees 10-30m, crown cover 20-52%, open woodland is trees 10-30m, crown cover 0.2-20%.

Woodland classification shown pictorially



It is general practice to ensure no trees are able to fall onto a dwelling, and as such an exemption under the Vegetation Management Act exists which provides to enable property owners to clear up to 1.5 times the height of the tallest adjacent tree. This ensures a tree cannot fall onto the asset and also protects from fire jumping from the tree to the asset.

A slope analysis was carried out in GIS system using 5m contours. The slope model is shown below in degrees. Areas identified as green are the smallest slopes. Areas showing red are the greatest slopes. Proposed lots 2, 3 and 4 have chosen to locate building envelopes on the smallest slopes. When the surrounding area is considered, numerous existing properties have been developed and house sites located on slopes that are far greater than those within the subject site. For example, Norpine Road, houses are located on vegetated slopes far greater than those where the proposed building envelopes are located within the subject site.







TABLE 2.4.5

DETERMINATION OF BUSHFIRE ATTACK LEVEL (BAL)—FDI 40 (1090 K)

A1
A2

Vegetation classification	Bushfire Attack Levels (BALs)				
	BAL—FZ	BAL—40	BAL—29	BAL—19	BAL—12.5
	Distance (m) of the site from the predominant vegetation class				
	All upslopes and flat land (0 degrees)				
A. Forest	<10	10-<13	13-<20	20-<28	28-<100
B. Woodland	<6	6-<9	9-<13	13-<19	19-<100
C. Shrubland	<7	7-<9	9-<13	13-<19	19-<100
D. Scrub	<10	10-<13	13-<19	19-<27	27-<100
E. Mallee/Mulga	<6	6-<8	8-<12	12-<17	17-<100
F. Rainforest	<4	4-<5	5-<8	8-<12	12-<100
G. Grassland	<4	4-<5	5-<8	8-<12	12-<50
	Downslope >0 to 5 degrees				
A. Forest	<12	12-<16	16-<24	24-<34	34-<100
B. Woodland	<8	8-<11	11-<16	16-<23	23-<100
C. Shrubland	<7	7-<10	10-<15	15-<22	22-<100
D. Scrub	<14	14-<15	15-<22	22-<31	31-<100
E. Mallee/Mulga	<7	7-<9	9-<13	13-<20	20-<100
F. Rainforest	<5	5-<7	7-<10	10-<15	15-<100
G. Grassland	<4	4-<6	6-<9	9-<14	14-<50
	Downslope >5 to 10 degrees				
A. Forest	<15	15-<20	20-<29	29-<41	41-<100
B. Woodland	<9	9-<13	13-<19	19-<28	28-<100
C. Shrubland	<8	8-<11	11-<17	17-<25	25-<100
D. Scrub	<12	12-<17	17-<24	24-<35	35-<100
E. Mallee/Mulga	<7	7-<10	10-<15	15-<23	23-<100
F. Rainforest	<6	6-<8	8-<13	13-<19	19-<100
G. Grassland	<5	5-<7	7-<11	11-<16	16-<50
	Downslope >10 to 15 degrees				
A. Forest	<19	19-<25	25-<36	36-<49	49-<100
B. Woodland	<12	12-<16	16-<24	24-<31	31-<100
C. Shrubland	<9	9-<13	13-<19	19-<28	28-<100
D. Scrub	<14	14-<19	19-<28	28-<39	39-<100
E. Mallee/Mulga	<8	8-<11	11-<18	18-<26	26-<100
F. Rainforest	<6	6-<11	11-<16	16-<24	24-<100
G. Grassland	<6	6-<8	8-<13	13-<19	19-<50
	Downslope >15 to 20 degrees				
A. Forest	<24	24-<31	31-<44	44-<58	58-<100
B. Woodland	<15	15-<21	21-<31	31-<41	41-<100
C. Shrubland	<10	10-<15	15-<22	22-<31	31-<100
D. Scrub	<15	15-<21	21-<31	31-<43	43-<100
E. Mallee/Mulga	<9	9-<13	13-<20	20-<29	29-<100
F. Rainforest	<10	10-<14	14-<21	21-<30	30-<100
G. Grassland	<7	7-<9	9-<15	15-<22	22-<50

The BAL scores are calculated based on the above inputs and generated from the table above. As is clearly seen, with increasing distance from the vegetation the BAL score and therefore risk from bushfire decreases.

The 33m firebreak referred to does not mean that all trees have to be cleared, rather that this zone is managed to mitigate against bushfire risk. One of the most important methods to reduce bushfire threat is to create and maintain a firebreak also called an asset protection zone (APZ) around the asset or infrastructure. This zone can provide a buffer between a bush fire hazard and an asset and provides an area of reduced bush fire fuel that allows suppression of fire. An APZ will reduce the risk of

- Direct flame contact on the building
- Damage to the infrastructure from intense radiant heat and
- Ember attack on the infrastructure

Different types of vegetation behave differently during bushfires. A forest with a shrubby understorey is likely to result in higher intensity fire than a woodland with a grassy understorey and therefore would require a greater APZ. The intensity of fire can be greatly reduced where there is little to no available fuel for burning. In order to control bush fire fuels you can reduce or remove or change the state of the fuel. Steps to control fuel:

1. Raking or manual removal of fine fuels such as leaves on the ground, twigs and bark need to be removed regularly. This type of fuel burns quickly and increases the intensity of the fire.
2. Mowing of grass – keep grass short and green where possible
3. Prune or remove trees so that there is not a continuous canopy leading from the hazard to the infrastructure. Separate tree crowns by 2-5metres. A canopy should not overhang within 2-5 metres of a dwelling. Native trees and shrubs should be retained as clumps and should maintain a covering of no more than 20% of the area.
4. Remove noxious and environmental weeds first.
5. Remove more flammable species such as those with rough, flaky or string bark; and
6. Remove or thin understorey plants, trees and shrubs less than 3 metres in height.
7. Ensure vegetation does not provide a continuous path to the house.



8. Prune low branches two metres from the ground to prevent a ground fire spreading into trees
9. Locate vegetation far enough away from any buildings/assets so that the plants will not ignite the asset by direct flame contact or radiant heat emission
10. Plant and maintain short green grass around the house as this will slow the fire and reduce fire intensity.

With respect to the proposed subdivision;

Proposed Lot 2

The proposed building envelope is located on the flattest part of the lot, which is the area of lowest potential bushfire hazard. The proposed building envelope is also set back from the steeper slopes within the lot. Potential bushfire hazard is basically calculated by vegetation type, slope and aspect. As soon as there is any woody vegetation and any slope, the potential bushfire hazard is immediately present. The BAL assessment is a tool that assists planning decisions to ensure that the appropriate measures are implemented to safeguard people and property as much as possible. Sites with even the highest potential bushfire hazard can successfully be developed and inhabited with the implementation of appropriate construction standards as outlined in the Australian standard. These measures are used successfully throughout Australia.

This assessment has determined that trees within the site have a height of 22m. Given that it is standard practice to ensure the tallest adjacent trees to dwellings are removed and provision exists for clearing of up to 1.5 times the height of these tallest adjacent trees, it is reasonable to assume that the proposed dwellings will be set back by 33m from the undisturbed native woody vegetation. If this set back is achieved the building construction requirements are in accordance with BAL 19. If a smaller setback is achieved, then the BAL will change and the building requirements will need to be in line with the relevant BAL score. The lower the BAL score, the fewer measures are needed to offer bushfire resistance.

It is quite reasonable to propose to locate a dwelling within proposed Lot 2 and this is in line with much of the coastal area of Livingstone Shire which is now highly populated with most of the coastal areas being located on slopes with woody vegetation in proximity. This assessment has



determined that by increasing the setback of the dwelling from the native woody vegetation, the potential bushfire hazard decreases. However, it is not necessary to implement a 100m firebreak around a dwelling to protect it, rather ensure that any buildings are constructed in accordance with the Australian Standard AS3959-2009 and to implement an asset protection zone to minimise the likelihood of fire reaching the dwelling as has been discussed above. It is common practice throughout Australia to condition approvals to ensure future infrastructure is constructed in accordance with this standard.

Proposed Lot 3 and Proposed Lot 4

The slopes within proposed Lots 3 and 4 are predominantly less than 5 degrees with some areas between 5-10 degrees. As noted above, potential bushfire hazard exists as soon as native woody vegetation and slopes co-exist. Hazards can always be managed to minimise their potential negative impact. This is where the BAL score comes into play. The Australian Standard outlines measures that have been proven to increase resistance to bushfire. The greater the distance between the dwelling and the vegetation, the lower the risk. Proposed Lots 3 and 4 can comfortably be developed and the potential bushfire hazard significantly reduced if measures such as suitable firebreaks, asset protection zones and appropriate design and construction (in line with AS3959-2009) are undertaken.

Kind regards



Jane Barratt
Senior Environmental Scientist



**12.8 - DECISION ASSESSMENT
REPORT FOR DEVELOPMENT
APPLICATION D-17-2017 FOR A
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT (TWO LOTS
INTO FOUR LOTS)**

Agriculture Options Report

Meeting Date: 17 April 2018

Attachment No: 9

Agricultural Options

Lot 1 on SP289213/ Lot 100 on SP 280815 – D/17-2017

8/27/2017

Grazing Best Prac – PO Box 500, Yeppoon, Qld 4703

Mick Alexander



Photo - Established pasture on western boundary of new lot 5

Lot 1 on SP289213/ Lot 100 on SP 280815 – D/17-2017

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Lot 1 on SP289213/ Lot 100 on SP 280815 – D/17-2017

Introduction

This report has been compiled on behalf of Mr Colin Roebuck as a request for more information in regards to an application D/17 - 2017 to subdivide Lot 1 on SP289213 and Lot 100 on SP280815 from 2 lots into 5 new lots (1,2,3,4,5). The report considers the issues of lot size for achieving the outcomes of the "Rural Zone" Code, fragmentation of rural lands, desired environmental outcomes of Livingstone Shire planning Scheme, parameters of soils for agricultural production and possible agricultural options. The first sections address the questions posed in the information request and the second section looks in more detail at soil tests.

The subject lots are located within 3 km of the major pineapple growing ventures in the Bungundarra horticultural zone as well as many other intensive horticultural and agricultural enterprises. The subdivision of the 4 new 25.1 ha lots is a positive move for the region as the lots are large enough to allow new owners to keep the aesthetic values of the shire and look after the natural environment while creating a viable business and small enough to keep entry prices down. The development will allow more small landholders to enter the agricultural/ horticultural markets in the region supporting the existing businesses and growing the overall fresh food market in the region.

Proposed Lots	Area (ha)	Building pocket area
1	210.7	Existing - no change
2	25.1	1 ha
3	25.11	1 ha
4	25.1	1 ha
5	25.1	1 ha

Table 1. Proposed lots and areas with building pocket sizes

The proposed development may be considered as consistent use under the Livingstone Shire Planning Scheme 2005 within the Rural Zone:

- The proposal supports the development and use of class C1, C2 (good quality agricultural land) for use for small primary production businesses.
- The proposed subdivision will protect land used for rural activities (within each new lot) as well as allowing for remnant vegetation being kept intact for both cultural purposes and to improve overall biodiversity.
- The proposed development is seeking to preserve land with productive capacity for a range of existing and emerging agricultural activities significant to the economy of the Shire.
- Subsequently the proposal is directly supporting the overall outcomes of the Rural Zone.

The proposed development will create four lots intended for long term rural land use, with the residential use being secondary in nature to primary production. The building envelopes being 10,000 sq metres or less than 5% of the total property/ lot area. The subdivision areas of 25.1 ha will support future rural pursuits and allow a greater diversity of agricultural business operator to enter rural industry.

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Fragmentation of Rural Lands

1.1 Sustainable Planning Act - section 326 (1)(b) - "The assessment manager's decision must not conflict with a relevant instrument unless there are sufficient grounds to justify the decision, despite the conflict"

The proposal to subdivide two blocks into five in the Bungundarra area will enable more small landholders to enter into the agricultural and horticultural field with an area of approximately 25.1 ha per block. The size of each block is important to allow for infrastructure establishment of a viable enterprise that can support a family and assist in growing the Livingstone Shire.

The existing blocks, lot 1 on SP289213 and lot 100 on SP280815 (prior to development) at 310 ha are not a viable living area as a grazing block without development to improve pastures and establish infrastructure. Even when developed the carrying capacity (70 - 80 head) potentially producing 16,000 kg @ \$4/kg (\$64,000 annually) would not be sufficient to compare to a 25 ha horticultural enterprise that could turn over \$100,000 - \$200,000 on a hectare of land.

The Livingstone Shire Council could consider this proposal as a positive move to enable the further development of agricultural land in the key growth corridor for food production in the Shire. It is important to assess the various options for new businesses to establish and to support those new businesses to work together in the Bungundarra district.



Photo 1. showing position and size of new lots in relation to the horticultural zone.

Fragmentation of rural land is a major problem on the fringe of Yeppoon with small housing blocks reducing the land area for agricultural enterprises. However, this proposal will assist four new agricultural enterprises to be established in the region.

Soil parameters have been assessed on 5 sites within the development with all sites being low clay content, well drained, red to grey loams of high organic matter content, pH of 5.4-6.1 and generally low trace nutrient status. These are very normal for the district and highly sought after for horticulture as trace nutrients can be supplied from either organics or synthetic fertilisers. High levels of organic matter will stabilise soil structure and assist the stabilisation of added nutrients.

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Photo 2 showing landscape with vegetation



Photo 3 showing cleared track

1.2 Desired Environmental Outcomes of the Livingstone Shire Planning Scheme 2005 - and will not have an adverse impact upon the achievement of Outcomes:

(a) Development does not adversely affect the values of the Shire's natural environment including coastal areas, wetlands, beaches, headlands, waterways, Protected Areas, undeveloped hillslopes, and areas of significant native vegetation, from any adverse effects accruing from clearing, soil degradation and pollution due to erosion and contamination, acidification, salinity, waste disposal and any modifications to natural processes.

This development will not negatively impact on the Shires natural environment in any way as the only clearing being undertaken to-date is to establish building envelopes, access tracks and fences to secure the boundary for each lot. The developer has taken all proper precautions to ensure that all protected areas are secure and the natural environment is maintained. All care is taken to reduce the potential of erosion of tracks and cleared areas by constructing access tracks on contours where possible and provision of whoa boys to divert concentrated water from tracks.

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

Risk management is an important concern for the developer when planning to ensure major waterways such as Daly Creek do not impact on the 4 new lots in event of flooding. Tracks have been sited in positions to reduce the potential for harm when travelling on them and have been constructed on contour lines and away from flood prone areas where possible. Building envelopes have been sited to allow for ease of access (up to 500 m from frontage access) and to allow families to be safely living in the natural environment. Clear space around the building sites is large enough to protect buildings in times of bushfire. Soil tests have shown the soils to not be chemically likened to acid sulphate soils as the pH is 5.4 - 6.1. Therefore, there would not be problems with ASS.

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

The proposed development will not put at risk any of the values of good quality agricultural land, vegetation or water resources as it will work with the natural assets to maximise both productive capability and intrinsic natural beauty of the Australian bush. Soils are primarily red to grey loams (below) of low CEC values (3 - 9), that are well drained and high organic matter (4.6% - 11% OM) in the top 30 cm.

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The soils on these lots are generally ideally suited for many of the high value horticultural enterprises. All lots have a combination of soil types as demonstrated below.



Photo 4 Soil sample colour variation sites 1 - 5.



Figure 1 Topographic map showing new lots and soil test sites

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

The proposed development allows for access to lots 3,4,5 via Madges Road and Lots 1 and 2 via Bungundarra Road. These accesses (figure 1) may be utilised by motorised and non-motorised modes of transport and will have potential for large vehicle access.

(j) Development occurs in an area:

(i) which is intended for the development as identified by the outcomes for zoned land; and

Land in this area is zoned "rural" and situated in the heart of the key horticultural growth corridor which has seen accelerated development in the past decade. The proposed scale of development is ideally suited for the Bungundarra district as neighbouring properties include tree crops, pineapples and other horticultural enterprises as well as many grazing businesses.

(ii) in which services and facilities required in respect of the development are existing, planned or provided by the development.

Services including council regulated gravel roads and sealed bitumen roads already exist to the front access of each lot. Mail services are already existing on both roads. Electricity is available to neighbouring properties and telephone services would include NGWL or satellite NBN services as required. The developer will provide access tracks and boundary fencing for each lot.

(k) Development does not adversely affect:

(i) the community's health and safety; or

The proposed development will provide safe access to and from the new lots on constructed tracks, with fenced boundaries and cleared building envelopes. It will not adversely affect the communities health and safety in any way during times of extreme weather, although it is the role of the owner at the time to maintain all amenities.

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(ii) the amenity enjoyed by people in different areas of the Shire.

It is difficult to see any possible way the development will negatively affect the amenity enjoyed by people in different parts of the shire. When developed, the lots will add value to both production potential and aesthetics of the shire. The plans will be developed according to sustainable planning guidelines and implemented to reduce impact on ecosystem values and enhance existing amenities.

(l) Development reflects the community's reasonable expectations and harmonises with the natural environment and does not prejudice the Shire's existing scenic amenity, particularly along the Capricorn Coast.

The proposed development of access tracks, boundary fences and building pockets are the key outcomes of this stage of the development, with no major clearing or earthworks being planned. All locally significant vegetation will be respected and remain intact along watercourses and in wetland areas. The developers want the natural beauty to be preserved as much as the people of Livingstone Shire.

Rural Zone Requirements

1.3 The subject site is located in the Rural Zone and has been classified as containing class C2 agricultural land. The report must demonstrate:

- **Sufficient area and suitable proportions for preferred or consistent use**

The Capricorn Coast region has a large number of horticultural enterprises established on small acreages across a diversity of crops. Although the Livingstone Shire Council Planning Scheme 2005 states it is necessary for a Rural Subdivision to have a minimum of 10 ha of A1 land and 40 ha of class C3 land, many small crop enterprises already operate with less than 0.5 – 1.0 ha. The proposed lots with areas of 25.1 ha being discussed are under the proposed minimum allowable area, but are large enough to be a viable intensive enterprise.

It is always difficult to assess what area of land makes a viable business unit without giving examples. Therefore, it was necessary to consider a very worthy report conducted by the South East Queensland Short Supply Chains Initiative and funded by the Qld Govt in 2012. This report summarises a similar situation in south east Queensland. I have endeavoured to highlight comparisons between the Sunshine Coast district and Yeppoon/ Bungundarra as a horticultural growth area. These two distinct regions have similar soil types and climatic conditions as well as growing a high proportion of Australian pineapple crop and other tropical fruits. Therefore, this report is extremely valuable in assessing size and viability data.

The following extract comes from this 2012 report, **"Food Futures Opportunities and Constraints for Small scale production, processing, marketing and distribution on the Sunshine Coast"**. It included a survey of producers (mostly small acreage) to assess the state of the industry. The report stated,

70 food producers engaged in primary production and food processors agreed to participate in the survey. The majority of respondents were engaged primary producers, with a median age of 41-55 years. The median time in operation of respondents was 6-10 years just over half having entered food production in the last decade. The median land under production was 1-5ha while

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median property sizes were 11-20ha. Whilst a large variety of fruits and vegetables were produced by respondents, fruit production dominated with avocados, bananas, strawberries and lychees being the most commonly grown crops. The most commonly produced processed food included jams and preserves and baked goods. The study has identified opportunities to fill gaps in the local food supply chain, finding opportunities for diversification and improved linkages between food producers and processors.

This study found many farmers were shifting from sole dependence on central wholesale markets and large processors to engagement in local direct and intermediate markets. Amongst respondents there was high level of interest in both participating in a local food value chain and in the concept of a local distribution hub. However, producers did express caution about the need to research and develop a model that was fair, and workable given the volumes and availability of produce in the region. The development of a regional brand was overwhelmingly supported by the producers with an understanding that a brand would promote local food production as an industry, speaking to both local consumers and tourists.

The report continues –

Median property size was 11 -20 ha whilst the median land area under production was 1-5ha. Figure 6 shows the contrast between property sizes and the much smaller areas under active production. Amongst respondents, food production is undertaken across a range of scales but the most common was intensive production associated with horticulture as reflected by the Agricultural Census 2005-2006 for Sunshine Coast where vegetable production areas averaged 3.4 ha and orchard and nut crops 7.9 ha. The small and intense nature of primary production currently practiced in the region suggests there is potential for peri-urban areas to be more fully utilized for food production. The difference between the area of properties and the area under production indicates that there is also land capacity for expansion of production.

Table 2 demonstrates the size of the five new proposed lots being discussed are larger than the median property size of 11 – 20 ha in size.

	Sunshine Coast report	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5
Farm size	11 – 20 ha median	230.7 ha	25.1 ha	25.1 ha	25.1 ha	25.1 ha

Table 2 Comparison between Sunshine Coast small acreage farms in 2012 and proposed Lot sizes.

There are many situations in which creation of a range of lot sizes, including small lots, may be preferable to dividing a property into a regular series of lots (for example, of 10, 20 or 50 hectares) depending on the minimum specified for the zone. Smaller lots may be required for particular agricultural or horticultural enterprises, such as vineyards or herb growing.

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- **Adequate frontage for safe and convenient vehicular pedestrian access**

The proposed development has an allowance for safe and convenient vehicular pedestrian access to all proposed lots with lots 3, 4 and 5 entering via Madges Road and lots 1 and 2 accessing from Bungundarra Road.



Photo 5 - Showing access from Madges Road

- **Suitable areas within each lot for the location of relevant activities and works and**

At approximately 25 ha, all lots have adequate area of land to conduct horticultural and/or agricultural enterprises such as tree crops, fruit and or vegetable growing and animal based options.

- **Do not expose people and works to unacceptable risks from flooding or other hazards**

The classification of agricultural land as A and B is mostly reserved for broadacre cropping soils which are generally moderate to high clay contents with CEC of 20 - 40 and found in the lower slopes and flood plains in Australia. However, horticulture and especially tree crops requires a low clay content loamy soils of 3-15 CEC and well drained to reduce root problems. A lower CEC soil is also easier to manage for nutrient efficiency. The existing lots have a combination of soil types classed as B, C1 and C2 class agricultural land as well as areas of D class non-agricultural land, due to habitat and other limitations.

Class	Description
Class A	Crop land - land that is suitable for current and potential crops with limitations to production which range from none to moderate levels.
Class B	Limited crop land - land that is marginal for current and potential crops due to severe limitations and suitable for pastures. Engineering and agronomic improvements may be required before the land is considered suitable for cropping.
Class C1	Pasture land - land suitable only for improved or native pastures due to limitations which preclude continuous cultivation for crop production, but some areas may tolerate a short period of ground disturbance for pasture establishment.
Class C2	Pasture land - land suitable only for native pastures due to limitations which preclude continuous cultivation for crop production, but some areas may tolerate a short period of ground disturbance for pasture establishment.
Class D	Non-agricultural land - not suitable for agricultural uses due to extreme limitations. this may be undisturbed land, with significant habitat, conservation and or catchment values or land that may be unsuitable because of very steep slopes, shallow soils, rock outcrop or poor drainage.

Table 3 GQAL Legend - Agricultural land Classes

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Rural Zone Outcomes

1.4 Rural Zone Code - Overall outcome (iv)

"Agriculture, including both extensive and intensive activities is protected from land use conflicts resulting from the location of non-rural activities on rural land"

It is important to ensure the lot size is stabilised at 20 - 25 ha per lot so that there is enough area to operate a viable intensive agricultural enterprise without placing pressure on land sustainability or protected areas. The size of the proposed lots at approximately 25.1 ha is large enough to allow scale for many small crops and horticultural business options as well as some more intensive small animal enterprises. The development proposal is only allowing for a specific 1 ha envelope for infrastructure (dwelling) and not for any further development. It will be a matter for Livingstone Shire council to assess any additional applications for locating non-rural activities on these allotments in the future. The proposed land use for land outside the housing pocket will be for rural activity only.

State Planning Policy

1.5 Integration of state planning policy into land use requirements locally

i) The diversity and needs of current and potential agricultural land uses of land

The aspect and position of the new lots within the Bungundarra growth zone allows for a variety of new enterprise options. The soil types and size of the new lots at 25.1 ha is large enough to allow for most intensive horticultural options to be established and has ideal soil types for tree crops (well drained) with good organic matter. Table 4 shows the comparison between the 5 soil types assessed within the development area, with all sites were loam texture with good organic matter levels, pH variations from 5.4 - 6.1 and high paramagnetism levels in all but one sample.

Key soil parameters include:

Mineral	1	2	3	4	5	Ideal
CEC	6.46	8.9	4.02	2.93	5.84	
Paramagnetism	3060	1170	1400	200	480	200+
Texture	Loam	Loam	Loam	Loam	Loam	
Organic Matter	6.67	7.65	10.96	6	4.6	4-10
pH	5.9	5.7	5.4	5.4	6.1	6.3
Conductivity	.03	.04	.03	.03	.02	.1 - .2
Ca/ Mg ratio	.86	2.93	.69	1.1	.93	3 - 5
Calcium %	35.1	54.7	24.4	31.3	38.4	60-70
Magnesium %	40.9	18.7	35.6	28.4	41.2	10-18
Potassium %	3.2	1.27	3.86	3.75	4.5	3 - 6
Sodium %	2.22	.84	2.56	2.91	1.89	0.5 - 1.5

Table 4, Soil Site comparisons from 0 - 30 cm for key parameters (5 sites)

Figure 2 on page 11 shows the variation in topography across the lots with the gentler slopes (5-6%) being ideal for pineapples and the slightly steeper slopes being ideal for custard apples. Lots 3,4 and 5 all have

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large areas of gentle sloping land for crop production and lot 2 has a smaller area of gentle slope, with more areas suitable for tree crops.



Figure 2 Image showing topography with proposed new lots and sites for 5 soil sampling

ii) The area of land required for a typical agricultural holding to conduct an efficient and successful business based on local agricultural land uses

It is difficult to ascertain data demonstrating the size, commercial viability or production data from a common source for the Yeppoon or Livingstone/ Capricorn regions as a single study has not been conducted. However, on an individual basis, many landholders are operating small farming enterprises quite successfully on land areas of less than 10 hectares.

Custard apples are viable with as little as 1.0 ha of good quality agricultural land. Other enterprises such as vegetables and fruit and tree crops would also be highly effective within the confined fragmented GQAL areas. Fragmentation of native vegetation is a big positive for custard apples as they require protection from the wind and climatic conditions. The remaining vegetation would act as windbreaks for these orchards.

The following extract comes from a 2012 report, "Food Futures Opportunities and Constraints for Small scale production, processing, marketing and distribution on the Sunshine Coast". *The median land under production was 1-5ha while median property sizes were 11-20ha. Whilst a large variety of fruits and vegetables were produced by respondents, fruit production dominated with avocados, bananas, strawberries and lychees being the most commonly grown crops.*

In the local area, there is a large variation in farm sizes with some smaller due to the enterprise type (vegetables), while others are larger (tree crops) due to the area required for trees. However, the variation in the enterprise type and committed farmed area in the Livingstone Shire is similar to that of the Sunshine Coast. The proposed lots are comparable productive capacity as many other lots in the area and so are expected to provide an efficient and successful primary production opportunity as will be discussed later in the report.

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Figure 3. Topographic and cadastral map of the surrounding blocks

Typical Agricultural Systems

Evidence of a typical agricultural productions system or an analysis of the median holdings sizes of typical local successful agricultural enterprises.

As can be seen by the long list of locally established enterprises (mango, custard apple, pineapple, citrus, avocado, vegetables), there is a vast array of viable intensive cropping enterprise options that could easily be developed on each of the proposed new blocks. The Livingstone Shire produces 98.4% of the Fitzroy regions pineapples and 54% of the regions lychees. In 2012/13, there were 513 business registered in the Livingstone Shire in agriculture, forestry and fishing industries representing 18% of all businesses. As an example:

- Ken Mason operates a 50 acre (20 ha) biodynamic farm in the Woodvale Park Road area. His farm produces lemons, mandarins, oranges, mangoes, cucumber, capsicum, cherry tomatoes, eggplant & grapefruit.
- Ian and Sandy Groves Orchard is a large tree crop enterprise situated in Bungundarra, beside the new proposed blocks. The Groves family enterprise, originally started as 26 ha in 1958 and over time have increased the area to grow Lychees, Avocado, Mango, Carambola, Longans and Loquats. The fruit is packed on farm and sent to the southern markets.

Table 5 lists some of the options and examples which are being undertaken in the Livingstone Shire.

Crop enterprise	Animal enterprise
Pineapple (Valley syndicate and Brookes farms within 3km)	Dairy Goats
Mango - (neighbouring property - Groves Orchards with 10,000 trees)	Alpaca's
Citrus (Ken Mason 20 ha within 4 km)	Small cattle breeds
Custard Apples (Slopers Farm - 200 trees within 6km)	
Lychees	
Avocado	
Vegetables (Zucchini, tomatoe, carrot etc)	
Fruit and Nut Trees	
Lychees	

Table 5 – Cropping and animal options for small farms in Capricornia

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Custard Apples Enterprise Case Study

As an example, local farmer, Bruce Sloper has been successfully growing custard apples on a nearby rural block on Preston Road for more than 20 years, demonstrating the correct soil types, slope, landscape, fertility levels and climate for growing custard apples.

The following data demonstrates the gross income of a one hectare crop of custard apples would be in the vicinity of \$100,000 - \$200,000 per hectare.

Trees per ha	400	800	1200	
Sq metre/ tree	25	12.5	8.33	
Yield Tonnes per ha	20	35	40	
Gross income/ha at \$20/tray (\$2.86/kg)	\$57,200	\$100,100	\$114,400	Worst case of \$20/ tray
Gross income/ha at \$35/tray (\$5/kg)	\$100,000	\$175,000	\$200,000	2015 yield expectations with new varieties.

Table 6. The above data demonstrates the potential profitability of an intensive enterprise which would enable the proposed property sizes to be successful.

The yields will increase with the number of trees per hectare with maximum yield at approximately 1300 - 1400 trees/ ha. Custard apple trees will generally take about three years to start yielding and will reach maximum potential yields in year 6 or 7. Year 6 will be the breakeven year for return on capital to establish the enterprise.

Note - Average tray is 7kg and sells for \$20 - \$35 per tray.

As with many horticultural ventures, a custard Apple enterprise is seasonal and so will allow for a secondary enterprise to be combined with the orchard. This may include another tree crop or a vegetable crop enterprise that would value add to the custard apples and utilise equipment needed for custard apple enterprise. Table 7 compares the base requirements for three different enterprises which are established in the district.

Requirement	Pineapples	Custard Apples	Citrus
Slope	<6%	<15%	<15%
pH	4.5-5.6	6-6.5	6-6.5
Soil	Well drained	Well drained	Well drained

Table 7. Comparison between three enterprise requirements

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Soil Analysis of New Lots

Soil samples were extracted from various sections of the lots to ensure all soil types were included in the analysis. A complete analysis was undertaken by Environmental Analysis Laboratory and Nutri-Tech Solutions to ascertain the condition of soil available for intensive cropping on the proposed lots. A total of 5 sites were sampled to a depth of 0-30cm to assess the variability in soil parameters. The requirements of Custard apples and Pineapples as two of the locally relevant crops was explained in the Appendix. The 5 sites examined in Table 7 were all loam texture with CEC of 3 - 8 (cation exchange capacity), excellent organic matter of 4.6 - 11% and ideal pH of 5.4 - 6.1. There are no sodicity issues in these soil types and most soils have potential for holding nutrients for crop growth. All soils would require balancing of calcium as a base for high value production of any horticultural or pasture crop.

Key soil parameters include:

Mineral	1	2	3	4	5	Ideal
CEC	6.46	8.9	4.02	2.93	5.84	
Paramagnetism	3060	1170	1400	200	480	200+
Texture	Loam	Loam	Loam	Loam	Loam	
Organic Matter	6.67	7.65	10.96	6	4.6	4-10
pH	5.9	5.7	5.4	5.4	6.1	6.3
Conductivity	.03	.04	.03	.03	.02	.1 - .2
Ca/ Mg ratio	.86	2.93	.69	1.1	.93	3 - 5
Calcium %	35.1	54.7	24.4	31.3	38.4	60-70
Magnesium %	40.9	18.7	35.6	28.4	41.2	10-18
Potassium %	3.2	1.27	3.86	3.75	4.5	3 - 6
Sodium %	2.22	.84	2.56	2.91	1.89	0.5 - 1.5

Table 7. Soil Site comparisons from 0 - 30 cm for key parameters (5 sites)

The property also has the ideal aspect for tree crop protection from strong winds. Depending on which lot is being discussed and which slope is being utilised, there are ample opportunities to grow tree crops such as custard apples that require protection from the wind. The growing of pineapples, mangoes and custard apples in the vicinity of the proposed lots also supports these enterprises as positive choices.

The complete analysis is included in the appendix.

Positives for small crops –

The four new proposed lots are situated in an enclosed pocket of land surrounded by native bush/ existing vegetation to support biodiversity and establishment of IPM strategy. This would ably assist any small crop venture to improve temperature and climatic extremes. Most small crop enterprises would be using small machinery as larger machinery would not be suitable for the terrain within the two lots.

The proposed development may be considered as consistent use under the Livingstone Shire Planning Scheme 2005 within the Rural Zone:

- The proposal supports the development and use of class C1, C2 (good quality agricultural land) for use for small primary production businesses.
- The proposed subdivision will protect land used for rural activities (within each new lot) as well as allowing for remnant vegetation being kept intact for both cultural purposes and to improve overall biodiversity.

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- The proposed development is seeking to preserve land with productive capacity for a range of existing and emerging agricultural activities significant to the economy of the Shire.
- Subsequently the proposal is directly supporting the overall outcomes of the Rural Zone.

The proposed development will create four lots intended for long term rural land use, with the residential use being secondary in nature to primary production. The building envelopes being 10,000 sq metres or less than 5% of the total property/ lot area. The subdivision areas of 25.1 ha will support future rural pursuits and allow a greater diversity of agricultural business operator to enter rural industry.

References (mostly web based to allow for ease of access)

1. <http://www.rdasunshinecoast.org.au/wp-content/uploads/2012/08/FINAL-REPORT-Sunshine-Coast-Food-Production.pdf>
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5. <https://www.daf.qld.gov.au/plants/fruit-and-vegetables/fruit-and-nuts/pineapples/land-requirements-pineapple>
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APPENDIX

Extract from Department of Agriculture and fisheries website.

Custard Apples land and climate requirements.

Soil

Custard apples grow best in sandy loam soils, but well-structured clay loams are also suitable. Although the tree's main feeder roots are relatively shallow, at least 1 m of well-drained soil without heavy clay or rock is needed to avoid root rot and ensure good tree performance. Where the topsoil is less than 1 m deep, plant the trees on mounds.

If possible, avoid soils that have previously grown:

- tomatoes
- potatoes
- eggplant
- capsicums
- ginger.

These crops are potential hosts of the disease bacterial wilt, which custard apple is also susceptible to. The disease threat is worst in poorly drained soils.

Slope

Slopes of up to 15% are suitable provided the orchard is designed to minimise erosion. Steeper slopes present a major erosion risk and make it difficult to operate machinery safely. Avoid these wherever possible.

Pineapples land and climate requirements.

Soil

The best soils for pineapple production are non-compacted, well-aerated and free-draining loams, sandy loams and clay loams with no heavy clay or rock within one metre of the surface. Good drainage is essential because poor drainages leads to a weak root system, which makes the plant more susceptible to root and heart rot diseases. A soil pH in the range of 4.5-5.6 is optimal for pineapple production.

Climate

Temperature is the most important climatic factor affecting productivity. The optimum air temperature is 32°C during the day and 20°C at night. For every 1°C above or below, the optimum growth rates decrease by about 6 per cent.

During periods of intense sunlight and high temperature (above about 35°C), fruit is susceptible to sunburn damage. A frost-free site is essential.

For non-irrigated crops, rainfall should be well distributed throughout the year and more than 750 mm per year.

Slope

Slopes between 2-6 per cent are best for pineapple growing. Below this range, it may be hard to achieve adequate drainage. Above this range, operational and erosion control costs escalate.

Aspect

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The effect of aspect is more significant in the subtropics than the tropics. The best aspect is north-east, followed by north and north-west. Avoid steeper north-west slopes to reduce the risk of sunburn. The worst aspects are southerly ones because they do not get warm in winter. Flat country in southern districts act like a southerly aspect in winter because of the lower aspect of the sun.

Citrus land and climate requirements.

Soil

Citrus trees require a minimum of 60 cm of well-drained topsoil; a depth of 1 m is preferable. Use an auger to check that there is no barrier to drainage within 1.5 m of the surface.

Loams and sandy loams are preferred. Very sandy soils require expert management as they have a low water-holding capacity and nutrients are readily leached. Wetter clay soils can cause collar and root rot and the risk of tree death. A soil pH between 6.0 and 6.5 is required. Avoid soils with a natural pH above 8.

Slope

Slopes of up to 15% are suitable provided the farm is designed to minimise soil erosion. Steeper slopes present a major erosion risk and make it difficult to operate machinery safely. Avoid these wherever possible.

DATE: 4/08/2017
 NAME: Roebuck Bungandarra
 ADDRESS: C/- Grazing Best Prac
 PO Box 500
 YEPPOON QLD 4703

LAND USE: Pasture
 Paddock: Site 1-62
 SAMPLE REC: 20/07/2017
 E-MAIL: mick@grazingbestprac.com.au



ALBRECHT CATEGORY	YOUR LEVEL	IDEAL LEVEL	NUTRIENT STATUS		
			LOW	MEDIUM	HIGH
CEC	6.46				
TEC	7.88				
Paramagnetism	3060	200 +			
pH-level (1:5 water)	5.90	6.3			
Organic Matter (ST Gas Anal.)	6.67 %	4 - 10 %			
Conductivity (1:5 water)	0.03 mS/cm	0.1 - 0.2 mS/cm			
Ca / Mg Ratio	0.86 :1	4.33 :1			
Nitrate-N (KCl)	1.0 ppm	10 - 20 ppm			
Ammonium-N (KCl)	2.3 ppm	10 - 20 ppm			
Phosphorus (Mehlich III)	3 ppm	35 - 50 ppm	Extremely Low		
Calcium (Mehlich III)	553 ppm	1024 ppm			
Magnesium (Mehlich III)	387 ppm	142 ppm			
Potassium (Mehlich III)	99 ppm	108 - 154 ppm			
Sodium (Mehlich III)	40 ppm	9 - 27 ppm			
Sulphur (KCl)	6 ppm	30 - 50 ppm			
Aluminium (Mehlich III)	4 ppm	< 4 ppm			
Silicon (CaCl ₂)	33 ppm	> 100 ppm			
Boron (Hot CaCl ₂)	0.52 ppm	1 - 3 ppm			
Iron (DTPA)	62 ppm	40 - 200 ppm			
Manganese (DTPA)	240 ppm	30 - 100 ppm			
Copper (DTPA)	5.1 ppm	2 - 7 ppm			
Zinc (DTPA)	0.1 ppm	5 - 10 ppm	Extremely Low		
Molybdenum (TAE)	N/A	0.5 - 2 ppm			
Cobalt (TAE)	N/A	2 - 40 ppm			
Selenium (TAE)	N/A	0.6 - 2 ppm			
Texture	Loam				
Colour	Red				
BASE SATURATION					
(Levels are not relevant in soils with a TEC below 5)					
Calcium	35.09 %	65.00 %			
Magnesium	40.93 %	15.00 %			
Potassium	3.21 %	3.50 - 5.00 %			
Sodium	2.22 %	0.50 - 1.50 %			
Aluminium	0.54 %	0.50 %			
Hydrogen	18.00 %	10.00 %			
LAMOTTE/REAMS CATEGORY	YOUR LEVEL	IDEAL LEVEL	NUTRIENT STATUS		
			LOW	MEDIUM	HIGH
Calcium	401.6 ppm	1000 - 2000 ppm			
Magnesium	312.6 ppm	140 - 285 ppm			
Phosphorus	2.24 ppm	20 - 80 ppm			
Potassium	68.04 ppm	80 - 100 ppm			
Explanatory Notes: The La Motte test gives an indication of the amount of plant available nutrients at the time of sampling.					

DATE: 7/08/2017
 NAME: Roebuck Bungandarra
 ADDRESS: C/- Grazing Best Prac
 PO Box 500
 YEPPOON QLD 4703

LAND USE: Pasture
 Paddock: Site 2-65
 SAMPLE REC: 20/07/2017
 E-MAIL: mick@grazingbestprac.com.au



ALBRECHT CATEGORY	YOUR LEVEL	IDEAL LEVEL	NUTRIENT STATUS		
			LOW	MEDIUM	HIGH
CEC	8.90				
TEC	11.71				
Paramagnetism	1170	200 +			
pH-level (1:5 water)	5.70	6.3			
Organic Matter (IR Gas Anal.)	7.65 %	4 - 10 %			
Conductivity (1:5 water)	0.04 mS/cm	0.1 - 0.2 mS/cm			
Ca / Mg Ratio	2.93 :1	5.67 :1			
Nitrate-N (KCl)	2.3 ppm	10 - 20 ppm			
Ammonium-N (KCl)	1.8 ppm	10 - 20 ppm			
Phosphorus (Mehlich III)	20 ppm	35 - 50 ppm			
Calcium (Mehlich III)	1280 ppm	1592 ppm			
Magnesium (Mehlich III)	262 ppm	169 ppm			
Potassium (Mehlich III)	58 ppm	137 - 228 ppm			
Sodium (Mehlich III)	23 ppm	14 - 40 ppm			
Sulphur (KCl)	4 ppm	30 - 50 ppm			
Aluminium (Mehlich III)	6 ppm	< 5 ppm			
Silicon (CaCl ₂)	23 ppm	> 100 ppm			
Boron (Hot CaCl ₂)	0.36 ppm	1 - 3 ppm			
Iron (DTPA)	158 ppm	40 - 200 ppm			
Manganese (DTPA)	44 ppm	30 - 100 ppm			
Copper (DTPA)	0.8 ppm	2 - 7 ppm			
Zinc (DTPA)	0.6 ppm	5 - 10 ppm			
Molybdenum (TAE)	N/A	0.5 - 2 ppm			
Cobalt (TAE)	N/A	2 - 40 ppm			
Selenium (TAE)	N/A	0.6 - 2 ppm			
Texture	Loam				
Colour	Brownish				
BASE SATURATION					
(Levels are not relevant in soils with a TEC below 5)					
Calcium	54.67 %	68.00 %			
Magnesium	18.65 %	12.00 %			
Potassium	1.27 %	3.00 - 5.00 %			
Sodium	0.84 %	0.50 - 1.50 %			
Aluminium	0.57 %	0.50 %			
Hydrogen	24.00 %	10.00 %			
LAMOTTE/REAMS CATEGORY	YOUR LEVEL	IDEAL LEVEL	NUTRIENT STATUS		
			LOW	MEDIUM	HIGH
Calcium	954.5 ppm	1000 - 2000 ppm			
Magnesium	197.6 ppm	140 - 285 ppm			
Phosphorus	4.17 ppm	20 - 80 ppm			
Potassium	47.84 ppm	80 - 100 ppm			
Explanatory Notes: The La Motte test gives an indication of the amount of plant available nutrients at the time of sampling.					

DATE: 7/08/2017
 NAME: Roebuck Bungandarra
 ADDRESS: C/- Grazing Best Prac
 PO Box 500
 YEPPOON QLD 4703

LAND USE: Pasture
 Paddock: Site 3-65
 SAMPLE REC: 20/07/2017
 E-MAIL: mick@grazingbestprac.com.au



ALBRECHT CATEGORY	YOUR LEVEL	IDEAL LEVEL	NUTRIENT STATUS		
			LOW	MEDIUM	HIGH
CEC	4.02				
TEC	6.00				
Paramagnetism	1400	200 +			
pH-level (1:5 water)	5.40	6.3			
Organic Matter (IR Gas Anal.)	10.96 %	4 - 10 %			
Conductivity (1:5 water)	0.03 mS/cm	0.1 - 0.2 mS/cm			
Ca / Mg Ratio	0.69 :1	4.00 :1			
Nitrate-N (KCl)	1.3 ppm	10 - 20 ppm			
Ammonium-N (KCl)	2.8 ppm	10 - 20 ppm			
Phosphorus (Mehlich III)	6 ppm	35 - 50 ppm			
Calcium (Mehlich III)	293 ppm	768 ppm			
Magnesium (Mehlich III)	256 ppm	115 ppm			
Potassium (Mehlich III)	90 ppm	94 - 117 ppm			
Sodium (Mehlich III)	35 ppm	7 - 21 ppm			
Sulphur (KCl)	5 ppm	30 - 50 ppm			
Aluminium (Mehlich III)	3 ppm	< 3 ppm			
Silicon (CaCl ₂)	30 ppm	> 100 ppm			
Boron (Hot CaCl ₂)	0.42 ppm	1 - 3 ppm			
Iron (DTPA)	205 ppm	40 - 200 ppm			
Manganese (DTPA)	15 ppm	30 - 100 ppm			
Copper (DTPA)	2.9 ppm	2 - 7 ppm			
Zinc (DTPA)	0.1 ppm	5 - 10 ppm	Extremely Low		
Molybdenum (TAE)	N/A	0.5 - 2 ppm			
Cobalt (TAE)	N/A	2 - 40 ppm			
Selenium (TAE)	N/A	0.6 - 2 ppm			
Texture	Loam				
Colour	Brownish				
BASE SATURATION					
(Levels are not relevant in soils with a TEC below 5)					
Calcium	24.41 %	64.00 %			
Magnesium	35.55 %	16.00 %			
Potassium	3.86 %	4.00 - 5.00 %			
Sodium	2.56 %	0.50 - 1.50 %			
Aluminium	0.62 %	0.50 %			
Hydrogen	33.00 %	10.00 %			
LAMOTTE/REAMS CATEGORY	YOUR LEVEL	IDEAL LEVEL	NUTRIENT STATUS		
			LOW	MEDIUM	HIGH
Calcium	210.4 ppm	1000 - 2000 ppm			
Magnesium	217 ppm	140 - 285 ppm			
Phosphorus	2.155 ppm	20 - 80 ppm			
Potassium	67.73 ppm	80 - 100 ppm			
Explanatory Notes: The La Motte test gives an indication of the amount of plant available nutrients at the time of sampling.					

DATE: 7/08/2017
 NAME: Roebuck Bungandarra
 ADDRESS: C/- Grazing Best Prac
 PO Box 500
 YEPPOON QLD 4703

LAND USE: Pasture
 Paddock: Site 4-67
 SAMPLE REC: 20/07/2017
 E-MAIL: mick@grazingbestprac.com.au



ALBRECHT CATEGORY	YOUR LEVEL	IDEAL LEVEL	NUTRIENT STATUS		
			LOW	MEDIUM	HIGH
CEC	2.93				
TEC	4.37				
Paramagnetism	200	200 +			
pH-level (1:5 water)	5.40	6.3			
Organic Matter (IR Gas Anal.)	5.99 %	4 - 10 %			
Conductivity (1:5 water)	0.03 mS/cm	0.1 - 0.2 mS/cm			
Ca / Mg Ratio	1.10 :1	3.44 :1			
Nitrate-N (KCl)	0.5 ppm	10 - 20 ppm	Extremely Low		
Ammonium-N (KCl)	4.6 ppm	10 - 20 ppm			
Phosphorus (Mehlich III)	13 ppm	35 - 50 ppm			
Calcium (Mehlich III)	274 ppm	542 ppm			
Magnesium (Mehlich III)	149 ppm	95 ppm			
Potassium (Mehlich III)	64 ppm	85 - 119 ppm			
Sodium (Mehlich III)	29 ppm	5 - 15 ppm			
Sulphur (KCl)	3 ppm	30 - 50 ppm	Extremely Low		
Aluminium (Mehlich III)	2 ppm	< 2 ppm			
Silicon (CaCl ₂)	21 ppm	> 100 ppm			
Boron (Hot CaCl ₂)	0.36 ppm	1 - 3 ppm			
Iron (DTPA)	139 ppm	40 - 200 ppm			
Manganese (DTPA)	42 ppm	30 - 100 ppm			
Copper (DTPA)	0.5 ppm	2 - 7 ppm			
Zinc (DTPA)	0.5 ppm	5 - 10 ppm	Extremely Low		
Molybdenum (TAE)	N/A	0.5 - 2 ppm			
Cobalt (TAE)	N/A	2 - 40 ppm			
Selenium (TAE)	N/A	0.6 - 2 ppm			
Texture	Loam				
Colour	Brownish				
BASE SATURATION					
(Levels are not relevant in soils with a TEC below 5)					
Calcium	31.33 %	62.00 %			
Magnesium	28.39 %	18.00 %			
Potassium	3.75 %	5.00 - 7.00 %			
Sodium	2.91 %	0.50 - 1.50 %			
Aluminium	0.62 %	0.50 %			
Hydrogen	33.00 %	10.00 %			
LAMOTTE/REAMS CATEGORY	YOUR LEVEL	IDEAL LEVEL	NUTRIENT STATUS		
			LOW	MEDIUM	HIGH
Calcium	214.6 ppm	1000 - 2000 ppm			
Magnesium	115.4 ppm	140 - 285 ppm			
Phosphorus	2.91 ppm	20 - 80 ppm			
Potassium	53.1 ppm	80 - 100 ppm			
Explanatory Notes: The La Motte test gives an indication of the amount of plant available nutrients at the time of sampling.					

DATE: 5/08/2017
 NAME: Roebuck Bungandarra
 ADDRESS: C/- Grazing Best Prac
 PO Box 500
 YEPPOON QLD 4703

LAND USE: Pasture
 Paddock: Site 5-6B
 SAMPLE REC: 20/07/2017
 E-MAIL: mick@grazingbestprac.com.au



ALBRECHT CATEGORY	YOUR LEVEL	IDEAL LEVEL	NUTRIENT STATUS		
			LOW	MEDIUM	HIGH
CEC	5.84				
TEC	6.75				
Paramagnetism	480	200 +			
pH-level (1:5 water)	6.10	6.3			
Organic Matter (IR Gas Anal.)	4.59 %	4 - 10 %			
Conductivity (1:5 water)	0.02 mS/cm	0.1 - 0.2 mS/cm			
Ca / Mg Ratio	0.93 :1	4.00 :1			
Nitrate-N (KCl)	0.6 ppm	10 - 20 ppm	Extremely Low		
Ammonium-N (KCl)	1.5 ppm	10 - 20 ppm			
Phosphorus (Mehlich III)	3 ppm	35 - 50 ppm	Extremely Low		
Calcium (Mehlich III)	519 ppm	865 ppm			
Magnesium (Mehlich III)	334 ppm	130 ppm			
Potassium (Mehlich III)	118 ppm	105 - 132 ppm			
Sodium (Mehlich III)	29 ppm	8 - 23 ppm			
Sulphur (KCl)	4 ppm	30 - 50 ppm			
Aluminium (Mehlich III)	3 ppm	< 3 ppm			
Silicon (CaCl ₂)	30 ppm	> 100 ppm			
Boron (Hot CaCl ₂)	0.39 ppm	1 - 3 ppm			
Iron (DTPA)	113 ppm	40 - 200 ppm			
Manganese (DTPA)	77 ppm	30 - 100 ppm			
Copper (DTPA)	1.6 ppm	2 - 7 ppm			
Zinc (DTPA)	0.1 ppm	5 - 10 ppm	Extremely Low		
Molybdenum (TAE)	N/A	0.5 - 2 ppm			
Cobalt (TAE)	N/A	2 - 40 ppm			
Selenium (TAE)	N/A	0.6 - 2 ppm			
Texture	Loam				
Colour	Brownish				
BASE SATURATION					
(Levels are not relevant in soils with a TEC below 5)					
Calcium	38.42 %	64.00 %			
Magnesium	41.21 %	16.00 %			
Potassium	4.48 %	4.00 - 5.00 %			
Sodium	1.89 %	0.50 - 1.50 %			
Aluminium	0.51 %	0.50 %			
Hydrogen	13.50 %	10.00 %			
LAMOTTE/REAMS CATEGORY	YOUR LEVEL	IDEAL LEVEL	NUTRIENT STATUS		
			LOW	MEDIUM	HIGH
Calcium	393.2 ppm	1000 - 2000 ppm			
Magnesium	273.3 ppm	140 - 285 ppm			
Phosphorus	2.47 ppm	20 - 80 ppm			
Potassium	90.81 ppm	80 - 100 ppm			
Explanatory Notes: The La Motte test gives an indication of the amount of plant available nutrients at the time of sampling.					

ROEBUCK BUNGANDARRA – SITE 1-62, 2-65, 3-66, 4-67 & 5-68 (PASTURE)



Soil Therapy™ Report



These are all light loam soils with a lot of serious mineral deficiencies as specified for each paddock below. **Organic matter (OM)** levels are good across all paddocks and should continue to improve in permanent pastures that incorporate good grazing practices. Levels appear quite high in Site 3-66 for such a light soil. **Magnesium (Mg)** is high to excessive in all the paddocks tested, however this should improve with the appropriate addition of **calcium**.

Site 1-62:

Nitrogen (N), **Phosphorus (P)**, **sulphur (S)** and **zinc (Zn)** are extremely low while **calcium (Ca)**, **potassium (K)**, available **silicon (Si)** and **boron (B)** are also deficient.

Site 2-65:

Whilst this soil has a higher **CEC** (which is an indication of the soil's ability to retain water and nutrients), overall mineral levels appear lower. All of the essential plant minerals tested excluding **Mg**, **iron (Fe)** and **manganese (Mn)** are deficient.

Site 3-66:

Zn is extremely low here, while all of the other essential plants minerals tested, excluding **Mg**, **Fe** and **copper (Cu)** are also deficient.

Site 4-67:

This is the lightest soil tested. Please note that the base saturation levels are not relevant in soils with a **TEC <5**. **N** in the nitrate form, **S** and **Zn** are extremely low, while **Ca**, **K**, available **Si** and **B** are also deficient.

Site 5-68

N, **P**, **S** and **Zn** are also extremely low here, while **Ca**, available **Si** and **B** are also deficient.

General Comments:

The **Soil Amendment** inputs are targeted towards the main shortages of **P**, **Ca** and **S**. **N** can be applied as required along with **K**, which is expensive, and **trace elements**. The foliar sprays are best done during periods of active growth, soon after grazing and at least a week before bringing stock back into the paddock.

Species specific leaf tissue tests, or brix readings, may be also used to monitor nutrition levels. Check if ideal nutrient levels are available for a specific plant before sending off leaf tissue samples.

A **Pasture Boost** recipe has also been included, which is very useful for a general boost and promoting plant growth, particularly during winter.

**12.8 - DECISION ASSESSMENT
REPORT FOR DEVELOPMENT
APPLICATION D-17-2017 FOR A
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT (TWO LOTS
INTO FOUR LOTS)**

**DAFF third party advice - Rural
Fragmentation**

Meeting Date: 17 April 2018

Attachment No: 10

Reference: MW/SS



Department of
Agriculture and Fisheries

4 October 2017

Ms Maddie Ward
Senior Planning Officer/Development Assessment
Livingstone Shire Council
Anzac Parade
YEPPOON Q 4703

Dear Maddie,

In response to further information supplied by the applicant regarding the proposed subdivision of Lot100/SP280815 and 1/SP289213, the Department of Agriculture and Fisheries (DAF) still considers land fragmentation to be an issue (as per the State Planning Policy) and lot sizes are inconsistent with the current Livingstone Shire Council Planning Scheme.

Apart from that, the question remains as to whether the land, if divided into the proposed lots, could sustain viable and ongoing purposeful agricultural production, which is the primary intent of rural zoned land.

Departmental comment is as follows:

- No particular issues with Lot 1, other than the possibility of future subdivision. By allowing this current subdivision application to proceed, precedence to allow more subdivision at a later date will have been created; potentially causing further fragmentation of available agricultural land.
- Vegetation management is a crucial issue which limits the development potential for any horticulture activity on Lot 2.
- DAF would prefer to ensure that the lots 3, 4 & 5 are used only for a sustainable agricultural use (eg horticulture, tree crops) and the land not 'turned off', either by design or default.
- Protection could include covenants or potentially, to remove the building location envelopes from the properties and put an encumbrance on the lot plan titles to ensure the lots can be used for agriculture only – no residential.
- Buffer zones would also need to be adequately dealt with in the application. There could be potential for complaints from neighbours, for example odour complaints, if protected cropping systems or small scale intensive animal production occurs close to a common boundary. Additionally, the building of greenhouses and sheds to support intensive horticulture, may affect visual amenity of landscape views.

25 Yeppoon Road
PO Box 6014
Red Hill
Queensland 4701 Australia
Business Centre 13 25 23
Website www.daff.qld.gov.au
ABN 66 934 348 189

- With reference to the Agricultural Options document, Page 4, Fragmentation of rural lands – the consultant notes that the existing blocks, Lot 1 on SP289213 and Lot 100 on SP280815 are not viable, even when fully developed, to provide a '*viable living area*' from grazing. However, grazing constitutes an agricultural use, so it would be problematic to stop a 'hobby' farmer running a few cattle on it, rather than using the land for '*a horticultural enterprise that could turn over \$100,000 - \$200,000 on a hectare of land*', as noted by the consultant as the intended use for the 25ha blocks.
- Also, The Agricultural Options report for Lot 1 on SP289213/ Lot 100 on SP 280815 – D/17-2017 states; "The existing lots have a combination of soil types classed as B, C1 and C2 class agricultural land as well as areas of D class non-agricultural land, due to habitat and other limitations." The SPP/Agricultural Land Audit indicates that it is ALC Class C2/A2.

To discuss this further at any time, please call Karen Grindlay at 07 48432670 or email karen.grindlay@daf.qld.gov.au.

Yours sincerely,



Stephen Smith
Manager
Strategic Projects and Planning, Central
Department of Agriculture and Fisheries

25 Yeppoon Road
PO Box 6014
Red Hill
Queensland 4701 Australia
Business Centre 13 25 23
Website www.daff.qld.gov.au
ABN 66 934 348 189

**12.8 - DECISION ASSESSMENT
REPORT FOR DEVELOPMENT
APPLICATION D-17-2017 FOR A
DEVELOPMENT PERMIT FOR
RECONFIGURING A LOT (TWO LOTS
INTO FOUR LOTS)**

**DSDIP third party advice - Vegetation
Clearing**

Meeting Date: 17 April 2018

Attachment No: 11



Department of Infrastructure,
Local Government and Planning

Our reference: WR17/13935
Your reference: D/17-2017

24 March 2017

The Chief Executive Officer
Livingstone Shire Council
enquiries@livingstone.qld.gov.au

Attention: Maddie Ward

Dear Madam,

Third party advice

Bungundarra Road, Bungundarra (Lot 100 on SP280815 and Lot 1 on SP289213)
(Given under section 256 of the Sustainable Planning Act 2009)

The Department of Infrastructure, Local Government and Planning received your request under section 256 of the *Sustainable Planning Act 2009* on 15 February 2017 seeking third party advice.

The department has carried out an assessment of the application and provides the following advice:

Whilst it has been determined that the proposed development does not trigger for State assessment against Schedule 7, Table 2, Item 4 of the Sustainable Planning Regulation 2009, the department wishes to advise that the following additional exempt operational work for clearing could be carried out on the property:

- *the distance of one and a half times the height of the tallest tree or thirty (30) metres (whichever is greater) can be cleared around any residential dwellings and/or associated structures to ensure the relevant fire breaks are in place.*
- *firebreaks of up to ten (10) metres can be cleared along any of the site boundaries.*
- *access tracks of up to ten (10) metres in width can be cleared from the property access point to any residential dwellings and/or associated structures.*

Additionally, please find attached a copy of vegetation management reports for each of the associated lots which may assist in obtaining further information on the specific species of flora on the site.

WR17/13935

If you require any further information please contact Rebecca Curtis, A/Senior Planning Officer on (07) 4924 2915 or via email RockhamptonSARA@dilgp.qld.gov.au who will be able to assist.

Yours sincerely,



Anthony Walsh
A/Manager (Planning)
Fitzroy and Central Region

enc: Vegetation management report for Lot 100 on SP280815
 Vegetation management report for Lot 1 on SP289213



Vegetation management report

For Lot: 100 Plan: SP280819

Current as at 23/03/2017



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Overview

The management and clearing of native vegetation in Queensland is regulated by the *Vegetation Management Act 1999*, the *Vegetation Management Regulation 2009*, the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009* in conjunction with associated policies and codes. These legislation, policies and codes are referred to as the Vegetation Management Framework.

Many routine vegetation management activities can be carried out under exemptions or self-assessable codes under the *Vegetation Management Act 1999*. Other activities may require you to apply for a development approval under the *Sustainable Planning Act 2009*. The requirements for a permit depend on the type of vegetation, the land tenure (e.g. freehold or leasehold land), the location, and the extent and purpose of the proposed clearing. In urban areas, vegetation may be regulated by local government provisions even if it is not regulated vegetation under the VMA.

The information in this report will assist you to determine the options for managing vegetation on your property. Based on the lot on plan you have supplied, this report provides the following detailed information:

1. *Property region* - the local government area, bioregion(s), subregion(s), catchment(s) and any applicable area management plans associated with your property.
2. *Vegetation management framework* - an explanation of the options that may be available to manage vegetation on your property.
3. *Property details for the specified Lot on Plan* - specific information about your property including land tenure, vegetation categories, regional ecosystems, watercourses, wetlands, essential habitat, land suitability and protected plants.
4. *Maps* - a series of colour maps to assist in identifying regulated vegetation on your property including:
 - regulated vegetation management map
 - vegetation management map
 - land suitability map
 - protected plants map.

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1. Property regions

Table 1 provides a summary of the regions that property Lot: 100 Plan: SP280815 is located within.

Table 1: Property regions

Local Government(s)
Livingstone Shire

Bioregion(s)	Subregion(s)
Brigalow Belt	Marlborough Plains

Catchment(s)
Fitzroy

Area Management Plan(s): Nil

2. Vegetation management framework

Vegetation clearing is regulated under the *Vegetation Management Act 1999* (VMA) and the *Sustainable Planning Act 2009* (SPA). A development approval is required to clear where the clearing is not exempt under the SPA, or where it cannot be carried out under a self-assessable clearing code or an area management plan under the VMA.

The VMA does not apply to all land tenures or vegetation types. State forests, national parks, forest reserves and some tenure types as defined under the *Forestry Act 1959* and *Nature Conservation Act 1992* are not regulated by the VMA. Managing vegetation not regulated under the VMA may require permits under these laws.

The following native vegetation is not regulated under the VMA but may require permit(s) under other laws:

- a) grass or non-woody herbage;
- b) a plant within a grassland regional ecosystem; and
- c) a mangrove.

The regulated vegetation management map, the vegetation management map, the land suitability map and the protected plants map provided in section 4 and the information provided in section 2 and 3 of this report will assist you in identifying clearing suitability and enable you to determine whether your proposed clearing is:

- exempt;
- requires notification and compliance with a self-assessable code or area management plan; or
- requires a development approval.

2.1 Exemptions

The vegetation management framework allows clearing for certain purposes without approval, known as an exemption.

Areas that are mapped as Category X (white in colour) on the regulated vegetation management map (section 5.1) on most state land tenures are exempt and therefore do not require a development approval or notification.

There are other exemptions that apply to a range of routine property management activities. A list of these is available at <https://www.qld.gov.au/environment/land/vegetation/exemptions/>

Although vegetation management laws may allow clearing under an exemption, there may be other state, local or Commonwealth laws that apply. Exemptions may not apply if the vegetation is subject to permit conditions, a covenant, an offset or restrictions as a result of unlawful clearing.

2.2 Self-assessable codes

Some clearing activities can be undertaken using a self-assessable vegetation clearing code and notification process. The codes can be downloaded at

<https://www.qld.gov.au/environment/land/vegetation/codes/>

If you intend to clear vegetation under a self-assessable vegetation clearing code, you must notify the department before commencing. The information in this report will assist you to complete the online notification form.

You can complete the online form at

<https://apps.dnrm.qld.gov.au/vegetation/>

2.3 Area management plans

Area Management Plans (AMP) provide an alternative approval system for vegetation clearing. They list the purposes and clearing conditions that have been approved for the areas covered by the plan. It is not necessary to use an AMP, even when an AMP applies to your property.

If an area management plan applies to your property, it will be listed in Table 1 of this report.

To clear under an existing AMP, you must notify the DNRM before clearing starts and follow the conditions listed in the AMP. You can download the area management clearing notification form and obtain a copy of the relevant AMP at

<https://www.qld.gov.au/environment/land/vegetation/area-plans/>

2.4 Development approvals

If your proposed clearing is not exempt, or is not permitted under a self-assessable vegetation clearing code, or an AMP, you may be able to apply for a development approval. Information on how to apply for a development approval is available at

<https://www.qld.gov.au/environment/land/vegetation/applying/>

3. Property details for Lot: 100 Plan: SP280815

3.1 Tenure

All of the lot, plan and tenure information associated with property Lot: 100 Plan: SP280815, including links to relevant Smart Maps, are listed in Table 2. The tenure of the property (whether it is freehold, leasehold, or other) may be viewed by clicking on the Smart Map link(s) provided.

Table 2: Lot, plan and tenure information for the property

Tenure	Lot	Plan	Link to property on SmartMap
Freehold	100	SP280815	http://globe.information.qld.gov.au/cgi-bin/SmartMapgen.py?q=100\SP280815
Covenant	J	SP280812	http://globe.information.qld.gov.au/cgi-bin/SmartMapgen.py?q=J\SP280812
Easement	C	SP280815	http://globe.information.qld.gov.au/cgi-bin/SmartMapgen.py?q=C\SP280815

The tenure of the land determines whether certain exemptions are applicable.

Some self-assessable codes apply only to freehold and leasehold land granted for grazing and agricultural purposes.

3.2 Vegetation categories

Vegetation categories are shown on the regulated vegetation management map in section 5.1 of this report. Descriptions for these categories are shown in Table 3.

Table 3

Category	Colour on Map	Description	Requirements
A	red	Compliance areas, environmental offset areas and voluntary declaration areas	Clearing requires a development approval, exemption, or self-assessable clearing code or area management plan notification.
B	dark blue	Remnant vegetation areas	Clearing requires a development approval, exemption, or self-assessable clearing code or area management plan notification.
C	light blue	High-value regrowth areas	Clearing requires exemption, or self-assessable clearing code or area management plan notification.
R	yellow	Regrowth within 50m of a watercourse in the priority reef catchment areas	Clearing requires exemption, or self-assessable clearing code or area management plan notification.
X	white	Areas not regulated under the <i>Vegetation Management Act 1999</i>	No permit or notification required on all but certain state land tenures.

The vegetation categories on this property are listed in Table 4.

Table 4: Vegetation categories for subject property

Vegetation category
Category B
Category X

3.3 Regional ecosystems

The endangered, of concern and least concern regional ecosystems on your property are shown on the vegetation management supporting map in section 5.2 and are listed in Table 5.

A description of regional ecosystems can be accessed online at <https://www.qld.gov.au/environment/plants-animals/plants/ecosystems/descriptions/>

Table 5: Regional ecosystems present on subject property

Regulated vegetation description	Regional ecosystem patch
rem_leastc	11.3.9/11.3.25/11.3.25
rem_leastc	11.3.25

rem_leastc	is vegetation category A or B with a VMA status of least concern
rem_oc	is vegetation category A or B with a VMA status of concern
rem_end	is vegetation category A or B with a VMA status of endangered
hvr_leastc	is vegetation category C or R with a VMA status of least concern
hvr_oc	is vegetation category C or R with a VMA status of concern
hvr_end	is vegetation category C or R with a VMA status of endangered

The VMA status of the regional ecosystem (whether it is endangered, of concern or least concern) also determines if any of the following are applicable:

- exemptions
- performance outcomes in State Development Assessment Provisions (SDAP)
- self-assessable codes.

Some clearing purposes are limited to a particular group of regional ecosystems (e.g. encroachment) and some self-assessable codes allow clearing only in certain regional ecosystems.

3.4 Watercourses

Vegetation management watercourses for this property are shown on the vegetation management supporting map in section 5.2.

3.5 Wetlands

There are no vegetation management wetlands present on this property.

3.6 Essential habitat

Any essential habitat on this property will be shown on the vegetation management supporting map in section 5.2.

Essential habitat identifies areas in which species of wildlife that are endangered, vulnerable, rare or near threatened under the *Nature Conservation Act 1992* have been known to occur. These important habitat areas are protected under the VMA.

If essential habitat is identified on this property, the information about the protected wildlife species is provided in Table 6 below (if no table is displayed below, there has not been any essential habitat identified on this property). The species label is shown on the vegetation management supporting map in section 5.2. The essential habitat factors are stated in the columns marked with an asterisk.

Table 6: Endangered, vulnerable, or near threatened wildlife species identified within the property (if no table is shown below, there is no essential habitat identified on the property)

Additional essential habitat information

3.7 Land suitability

Land suitability mapping and information is required if you are applying to clear vegetation for high value or irrigated high value agriculture. Land suitability assessment addresses the capacity of land to sustain specific land uses such as cropping, irrigated agriculture and forestry.

A land suitability map for this property is provided in section 5.3. The map provides detailed land suitability, agricultural land classification, or soil and land resource mapping data where it is available.

The land suitability project that applies to this property is shown in Table 7 and Table 8.

Table 7: Land suitability project details for this property

Project name	Project code	Start date	Scale
Land Systems of the Capricornia Coast, Central Queensland	CCL3	1990-01-01 00:00:00	250000

Table 8: Available land suitability project reports for this property

Project name	Availability of report
Land Systems of the Capricornia Coast, Central Queensland	Map only. Available at www.publications.qld.gov.au

3.8 Protected plants

In Queensland, all plants that are native to Australia are protected plants under the *Nature Conservation Act 1992*. The Act endeavours to ensure that protected plants (whole plants or protected plant parts) are not illegally removed from the wild or legally traded.

Prior to clearing, you must check the flora survey trigger map to determine if the clearing is within a high risk area. The trigger map for this property is provided in section 5.4.

If your property is in a high risk area, a flora survey must be undertaken and a clearing permit may be required for clearing endangered, vulnerable and near threatened plants (EVNT plants) and their supporting habitat.

If a flora survey identifies that EVNT plants are not present or can be avoided by 100m, the clearing activity may be exempt from a permit. An exempt clearing notification form is required. This form can be downloaded at <http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/>

In an area other than a high risk area, a clearing permit is only required where a person is, or becomes aware that EVNT plants are present.

Clearing of least concern plants is exempt from requiring a clearing permit within a low risk area.

To be eligible for certain clearing exemptions you need to keep a copy of the map for the area subject to clearing. Protected plants flora survey trigger maps are valid for a period of 12 months from the date of request. After 12 months you will need to obtain a new protected plants flora survey trigger map to determine clearing requirements for your area of interest. This can be accessed online at

<http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php>

For further information or assistance on the protected plants flora survey trigger map for this property, please contact the Department of Environment and Heritage Protection at elma@ehp.qld.gov.au

3.9 Emissions Reduction Fund (ERF)

The ERF is an Australian Government scheme which offers incentives for businesses and communities across the economy to reduce emissions.

Under the ERF, farmers can earn money from activities such as planting (and keeping) trees, managing regrowth vegetation and adopting more sustainable agricultural practices.

The purpose of a project is to remove greenhouse gases from the atmosphere. Each project will provide new economic opportunities for farmers, forest growers and land managers.

Further information on ERF is available at <https://www.qld.gov.au/environment/land/state/use/carbon-rights/>

4. Contacts for further information

For further information on vegetation management:

Phone 135VEG (135 834)

Email vegetation@dnrm.qld.gov.au

Visit www.dnrm.qld.gov.au/our-department/contact-us/vegetation-contacts to submit an online enquiry.

5. Maps

The maps included in this report may also be requested individually at:

<https://www.dnrm.qld.gov.au/qld/environment/land/vegetation/vegetation-map-request-form>

and

<http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php>

Regulated vegetation management map

The regulated vegetation management map shows vegetation categories to determine clearing requirements. These maps are updated monthly to show new property maps of assessable vegetation

Vegetation management supporting map

The vegetation management supporting map provides information on regional ecosystems, wetlands, watercourses and essential habitat.

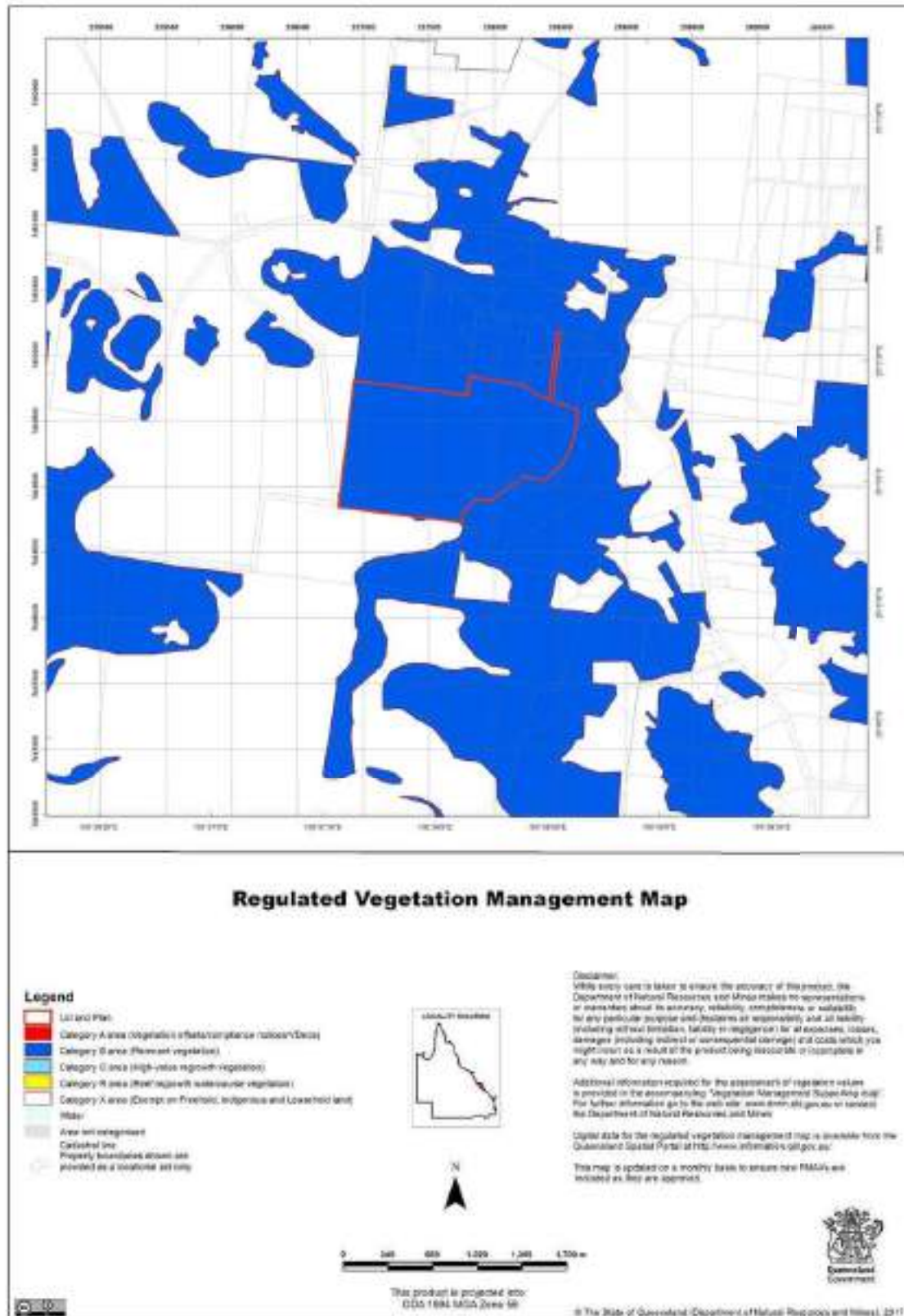
Land suitability map

The land suitability map assists with identifying the land suitability category under the high value and irrigated high value agriculture vegetation clearing purpose.

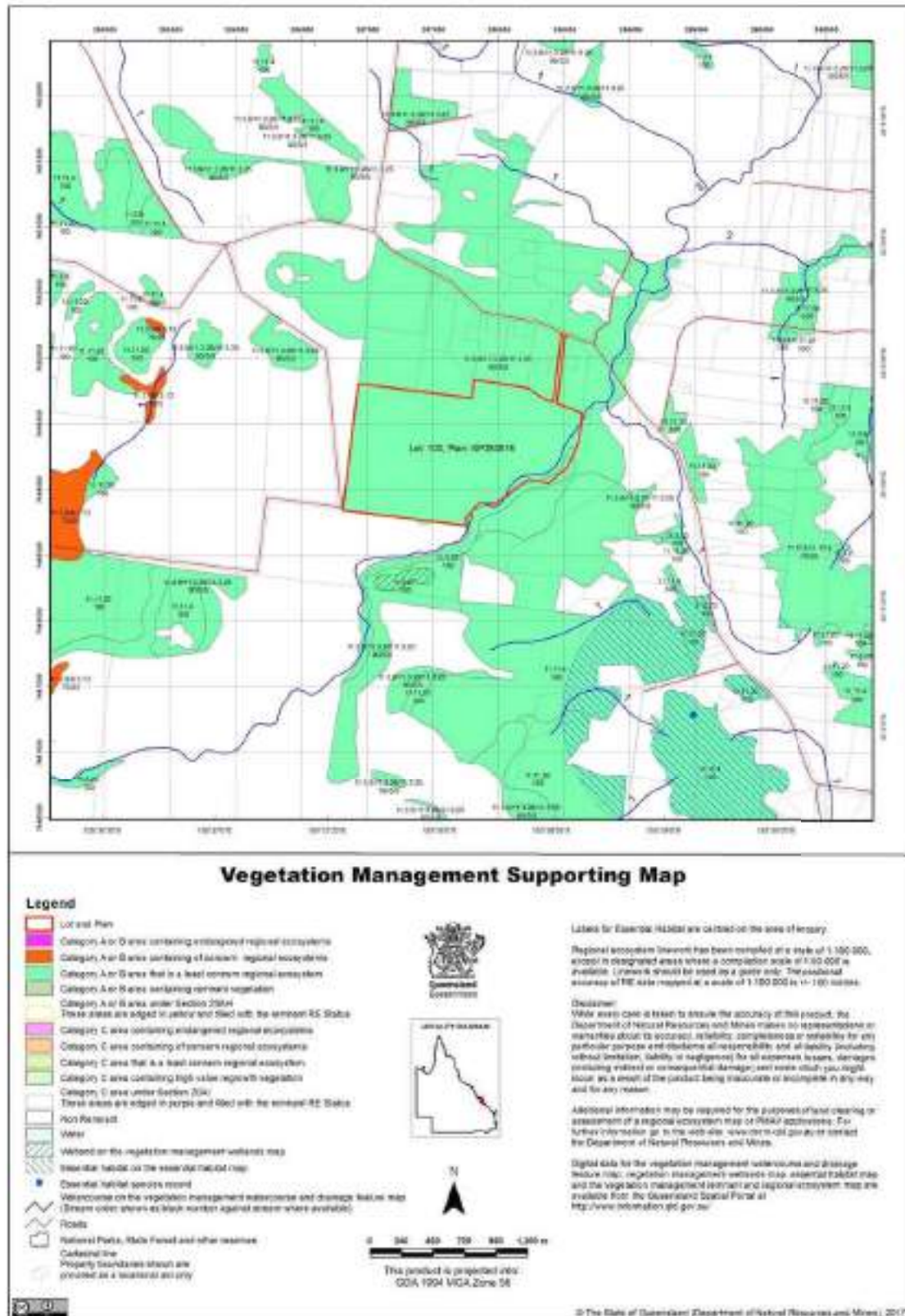
Protected plants map

The protected plants map shows areas where particular provisions of the *Nature Conservation Act 1992* apply to the clearing of protected plants.

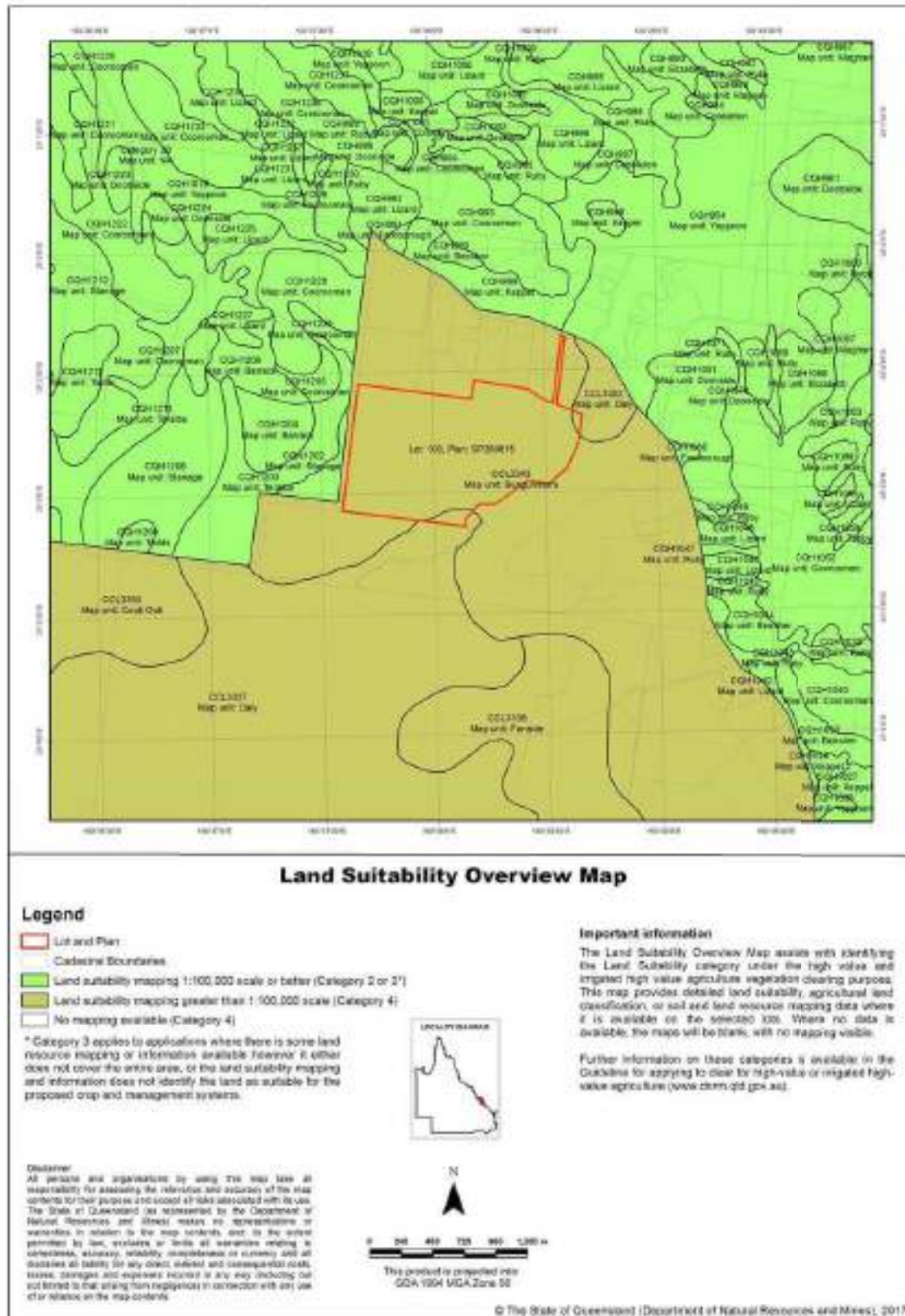
5.1 Regulated vegetation management map



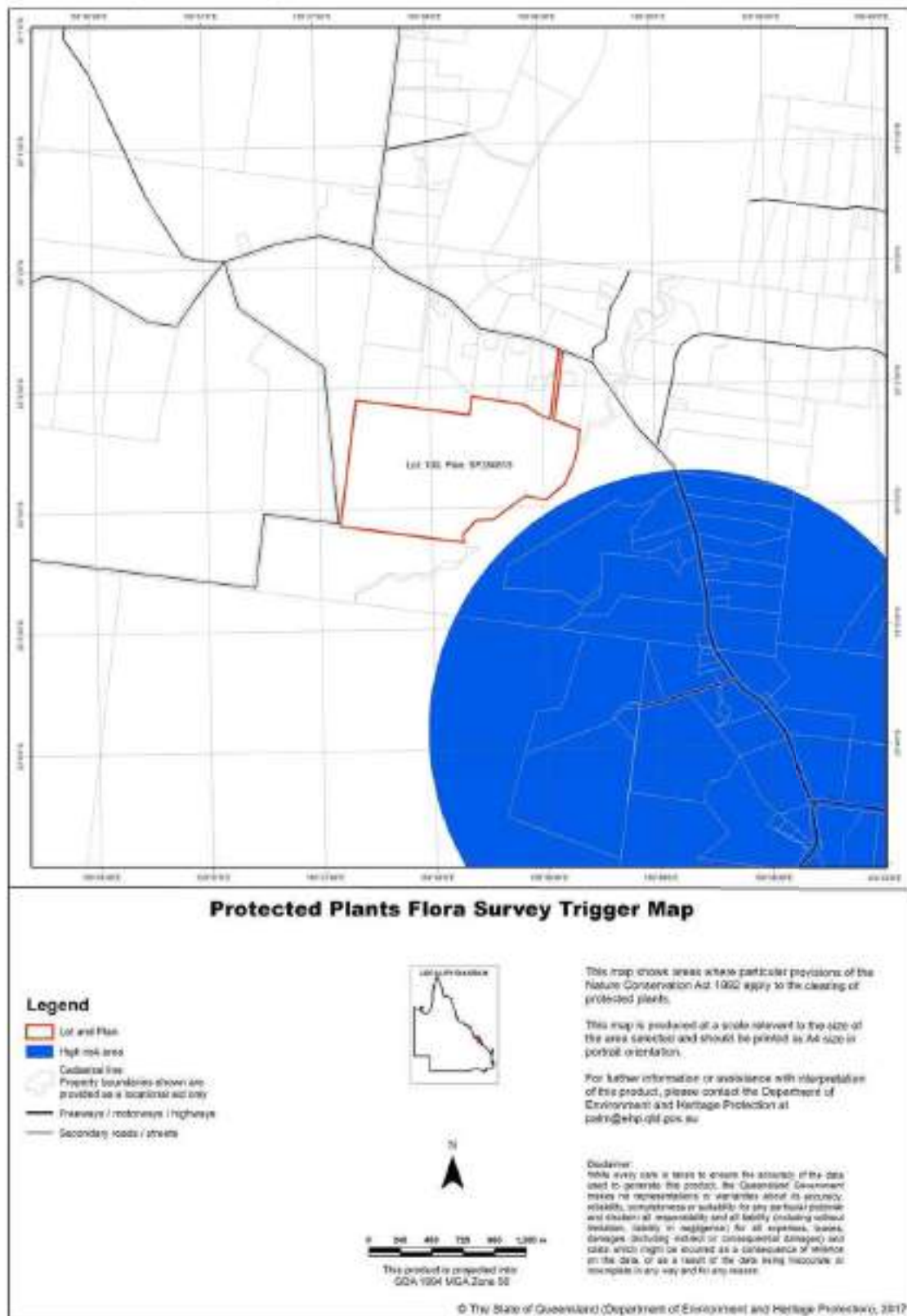
5.2 Vegetation management supporting map



5.3 Land suitability map



5.4 Protected plants map





Vegetation management report

For Lot: 1 Plan: SP289213

Current as at 23/03/2013



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Overview

The management and clearing of native vegetation in Queensland is regulated by the *Vegetation Management Act 1999*, the *Vegetation Management Regulation 2009*, the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009* in conjunction with associated policies and codes. These legislation, policies and codes are referred to as the Vegetation Management Framework.

Many routine vegetation management activities can be carried out under exemptions or self-assessable codes under the *Vegetation Management Act 1999*. Other activities may require you to apply for a development approval under the *Sustainable Planning Act 2009*. The requirements for a permit depend on the type of vegetation, the land tenure (e.g. freehold or leasehold land), the location, and the extent and purpose of the proposed clearing. In urban areas, vegetation may be regulated by local government provisions even if it is not regulated vegetation under the VMA.

The information in this report will assist you to determine the options for managing vegetation on your property. Based on the lot on plan you have supplied, this report provides the following detailed information:

1. *Property region* - the local government area, bioregion(s), subregion(s), catchment(s) and any applicable area management plans associated with your property.
2. *Vegetation management framework* - an explanation of the options that may be available to manage vegetation on your property.
3. *Property details for the specified Lot on Plan* - specific information about your property including land tenure, vegetation categories, regional ecosystems, watercourses, wetlands, essential habitat, land suitability and protected plants.
4. *Maps* - a series of colour maps to assist in identifying regulated vegetation on your property including:
 - regulated vegetation management map
 - vegetation management map
 - land suitability map
 - protected plants map.

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1. Property regions

Table 1 provides a summary of the regions that property Lot: 1 Plan: SP289213 is located within.

Table 1: Property regions

Local Government(s)
Livingstone Shire

Bioregion(s)	Subregion(s)
Brigalow Belt	Marlborough Plains

Catchment(s)
Fitzroy

Area Management Plan(s): Nil

2. Vegetation management framework

Vegetation clearing is regulated under the *Vegetation Management Act 1999* (VMA) and the *Sustainable Planning Act 2009* (SPA). A development approval is required to clear where the clearing is not exempt under the SPA, or where it cannot be carried out under a self-assessable clearing code or an area management plan under the VMA.

The VMA does not apply to all land tenures or vegetation types. State forests, national parks, forest reserves and some tenure types as defined under the *Forestry Act 1959* and *Nature Conservation Act 1992* are not regulated by the VMA. Managing vegetation not regulated under the VMA may require permits under these laws.

The following native vegetation is not regulated under the VMA but may require permit(s) under other laws:

- a) grass or non-woody herbage;
- b) a plant within a grassland regional ecosystem; and
- c) a mangrove.

The regulated vegetation management map, the vegetation management map, the land suitability map and the protected plants map provided in section 4 and the information provided in section 2 and 3 of this report will assist you in identifying clearing suitability and enable you to determine whether your proposed clearing is:

- exempt;
- requires notification and compliance with a self-assessable code or area management plan; or
- requires a development approval.

2.1 Exemptions

The vegetation management framework allows clearing for certain purposes without approval, known as an exemption.

Areas that are mapped as Category X (white in colour) on the regulated vegetation management map (section 5.1) on most state land tenures are exempt and therefore do not require a development approval or notification.

There are other exemptions that apply to a range of routine property management activities. A list of these is available at <https://www.qld.gov.au/environment/land/vegetation/exemptions/>

Although vegetation management laws may allow clearing under an exemption, there may be other state, local or Commonwealth laws that apply. Exemptions may not apply if the vegetation is subject to permit conditions, a covenant, an offset or restrictions as a result of unlawful clearing.

2.2 Self-assessable codes

Some clearing activities can be undertaken using a self-assessable vegetation clearing code and notification process. The codes can be downloaded at

<https://www.qld.gov.au/environment/land/vegetation/codes/>

If you intend to clear vegetation under a self-assessable vegetation clearing code, you must notify the department before commencing. The information in this report will assist you to complete the online notification form.

You can complete the online form at

<https://apps.dnrm.qld.gov.au/vegetation/>

2.3 Area management plans

Area Management Plans (AMP) provide an alternative approval system for vegetation clearing. They list the purposes and clearing conditions that have been approved for the areas covered by the plan. It is not necessary to use an AMP, even when an AMP applies to your property.

If an area management plan applies to your property, it will be listed in Table 1 of this report.

To clear under an existing AMP, you must notify the DNRM before clearing starts and follow the conditions listed in the AMP. You can download the area management clearing notification form and obtain a copy of the relevant AMP at

<https://www.qld.gov.au/environment/land/vegetation/area-plans/>

2.4 Development approvals

If your proposed clearing is not exempt, or is not permitted under a self-assessable vegetation clearing code, or an AMP, you may be able to apply for a development approval. Information on how to apply for a development approval is available at

<https://www.qld.gov.au/environment/land/vegetation/applying/>

3. Property details for Lot: 1 Plan: SP289213

3.1 Tenure

All of the lot, plan and tenure information associated with property Lot: 1 Plan: SP289213, including links to relevant Smart Maps, are listed in Table 2. The tenure of the property (whether it is freehold, leasehold, or other) may be viewed by clicking in the Smart Map link(s) provided.

Table 2: Lot, plan and tenure information for the property

Tenure	Lot	Plan	Link to property on SmartMap
Freehold	1	SP289213	http://globe.information.qld.gov.au/cgi-bin/SmartMapgen.py?q=1\SP289213
Covenant	B	SP289213	http://globe.information.qld.gov.au/cgi-bin/SmartMapgen.py?q=B\SP289213

The tenure of the land determines whether certain exemptions are applicable.

Some self-assessable codes apply only to freehold and leasehold land granted for grazing and agricultural purposes.

3.2 Vegetation categories

Vegetation categories are shown on the regulated vegetation management map in section 5.1 of this report. Descriptions for these categories are shown in Table 3.

Table 3

Category	Colour on Map	Description	Requirements
A	red	Compliance areas, environmental offset areas and voluntary declaration areas	Clearing requires a development approval, exemption, or self-assessable clearing code or area management plan notification.
B	dark blue	Remnant vegetation areas	Clearing requires a development approval, exemption, or self-assessable clearing code or area management plan notification.
C	light blue	High-value regrowth areas	Clearing requires exemption, or self-assessable clearing code or area management plan notification.
R	yellow	Regrowth within 50m of a watercourse in the priority reef catchment areas	Clearing requires exemption, or self-assessable clearing code or area management plan notification.
X	white	Areas not regulated under the <i>Vegetation Management Act 1999</i>	No permit or notification required on all but certain state land tenures.

The vegetation categories on this property are listed in Table 4.

Table 4: Vegetation categories for subject property

Vegetation category
Category B
Category X

3.3 Regional ecosystems

The endangered, of concern and least concern regional ecosystems on your property are shown on the vegetation management supporting map in section 5.2 and are listed in Table 5.

A description of regional ecosystems can be accessed online at <https://www.qld.gov.au/environment/plants-animals/plants/ecosystems/descriptions/>

Table 5: Regional ecosystems present on subject property

Regulated vegetation description	Regional ecosystem patch
rem_leastc	11.3.9/11.3.26/11.3.25
rem_leastc	11.11.4
rem_leastc	11.3.25
rem_leastc	11.3.27

rem_leastc is vegetation category A or B with a VMA status of least concern

rem_oc is vegetation category A or B with a VMA status of concern

rem_end is vegetation category A or B with a VMA status of endangered

hvr_leastc is vegetation category C or R with a VMA status of least concern

hvr_oc is vegetation category C or R with a VMA status of concern

hvr_end is vegetation category C or R with a VMA status of endangered

The VMA status of the regional ecosystem (whether it is endangered, of concern or least concern) also determines if any of the following are applicable:

- exemptions
- performance outcomes in State Development Assessment Provisions (SDAP)
- self-assessable codes.

Some clearing purposes are limited to a particular group of regional ecosystems (e.g. encroachment) and some self-assessable codes allow clearing only in certain regional ecosystems.

3.4 Watercourses

Vegetation management watercourses for this property are shown on the vegetation management supporting map in section 5.2.

3.5 Wetlands

Vegetation management wetlands are present on this property and are shown on the vegetation management supporting map in section 5.2 of this report.

3.6 Essential habitat

Any essential habitat on this property will be shown on the vegetation management supporting map in section 5.2.

Essential habitat identifies areas in which species of wildlife that are endangered, vulnerable, rare or near threatened under the *Nature Conservation Act 1992* have been known to occur. These important habitat areas are protected under the VMA.

If essential habitat is identified on this property, the information about the protected wildlife species is provided in Table 6 below (if no table is displayed below, there has not been any essential habitat identified on this property). The species label is shown on the vegetation management supporting map in section 5.2. The essential habitat factors are stated in the columns marked with an asterisk.

Table 6: Endangered, vulnerable, or near threatened wildlife species identified within the property (if no table is shown below, there is no essential habitat identified on the property)

Additional essential habitat information

3.7 Land suitability

Land suitability mapping and information is required if you are applying to clear vegetation for high value or irrigated high value agriculture. Land suitability assessment addresses the capacity of land to sustain specific land uses such as cropping, irrigated agriculture and forestry.

A land suitability map for this property is provided in section 5.3. The map provides detailed land suitability, agricultural land classification, or soil and land resource mapping data where it is available.

The land suitability project that applies to this property is shown in Table 7 and Table 8.

Table 7: Land suitability project details for this property

Project name	Project code	Start date	Scale
Land Systems of the Capricornia Coast, Central Queensland	CCL3	1990-01-01 00:00:00	250000

Table 8: Available land suitability project reports for this property

Project name	Availability of report
Land Systems of the Capricornia Coast, Central Queensland	Map only. Available at www.publications.qld.gov.au

3.8 Protected plants

In Queensland, all plants that are native to Australia are protected plants under the *Nature Conservation Act 1992*. The Act endeavours to ensure that protected plants (whole plants or protected plant parts) are not illegally removed from the wild or legally traded.

Prior to clearing, you must check the flora survey trigger map to determine if the clearing is within a high risk area. The trigger map for this property is provided in section 5.4.

If your property is in a high risk area, a flora survey must be undertaken and a clearing permit may be required for clearing endangered, vulnerable and near threatened plants (EVNT plants) and their supporting habitat.

If a flora survey identifies that EVNT plants are not present or can be avoided by 100m, the clearing activity may be exempt from a permit. An exempt clearing notification form is required. This form can be downloaded at <http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/>

In an area other than a high risk area, a clearing permit is only required where a person is, or becomes aware that EVNT plants are present.

Clearing of least concern plants is exempt from requiring a clearing permit within a low risk area.

To be eligible for certain clearing exemptions you need to keep a copy of the map for the area subject to clearing. Protected plants flora survey trigger maps are valid for a period of 12 months from the date of request. After 12 months you will need to obtain a new protected plants flora survey trigger map to determine clearing requirements for your area of interest. This can be accessed online at

<http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php>

For further information or assistance on the protected plants flora survey trigger map for this property, please contact the Department of Environment and Heritage Protection at elma@ehp.qld.gov.au

3.9 Emissions Reduction Fund (ERF)

The ERF is an Australian Government scheme which offers incentives for businesses and communities across the economy to reduce emissions.

Under the ERF, farmers can earn money from activities such as planting (and keeping) trees, managing regrowth vegetation and adopting more sustainable agricultural practices.

The purpose of a project is to remove greenhouse gases from the atmosphere. Each project will provide new economic opportunities for farmers, forest growers and land managers.

Further information on ERF is available at <https://www.qld.gov.au/environment/land/state/use/carbon-rights/>

4. Contacts for further information

For further information on vegetation management:

Phone 135VEG (135 834)

Email vegetation@dnrm.qld.gov.au

Visit www.dnrm.qld.gov.au/our-department/contact-us/vegetation-contacts to submit an online enquiry.

5. Maps

The maps included in this report may also be requested individually at:

<https://www.dnrm.qld.gov.au/qld/environment/land/vegetation/vegetation-map-request-form>

and

<http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php>

Regulated vegetation management map

The regulated vegetation management map shows vegetation categories to determine clearing requirements. These maps are updated monthly to show new [property maps of assessable vegetation](#)

Vegetation management supporting map

The vegetation management supporting map provides information on regional ecosystems, wetlands, watercourses and essential habitat.

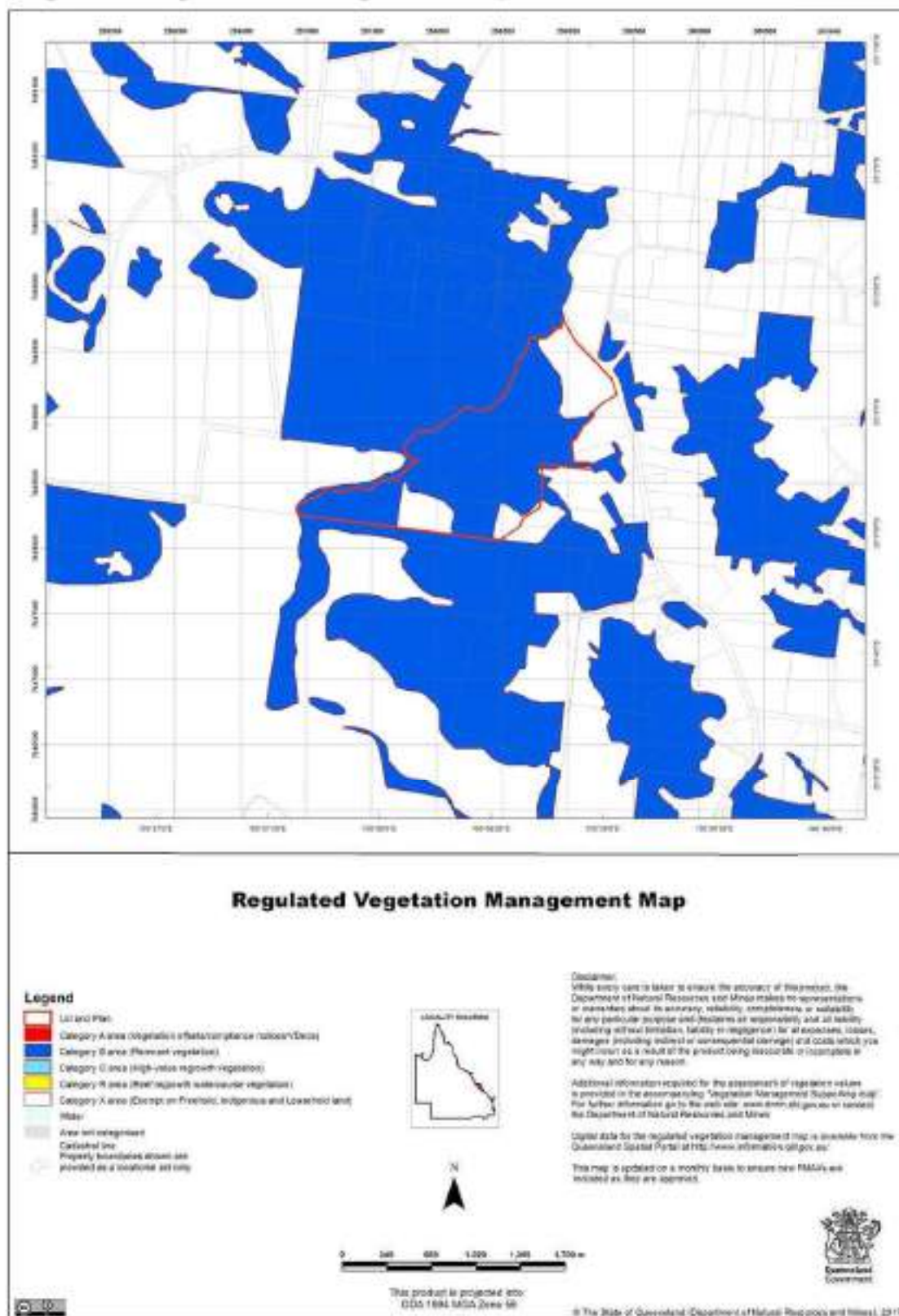
Land suitability map

The land suitability map assists with identifying the land suitability category under the high value and irrigated high value agriculture vegetation clearing purpose.

Protected plants map

The protected plants map shows areas where particular provisions of the *Nature Conservation Act 1992* apply to the clearing of protected plants.

5.1 Regulated vegetation management map



Vegetation Management Supporting Map

Legend

- Lot and Plan
- Category A or B areas containing endangered regional ecosystems
- Category A or B areas containing of distinct regional ecosystems
- Category A or B areas that is a least common regional ecosystem
- Category A or B areas containing remnant vegetation
- Category A or B areas under Section 230(4)
- These areas are edged in yellow and filled with the relevant RS Status
- Category C areas containing endangered regional ecosystems
- Category C areas containing of distinct regional ecosystems
- Category C areas that is a least common regional ecosystem
- Category C areas containing high value regrowth vegetation
- Category C areas under Section 230(4)
- These areas are edged in purple and filled with the relevant RS Status
- Non Forested
- Water
- Withered or the rejects for management (washed map)
- Recreational habitat on the watershed (washed map)
- Downfall habitat (washed map)
- Watercourse in the vegetation management watershed and drainage feature map
- Stream order shown as black number against stream where available
- Roads
- National Parks, State Forest and other reserves
- Cartooned line
- Property boundaries (shown as provided as a historical only)

Labels for Eastern Highlands are omitted on the area of forestry.

Regional ecosystem inventory has been compiled at a scale of 1:100,000, except in designated areas where a comparison scale of 1:50,000 is available. Current is shown for most of a given area. The regional ecosystem of the area mapped at a scale of 1:100,000 is 1:100,000.

Disclaimer:

While every care is taken to ensure the accuracy of this product, the Department of Natural Resources and Mines makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and liability (including without limitation, liability in negligence) for all statements, omissions, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.

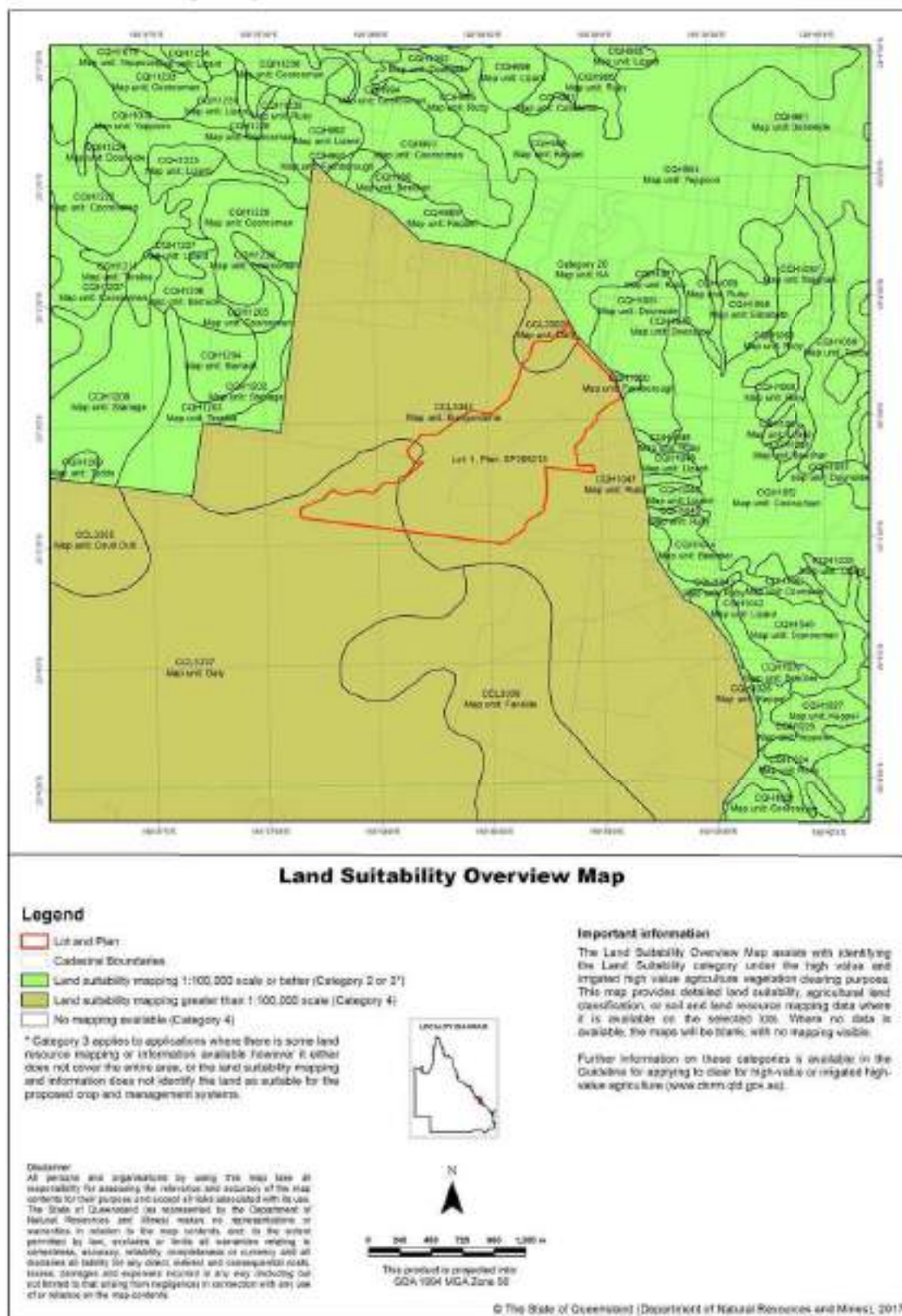
Additional information may be required for the purposes of land clearing or assessment of a regional ecosystem map or PMR assessment. For further information go to the web site www.dnr.nsw.gov.au or contact the Department of Natural Resources and Mines.

Digital data for the vegetation management watershed and drainage feature map, vegetation management watershed map, essential habitat map and the vegetation management (washed) and regional ecosystem map are available from the Government Spatial Portal at <http://www.information.gov.au>

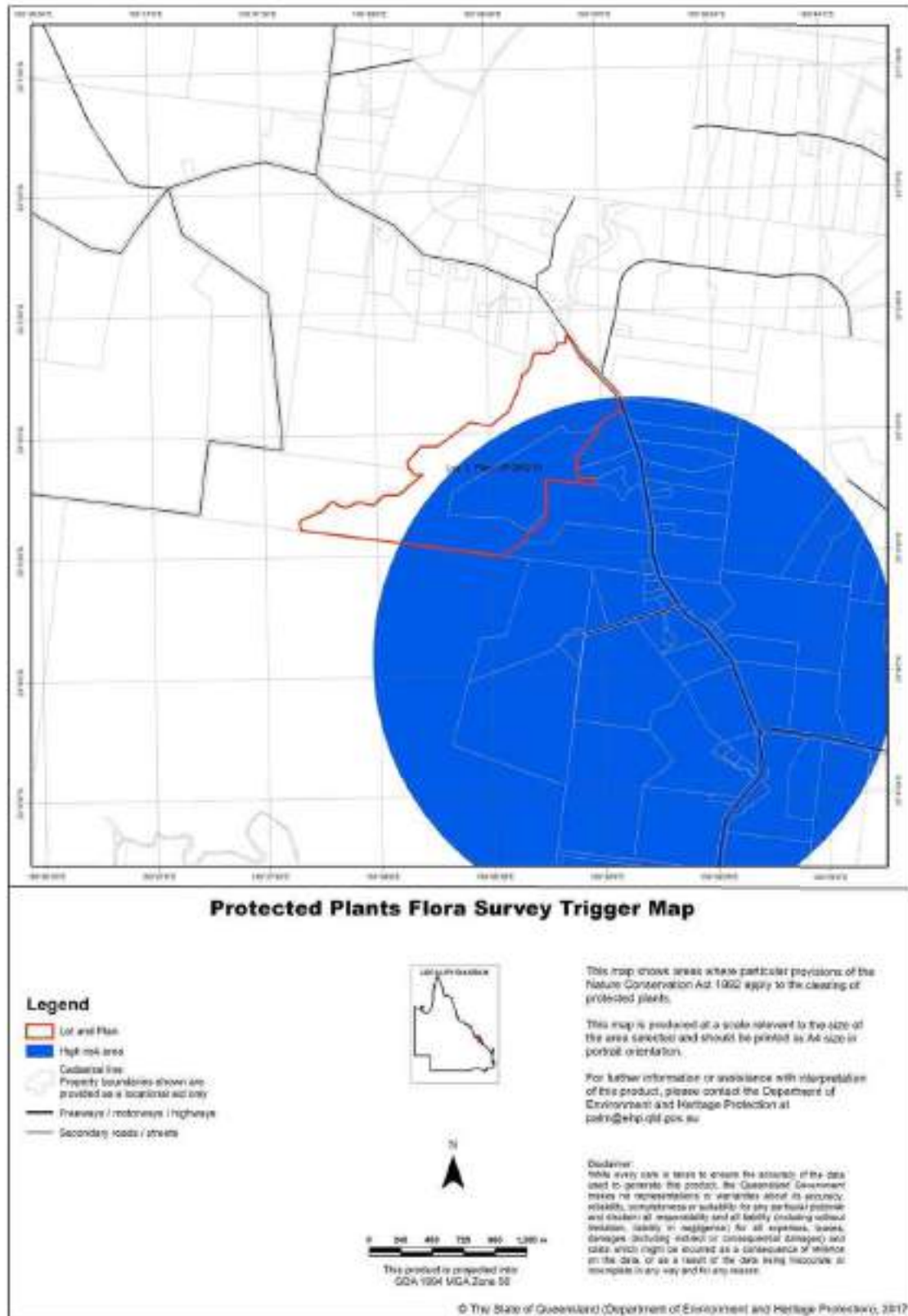
This product is projected into: GDA 1994 MGA Zone 56

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5.3 Land suitability map



5.4 Protected plants map



12.9 DEVELOPMENT APPLICATION D-202-2017 FOR A MATERIAL CHANGE OF USE FOR A MAJOR UTILITY (TELECOMMUNICATIONS FACILITY)

File No: D-202-2017

Attachments:

1. [Locality Plan](#)
2. [Locally Significant Vegetation](#)
3. [Site Plan](#)
4. [Proposal Plan](#)
5. [Submission](#)

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment

Author: Tara Norley - Planning Officer

SUMMARY

Applicant:	Telstra Corporation Limited
Consultant	Service Stream Mobile Communications
Real Property Address:	Lot 3 Bungundarra Road, Bungundarra
Common Property Address:	Lot 3 on RP836594
Area of Site:	52.59 hectares
Planning Scheme:	<i>Livingstone Shire Planning Scheme 2005</i>
Planning Scheme Zoning:	Rural zone
Planning Scheme Overlays:	OM2 – Steep Land and Drainage Problem OM3 – Wetlands and Waterways OM4 – Good Quality Agricultural Land OM5 – Bushfire Hazard OM9 – Visual Quality (precinct B)
Planning Scheme Map/s:	PSM 2B – Agricultural Land (Class A1 and Class C3) PSM 10 – Locally Significant Vegetation
Existing Development:	Dwelling house
Approval Sought:	Development Permit for a Material Change of Use for a Major utility (Telecommunications facility)
Level of Assessment:	Impact Assessable
Submissions:	One
Referral Agency(s):	Department of Infrastructure, Local Government and Planning
Adopted Infrastructure Charges Area:	Outside Priority Infrastructure Area

APPLICATION PROGRESS:

Application Lodged:	17 October 2017
Action Notice issued:	31 October 2017
Confirmation Notice issued:	23 November 2017
Request for Further Information sent:	1 December 2017

Request for Further Information responded to:	10 January 2018
Government Agency Response:	10 January 2018
Submission period commenced:	19 January 2018
Submission period end:	12 February 2018
Council request for additional time:	26 March 2018
Council meeting date:	17 April 2018
Statutory determination date:	14 May 2018

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for a Major utility (Telecommunications facility), made by Telstra Corporation Limited c/- Service Stream Mobile Communications, on Lot 3 on RP836594 and located at Lot 3 Bungundarra Road, Bungundarra, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with its purposes:
 - 1.6.1 Operational Works:
 - (i) Access Works;
 - 1.6.2 Building Works
- 1.7 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.8 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site access	Q114445-sheet S1	15.12.17
Site layout	Q114445-sheet S1-1	15.12.17
South west elevation	Q114445-sheet S3	15.12.17
Site tenure plan	Q114445-sheet G1	15.12.17
Site detail survey	Q114445-sheet G2	15.12.17
Report on Geotechnical Stability Assessment for Proposed Telecommunications Facility	HT:JW:GI 3698-b	13 December 2017

- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of a Development Application for Building Works.
- 3.0 ACCESS WORK
- 3.1 A Development Permit for Operational Works (access works) must be obtained prior to the commencement of any access works on the site.
- 3.2 All works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines Australian Standard AS2890 "Parking Facilities"* and the provisions of a Development Permit for Operational Works (access works).
- 3.3 The existing access driveway including any cross drainage structure must be upgraded to comply with the *Capricorn Municipal Development Guideline* rural access standard drawing CMDG-R-040.
- 4.0 BUILDING WORKS
- 4.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 4.2 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 4.3 Cut and fill of the subject development must only be undertaken in areas where site-specific slope stability assessments have been carried out by a Registered Professional Engineer of Queensland experienced in geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessments as approved by Council.
- 4.4 Any building foundations including any retaining structures and associated changes to natural landform (cut and fill) identified within the land greater than or equal to fifteen per cent (15%) slope must be separately certified for structural adequacy and geological stability by a suitably qualified Registered Professional Engineer of Queensland at design submission for building works and certified on completion of construction for compliance with the design.
- 4.5 Any retaining structures one (1) metre or above in height must be separately approved for structural adequacy by a suitably qualified Registered Professional

Engineer of Queensland or equally qualified person at design submission and certified on completion of construction for compliance with the design.

- 4.6 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.

- 4.7 The development must be undertaken in accordance with the *Australian Standard AS3959 "Construction of Buildings in Bushfire-Prone Areas"*.

5.0 SITE WORKS

- 5.1 All site works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Geotechnical Stability Assessment Report* and *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.

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

- 5.3 Any vegetation cleared or removed must be:

- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
- (ii) removed for disposal at a location approved by Council;

within sixty (60) days of clearing. Any vegetation removed must not be burnt.

6.0 ELECTRICITY

- 6.1 Electricity connections must be provided to the proposed development to the standards of the relevant authorities.

7.0 ASSET MANAGEMENT

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

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

- 7.3 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

8.0 ENVIRONMENTAL

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

- 8.2 A rehabilitation planting plan must be prepared and submitted to Council for endorsement one (1) month prior to the commencement of any works on the site.

- 8.3 Prior to the commencement of any works on site, a joint inspection with the Project Superintendent/Consulting Engineer, the Principal Contractor, fauna spotter / catcher

and Council's development assessment and natural resource management unit representatives must occur. The purpose of the meeting is to identify vegetation to be cleared and discuss rehabilitation works.

- 8.4 A fauna spotter / catcher must be onsite prior to and during vegetation felling activities to ensure fauna and habitat management actions are taken as required. All clearing works must be halted if fauna is likely to be injured.
- 8.5 In order to minimise impacts on adjacent habitats prior to and during vegetation clearing, the boundaries of clearing areas must be clearly delineated for machinery operators, with clearing confined to the area required for the purposes of survey only.
- 9.0 OPERATING PROCEDURES
- 9.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Bungundarra Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

NOTE 2. General Environmental Duty

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

NOTE 3. General Safety Of Public During Construction

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

NOTE 4. Lease agreement to include provision for safe and uninterrupted access

Any lease agreement between the owner(s) of Lot 3 on RP836594 and the Telstra Corp Ltd must have provision for a safe and uninterrupted access to the proposed leased area during the entire lease period.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Major utility (Telecommunications facility), made by Telstra Corporation Limited c/- Service Stream Mobile Communications, on Lot 3 on RP836594 and located at Lot 3 Bungundarra Road, Bungundarra, Council resolves not to issue an Infrastructure Charges Notice due to no increased demand on the trunk network resulting from the development.

BACKGROUND

Not applicable.

COMMENTARY**PROPOSAL**

The proposal is for a new Mobile Base Station comprising:

- one (1) 40 metre monopole with an overall height of 43.4 metres;
- two (2) Argus omni antennas at a centreline elevation of 40.0m and two (2) Argus omni antennas at a centreline elevation of 38.4m;
- associated ancillary equipment, including Remote Radio Unit's, Combiners, Feeders, and Mast Head Amplifier; and
- an ancillary equipment shelter, with a height of 3.1 metres.

The proposed facility will be sited on a fenced 100 square metre area operated under two (2) x ten (10) years consecutive lease agreements with the land owner, thus not triggering a Reconfiguring a Lot application.

The facility will be accessible via an existing access track off Bungundarra Road, which is in a suitable condition and will not require any upgrade works. The proposal is sited at the top of a hill, at 150.75 metres Australian Height Datum. The site will obtain power from an existing electricity connection on site. The facility will be unmanned, with operational visits approximately once or twice per year, and will not require water or sewerage connection.

The facility is part of the Federal Government's Black Spot Program and will enhance and expand mobile and broadband services within the Bungundarra locality.

SITE AND LOCALITY

The site is located within the rural locality of Bungundarra. The locality is characterised predominately by large rural landholdings.

The subject site is a 52.59 hectare site. The site contains an existing Dwelling house, some cropping with access tracks, and is densely vegetated with State and locally significant vegetation. The topography varies dramatically, from 70 metres Australian Height Datum at its lowest point on the western property boundary, to 158 metres Australian Height Datum at its peak. The closest neighbouring residential Dwelling house is located approximately 79 metres to the south east of the proposed facility.

Site determination

The applicant has provided a methodology of their site selection parameters to determine the appropriateness of the subject site and the suitability of other sites within the locality to locate a Mobile Base Station. When an area is identified as requiring a Mobile Base Station, possible locations are identified and assessed in detail based on the ability to meet the coverage objectives and other site considerations including property, planning and engineering concerns. The subject site was selected as the most appropriate location.

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

<u>Lot number</u>	<u>Development approval no.</u>	<u>Lawful use</u>
Lot 1 on RP607056 (to the north west)	882-1999-YPO - Development Permit for a Dwelling 590-2006-YPCDOM - Development Permit for a Dwelling additions and alterations, new deck and detached carport P-882-1999 - Development Permit for a Dwelling P-309-2006 - Development Permit for an Addition	Dwelling house and ancillary structures

Lot 3 on RP614149 (to the west)	Nil	Dwelling house and ancillary structures and cropping
Lot 2 on RP614149 (to the west)	Nil	Dwelling house and ancillary structures
Lot 1 on RP614149 (to the west)	B-1659-2013 - Development Permit for a Shed	Dwelling house and ancillary structures
Lot 2 on RP612366 (to the south)	D-Y/1999-88 - Development Permit for a Commercial Kennel 1034-1999-YPO - Development Permit for a Commercial Kennel B-917-2015 - Development Permit for Re-Construction of Pergola / Dwelling Roof B-966-2015 - Development Permit for a Shed (Class 10a)	Dwelling house and ancillary structures
Lot 1 on RP603025 (to the south west)	Nil	Dwelling house and ancillary structures
Lot 2 on RP603025 (to the south)	553-2007-YDOM - Development Permit for an as constructed- patio - lapsed B-1458-2013 - Development Permit for a Shed	Dwelling house and ancillary structures
Lot 1 on RP606866 (to the east)	D-22-2016 - Development Permit for Reconfiguring a Lot (one lot into four lots) 71-2017/WCCAR - Development Permit for a Driveway to a rural property	Dwelling house and ancillary structures
Lot 40 on RP843061 (to the north east)	947-2001-YPO - Development Permit for a Dwelling 1891-2004-YPCDOM - Development Permit for a Patio / Clothes drying area P-947-2001 - Development Permit for a Dwelling	Dwelling house and ancillary structures
Lot 41 on RP843062 (to the north)	Nil	Dwelling house
Lot 42 on RP843062 (to the north)	Nil	Vacant
Lot 46 on RP887949 (to the north)	Nil	Dwelling house and ancillary structures and a dam

ASSESSMENT DETAILS INCLUDING BENCHMARKS AND RELEVANT MATTERS

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in

accordance with Chapter 3 of the *Planning Act 2016*, Part 4 of the *Planning Regulation 2017* and the Development Assessment Rules under the *Planning Act 2016*. The assessment has been carried out against the assessment benchmarks in the relevant categorising instrument/s for the development and having regard to the Central Queensland Regional Plan, the State Planning Policy, any development approval for and any lawful use of the premises or adjoining premises, and the common material. The assessment has also had regard to other relevant matters (other than a person's personal circumstances, financial or otherwise) discussed in this report.

Benchmarks applying for the development	Benchmark reference
Rural Zone Code Natural Features Code Capricorn Coast Landscape Code Telecommunications Facility Code Clearing Code	Livingstone Planning Scheme 2005 Reprint 7 as in force 10 July 2017
Chapter 6 – Other state interests: - Housing and liveable communities; and - Hazards and safety	Central Queensland Regional Plan, October 2013
Part E: State interest policies and assessment benchmarks (Planning for safety and resilience to hazards)	State Planning Policy, July 2017
Relevant matters considered	
Related permits on adjoining properties and the subject site	The relevance of existing approvals on the subject site and adjoining properties in respect of the land use pattern and commensurate development
The draft Livingstone Planning scheme	In respect of the policy direction incorporating a transition precinct to the north of the site
The common material submitted with the application	In respect of the reports provided in the material including proposal plans and supporting information

Internal assessment advice

Infrastructure Operations Unit– 23 January 2018

Support, subject to conditions.

Natural Resource Management – 23 March 2018

The Natural Resource Management team has assessed the application and offer the following comments:

1. The application has provided a flora survey which has focussed largely on state values and is deficient in the following areas:
 - The clearing extent required for the proposed telecommunications facility is poorly defined;
 - It is not clear whether ecological/habitat values will be impacted or disrupted by the proposal; and
 - There has been no discussion provided on the impact of the proposal on local biodiversity values, including corridors.

2. The submission made against the proposal is well researched and structured and makes some valid arguments, particularly with respect to the potential impacts to local environmental values and the potential alternative site for the telecommunications facility 50m to the north-west, which has not been considered by the applicant. It is recommended that the proponent provide a detailed response to the submitter's concerns.

Therefore, at this stage the Natural Resource Management Unit does not support the proposal in its current form.

Environmental Health – 17 October 2017

Support, subject to conditions.

Information request

An information request was issued by Council on 1 December 2018 which included a request for further information on the proposal as follows;

- Slope Stability Assessment Report;
- Works in road reserve;
- Access track upgrade works; and
- Lease arrangement details.

The applicant provided a response in full on 10 January 2018.

State Planning Policy – July 2017

Part E of the State Planning Policy provides for interim development assessment provisions for local government until such time as the State Planning Policy is reflected within the planning scheme. The state interests identified are listed below.

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

Mining and extractive resources: Not applicable as the site is not located within a Key Resource Area.

Biodiversity: the site is mapped as Regulated vegetation management (Category B)

Development:	
(1) enhances matters of state environmental significance where possible, and	Complies The site is mapped as Category B Remnant Vegetation. The applicant provided a Flora Survey. The flora survey did not detect any endangered, vulnerable or near threatened protected plants within the clearing impact area. On 10 January 2018 the Department of Local Government and Planning provided conditions to be imposed on the development in relation to the clearing of native vegetation and gave the following reasons in support of the development: • occupies a relatively small area in the context of the wider ecological corridor • has reasonably avoided and minimised
(2) identifies any potential significant adverse environmental impacts on matters of state environmental significance, and	
(3) manages the significant adverse environmental impacts on matters of state environmental significance by protecting the matters from, or otherwise mitigating, those impacts.	

	the adverse impacts of clearing • maintains connectivity • complies with State code 16

Coastal environment: Not applicable as the subject site is not located near the coastline.

Water quality: The State Interest does not apply as the development does not result in more than six lots.

Emissions and hazardous activities: Not applicable as the proposal does not involve emissions and/or hazardous activities.

Natural Hazards, risk and resilience – the site is identified as being within Flood hazard area - Local Government flood mapping area, Bushfire hazard area

<u>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</u>	
(1) Development 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.	Justified to comply The proposed development is located on a site that has been identified as being subject to Local Government flood hazard. This mapping is extensive throughout the Shire and has not been locally verified. The subject site has minimal drainage problem mapping identified under the current <i>Livingstone Shire Planning Scheme 2005</i> and the proposal is not located within the mapped drainage problem area. The site is not mapped within the flood hazard overlay of the draft <i>Livingstone Planning Scheme 2018</i> as publically notified between December 2016 and January 2017. In terms of bushfire hazard, the proposal will not be manned at any time and as such does not decrease safety to members of the public. Furthermore, the development site has previously been cleared of mature vegetation, with the remaining small regrowth vegetation being proposed to be removed. A Fire Management Plan is not required for the telecommunication facility as they are unmanned, remotely operated and do not pose a risk to human life on or off the site.
<u>For all natural hazards:</u>	
(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.	Complies The development is not anticipated to burden disaster management response or recovery capacity and capabilities as the facility will usually be unmanned, therefore there will be no increase in the standard level of risk associated with the site.
(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the	Complies The proposed development is not anticipated to increase the severity of a

potential for damage on the site or to other properties.	natural hazard on the site or to adjoining properties. The proposal will not create an increase in bushfire risk, as the 100 square metre site area will have been cleared of mature vegetation and will require further clearing of regrowth vegetation as part of the development.
(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.	Not applicable The proposed development does not involve hazardous materials.
(5) 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 The proposed development is a Telecommunication facility on a small (100 square metres) portion of the site. Therefore, natural processes will not be significantly impacted upon as a result of the proposed development.

Central Queensland Regional Plan – October 2013

Regional Policy	Response
Regional outcome Agriculture and resources industries within the Central Queensland region continue to grow with certainty and investor confidence.	
Regional policy 1 Protect Priority Agricultural Land Uses within Priority Agricultural Areas.	Not applicable Livingstone shire council local government area does not contain any priority agricultural areas.
Regional policy 2 Maximise opportunities for co-existence of resource and agricultural land uses within Priority Agricultural Areas.	Not applicable Livingstone shire council local government area does not contain any priority agricultural areas.
Regional outcome The growth potential of towns within the Central Queensland region is enabled through the establishment of Priority Living Areas. Compatible resource activities within these areas which are in the communities' interest can be supported by local governments.	
Regional policy 3 Safeguard the areas required for the growth of towns through the establishment of Priority Living Areas (Schedule 1).	Not applicable The subject site is not identified as being within a Livingstone Priority Living Areas.
Regional policy 4 Provide for resource activities to locate within a Priority Living Area where it meets the communities' expectations as	Not applicable The proposal does not involve a resource activity.

determined by the relevant local government.	

Other Acts

Telecommunications Act 1997

The *Telecommunications Act 1997* is the principle Act that governs the activities of telecommunications carriers and the proposal is required to comply with the requirements under *Telecommunications Act 1997*. The aim of the *Telecommunications Act 1997* is to provide regulatory framework that promotes:

- *The long-term interests of end users of carriage services or of services provided by means of carriage services; and*
- *The efficiency and international competitiveness of the Australian Telecommunications Industry.*

The proposal will comply with the *Telecommunications Act 1997*.

Telecommunications Code of Practice 1997

The code provides conditions under which a carrier must operate including design, planning and installation specifications to ensure quality outcomes and mitigate potential environmental degradation and visual amenity issues. When undertaking site specific investigations, it was determined that there were no existing telecommunications towers that could facilitate the National Broadband Network tower characteristics.

The Telecommunications (Low-Impact Facilities) Determination 1997

As the proposed facility is not regarded as low impact as identified in this legislation as is therefore subject to applicable State Planning Law and Regulation, being the *Planning Act 2017* and the *Livingstone Shire Planning Scheme 2005*.

Nature Conservation Act 1992

As the site is within a mapped high-risk area for protected plants, a flora survey was required under the *Nature Conservation Act 1992*. The flora survey did not detect any endangered, vulnerable or near threatened protected plants within the clearing impact area.

Livingstone Shire Planning Scheme 2005

Rural Zone Outcomes

The Overall Outcomes applicable to the Rural Zone are set out at section 3.3 of the scheme as follows:

- (a) The purpose of the Rural Zone Code is the achievement of the overall outcomes sought for the Rural Zone.
- (b) *The overall outcomes sought for the Rural Zone are:*
 - (i) *Preferred land use:*
 - (A) *is any rural purpose (as defined in the planning scheme).*
 - (ii) *Land use (other than preferred land use) occurs only if:*
 - (A) *it is a recreational or community facility that is more appropriately located in the rural area; and*
 - (B) *is one of the following:*
 - a. *a local utility; or*
 - b. *a major utility; or*
 - c. *outdoor recreation; or*
 - d. *telecommunications facility (medium impact); or*

- (C) *it is a land use which:*
- a. *is compatible with surrounding rural purposes by being of similar scale, intensity and character; and*
 - b. *supports a rural purpose; and*
 - c. *does not adversely affect the amenity of the locality; and is one of the following:*
 - i. *a residential purpose being a dwelling house, home based business, or host farm; or*
 - ii. *an arts and craft centre; or*
 - iii. *an extractive industry; or*
 - iv. *a garden centre; or*
 - v. *landscape supplies.*
- (iii) *Land used for rural activities such as grazing, agriculture and horticulture is protected from development, which in Council's opinion would significantly infringe on the landscape setting and rural amenity of the Shire;*
- (iv) *Land with productive capacity is preserved for a range of existing and emerging agricultural activities significant to the economy of the Shire;*
- (v) *Large tracts of bushland identified as having significant environmental value are protected from development;*
- (vi) *Agriculture, including both extensive and intensive activities is protected from land use conflicts resulting from the location of non-rural activities on rural land;*
- (vii) *Uses and works are located and designed to maximise the efficient use and extension and safe operation of infrastructure;*
- (viii) *Residential purposes are ancillary to the primary rural purposes in the rural area; and*
- (ix) *Mineral and extractive resources and transport routes associated with resources are protected from incompatible development.*
- (x) *Buildings and structures that are not associated with rural purposes have heights that are low-rise and not exceeding 12 metres.*
- (xi) *Development is provided with adequate infrastructure and essential services.*

A Major utility (Telecommunications facility) is listed as a consistent use in the Rural Zone, provided it is developed to be compatible with surrounding rural purposes (similar in scale, intensity and character), supports preferred rural uses, and does not adversely affect the amenity of the locality.

The tower is considered to have the potential to affect the amenity of the locality in terms of visual intrusion given the overall height of 43.4 metres. One submission was received relating to amenity concerns and these matters are addressed in the following assessment.

The footprint of the tower, at 100 square metres, is not considered to interfere with rural pursuits which may occur on the land. It is also considered that this type of infrastructure is consistent with the expectations of a rural setting.

Overall, the proposal is considered to operate compatibly with the surrounding rural purposes and future rural pursuits on adjoining sites will not be compromised. This type of infrastructure is a positive contribution to communications opportunity for the locality of Bungundarra and its surrounds, by allowing widespread rural phone coverage. This footprint will not compromise the large tracts of bushland existing on the subject site and surrounding sites. Whilst the scale (height) exceeds that of common rural land uses and the amenity (in terms of vistas) is different to that existing, this type of infrastructure is typically found in the

backdrop of a rural locality and is considered to be reasonably expected by a rural community.

Subsequently, the proposed development for a Major utility (Telecommunications facility) is considered to be consistent with the Rural Zone outcomes.

Rural Zone Code Requirements

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

Specific Outcomes		Response
Land use		
O1	Land use is: (a) a rural purpose (as defined in the planning scheme); or (b) a use which provides recreational or essential community facilities that are more appropriately located in the rural area (as identified in the overall outcomes of this code); or (c) a use (as identified in the overall outcomes of this code) which: (i) is compatible with and supports a use within the rural purpose group; and (ii) is compatible with and does not limit or compromise surrounding rural purposes; and (iii) does not adversely affect the amenity of the locality.	Complies The proposal is for a Major Utility (Telecommunications facility), which is a consistent use in the Rural zone as detailed above
Subdivision Design		
O2	Reconfigured lots are designed and developed with: • sufficient area and suitable proportions for preferred or consistent uses; • adequate frontage for safe and convenient vehicular and pedestrian access; • suitable areas within each lot for the location of relevant activities and works, and; • do not expose people and works to unacceptable risks from flooding or other hazards.	Not applicable The proposed development is not for reconfiguring a lot.
Character and Amenity		
O3	Uses and works are located, designed and operated to minimise adverse impacts on: • existing environmental conditions	Complies in part and justified against overall outcomes of the zone code A 100 square metre area is proposed in a location that has previously been cleared of

Specific Outcomes	Response
relating to air, water and soil, - the amenity of adjacent properties and public spaces, - visual quality of landscapes in terms of: - reducing ribbon development and sprawl, - loss of green break separations, - obstructing significant local and distant views of prominent natural features and landmarks, and - the health and safety of people using the premises and adjacent premises.	mature vegetation. The relatively small development footprint will have minimal adverse impact on existing environmental conditions. The amenity of adjacent properties can be expected to be affected in terms of visual impact. It should be noted that the adjoining land owner to the south provided a submission in objection to the application. This submission is addressed later in this report. The proposal is likely to be partially seen from Bungundarra Road. However, due to the vegetation and the distance from the road (approximately 400 metres), the development will not be overly impeding. Due to the nature of the development, it will not create sprawl or result in the loss of green break separations. The health and safety of people on the subject site or nearby properties are not anticipated to be impacted by this development. The facility will comply with the relevant Australian Standards, with the maximum cumulative Electromagnetic Radiation Human Exposure Standard 2003 (EME) level at the site being estimated at 0.0088%, which does not exceed recommended and safe EME levels (where 100% of the limit is still considered to be safe).
O4 Buildings and structures are: - of a type and scale which have an attractive, functional appearance; - constructed of materials and finishes compatible with other development in the area; - integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping, outlook and off-street parking; and - designed to adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces	Complies in part The proposed facility, at 43.4 metres, does not reflect a scale that has an attractive and functional appearance, nor is it constructed of materials or finishes that are compatible with other development in the area. The bulk of the proposed facility will be exposed above the existing vegetation. However, the structure is designed in such a way as to minimise visual impacts on the surrounding area, by making use of a slimline design and by maintaining a large portion of mature vegetation on the site. The facility will not emit any light or noise and will not be accessible by members of the public, therefore will not result in any additional negative impacts on the surround area. This type of infrastructure is typically found in the backdrop of a rural locality and is considered to be reasonably expected by a rural community such as Bungundarra.
O5 For a noise sensitive place, activities are laid out and buildings are designed and constructed to mitigate to a level, that does not unreasonably adversely affect the health and safety of people	Not Applicable The site is not located within a noise sensitive place.

Specific Outcomes		Response
	using premises, the effects of noise from: - Traffic on major roads (including State controlled roads); or - Operations within railway corridors.	
Cultural Heritage Values		
O6	Cultural heritage values associated with the landscape features of a site and its surroundings or relics of past activities found during development of the site are respected and are not subjected to changes that would significantly reduce the capacity to appreciate those areas, places and sites, their character or the memories or history they represent, in terms of visual detracting, public accessibility or physical change, damage or removal.	Not Applicable There are no known cultural heritage features associated with the land. The site is not listed as being a site of cultural heritage values under Schedule 3 of the planning scheme.
Flood Immunity		
O7	Development is immune to flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	Not Applicable The proposed development is sited at 152.1 metres Australia Height Datum on the subject site and is not subject to flood risk.
Vehicle Parking and Movement		
O8	Development is provided with an on-site parking and movement system designed and constructed to: - be integrated with the site layout including: - direct access to a road providing a level of service required to accommodate traffic generated by the use; and - appropriately designed footpath crossovers; and - provision for safe pedestrian movement between public footpath and facility entry points; and - accommodate all modes of transport (including motor vehicles and bicycles) generated by the use; and - facilitate non-discriminatory accessibility; and - provide for safe and efficient loading and unloading of goods; and - allow for vehicle queuing necessary for the use; and - provide for passenger set down/pick	Complies The site has access via an existing access driveway off Bungundarra Road, which will require upgrading to rural access standard. These works will be conditioned as per the recommendation. The existing internal access way will not require upgrading. Any traffic impacts resulting from the construction phase will be short term, and are not anticipated to adversely impact the surrounding road network. The facility will be unmanned, with operational visits anticipated approximately two (2) to six (6) times per year for maintenance purposes. As such, there are no car park requirements for the proposal.

Specific Outcomes		Response
	up necessary for the use; and facilitate public access to the foreshore and riparian open space networks.	
Infrastructure		
O9	Water supply, sewerage, drainage, roads, power and communications are provided to meet the appropriate standards of service and construction at least whole-of-life cost, which: - comprise components and materials that are: - readily accessible and available; and - robust and reliable in terms of operational life and purpose; and - easily maintained without unnecessarily requiring specialist expertise or equipment; and - are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems.	Complies The proposed development is non-habitable and does not require water or sewerage facilities. The site has access via an existing access driveway off Bungundarra Road, which will require upgrading to rural access standard. These works, including any cross drainage structure will be conditioned as per the recommendation. The existing internal access way will not require upgrading. The proposed facility will connect to an existing power supply on the site, in line with approval and conditions from the relevant authority.

As evident from the above assessment, the proposal complies with the various requirements of the Rural Zone Code. Although the structure is not of a similar scale of the surrounding environment and will be prominent in the horizon, various mitigation measures have been considered to reduce the impact he infrastructure is considered to be a long standing and positive contribution to the locality.

Special Management Areas Code The subject site is affected by the scenic amenity overlay (precinct B), and seven of the elements within the Natural Features Code, including: (i) Bushfire Hazard (Overlay Map O5);

- (ii) Steep Land (Overlay Map O2);
- (iii) Wetland (Overlay Map O3);
- (iv) Waterway (Overlay Map O3);
- (v) Drainage Problem (Overlay Map O2);
- (vi) Extractive Resources (Overlay Map O1);
- (vii) Good Quality Agricultural Land (Overlay Map O4);

Natural Features Code

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

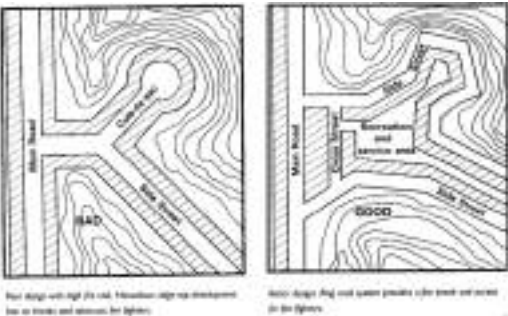
- (a) *The purpose of the Natural Features Code is the achievement of the overall outcomes sought for the special management areas shown on Overlay Maps O1 to O8 as identified in this code.*
- (b) *The overall outcomes sought for the special management areas shown on Overlay Maps O1 to O8 as identified in this code are:*

- (i) *that development is managed to protect the significant values of the various natural features and resources in terms of:*
 - (A) *physical change;*
 - (B) *damage or removal;*
 - (C) *accessibility; or*
 - (D) *visual detracting;*
- (ii) *development avoids or minimises, within acceptable levels, risk to the natural or built environment or human health or safety; and*
- (iii) *development does not adversely impact the safety and operational integrity of operational airspace associated with the Rockhampton Airport.*

Natural Features Code Requirements

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

Specific Outcomes		Response
Bushfire Hazard Special Management Area		
O5	Public safety, lives and property are not placed at unacceptable levels of risk.	Complies The proposal will not be manned at any time and as such does not represent an unacceptable risk to person or property.
O6	The highest intensity of use occurs in those parts of the site which are least bushfire prone and limits the intensity of use elsewhere	Complies The development is unmanned, remotely operated and is not anticipated to pose a risk to human life.
O7	Purposes resulting in high concentrations of people on a site (including child care centre, educational establishment, hospital, residential purposes comprising multi-unit long term accommodation and short term accommodation, commercial and industrial purposes) being exposed to unacceptable levels of risk are inconsistent with the outcomes sought for this special management area	Not applicable The proposal will not be manned at any time and as will not result in high concentrations of people on the site.
O8	Development is sited and designed to minimise bushfire risk having regard to: (a) aspect, (b) elevation, (c) slope, and (d) vegetation	Complies Given the topography and vegetation of the land, the bushfire risk is considered low (no bushfire management plan was required as part of the development assessment). Despite this, the proposal provides for mitigation measures in accordance with the Australian Standards. The proposed tower will not emit heat, open flames or sparks.
O9	Road layouts facilitate easy and safe movement in the event of encroaching fire and provides for alternative safe access if one direction is blocked in	Complies The site has access via an existing access driveway off Bungundarra Road, which will require upgrading to rural access standard.

Specific Outcomes		Response
	the event of fire (Refer Figure A below).  Figure A	These works, including any cross drainage structure will be conditioned as per the recommendation. The existing internal access way will not require upgrading. No new roads are proposed as part of the development.
O10	A sufficient supply of water is available for fire fighting purposes	Complies Given the rural location, the subject site is not connected to water infrastructure however the facility does not require a water supply to operate or be managed.
Steep Land Special Management Area		
O11	Buildings and structures are located on a site with natural ground level slopes that do not exceed 15%.	Complies A Geotechnical Stability Assessment prepared by Geotech Investigations was provided with the application, which states the existing slope gradient of the nominated development site is six (6) per cent to twelve (12) per cent, and is very low risk of slope instability.
O12	Public safety, lives and property are not placed at unacceptable levels of risk.	Complies The proposal will not be manned at any time and in addition, a Geotechnical Stability Assessment prepared by Geotech Investigations was provided with the application, which states the very low risk of slope instability. Therefore, it is considered that the development will not result in an unacceptable level of risk to public safety, lives and property
O13	Development occurs in those parts of the site which are geologically stable and limits the intensity of use elsewhere.	Complies A Geotechnical Stability Assessment prepared by Geotech Investigations was provided with the application, which states the existing slope gradient of the nominated development site is very low risk of slope instability.
O14	Buildings and structures are designed, sited and erected to maintain: (a) natural landform; (b) natural drainage patterns; (c) existing vegetation.	Complies The development site is relatively small in scale and although some earthworks are proposed to level the site, it is not anticipated to adversely affect the natural landform or drainage pattern. The development site has already been cleared of mature vegetation, with only small regrowth vegetation being proposed to be removed.
Wetland Special Management Area		

Specific Outcomes		Response
O15	There are no significant adverse effects on identified wetlands in terms of: (a) habitat; (b) water quality; (c) landscape quality.	Not applicable The proposal is not located within the mapped wetland area.
Waterway Special Management Area		
O16	There are no significant adverse effects on identified waterways in terms of: (a) habitat; (b) riparian vegetation; (c) water quality; (d) water flow; (e) landscape quality and amenity; and (f) recreational value.	Not applicable The proposal is not located within the mapped waterway area.
O17	Riparian land is preserved for public use where the land is required for ecological, open space or recreation functions including: (a) public use; (b) access for maintenance; (c) linking core and remnant habitat areas (d) protecting water quality and ecological processes; and (e) other public benefit.	Not applicable The proposal is not located within the mapped waterway area.
Drainage Problem Special Management Area		
O18	Development levels are set above the design flood level to reduce property damage and, where applicable, ensure public safety.	Not applicable The proposal is not located within the mapped drainage problem area.
Good Quality Agricultural Land Special Management Area		
O24	Good quality agricultural land is retained for rural purposes by: (a) conducting other uses only if they are not irreversible and do not reduce the productive capacity of the land or alienate its use for rural purposes or result in land use conflicts with adjacent existing rural uses; (b) avoiding the use of identified land for other uses unless it can be proven that: (i) the land is not actually good quality agricultural land; or	Not applicable The proposal is not located within the mapped good quality agricultural land area.

	Specific Outcomes	Response
	(ii) there is an overriding need in terms of public benefit for the proposal and the proposal cannot be located on alternative sites that are not identified as good quality agricultural land, including if: – the proposed location has features that make it desirable for the proposal; and – the features are not available in areas not identified as good quality agricultural land	
O25	Subdivision of good quality agricultural land does not reduce the productive capacity of the land	Not applicable The proposal is not for subdivision and is not located within the mapped good quality agricultural land area.

As evident from the above assessment, the proposal complies with the various Overall Outcomes of the Natural Features Code.

Capricorn Coast Landscape Code

The Overall Outcomes applicable to the Capricorn Coast Landscape Code are set out at section 3.31 of the scheme as follows:

- (a) *The purpose of the Capricorn Coast Landscape Code is the achievement of the overall outcomes sought for the special management area identified on Overlay Map O9.*
- (b) *The overall outcomes sought for the Capricorn Coast Landscape special management areas are:*
 - (i) *Development integrates all aspects of engineering and architecture with the natural features and characteristics of the site to minimise any adverse effects on the environment and landscape.*
 - (ii) *Areas identified as having landscape values are protected from development or the effects of development that may reduce those values in terms of physical changes to the natural environment, damage or removal of vegetation, prominence of the development within its landscape setting and the extent of associated visual detracting.*
 - (iii) *Vegetation outside the immediate envelope of a building or structure is preserved.*
 - (iv) *Development is not visually detracting when viewed from a Level 1 Viewer Place in terms of:*
 - (A) *scarring by exposed earthworks; or*
 - (B) *canopy removal on hilltops, prominent headlands, ridges and hillslopes; or*
 - (C) *modification of the natural environment which dominates the landscape.*
 - (v) *Development does not adversely impinge on the integrity of identified 'green break' areas which provide a green-belt of natural landscape defining the limits of each of the coastal towns/localities.*
 - (vi) *In landscape special management area – Precinct A, reconfiguring a lot only occurs if the resulting lots have regular dimensions and are equal to or larger*

than the minimum lot size specified for the underlying zone for the site with the only exception being within the residential zone where the lot size must be at least 1,500 square metres in area.

Capricorn Coast Landscape Code Requirements

The following is an assessment of the proposal against the Capricorn Coast Landscape Code, which includes an assessment of the development against the relevant specific outcomes of the code.

Specific Outcomes	Response
O1 The height of buildings and structures, except in the Yeppoon Central zone is not greater than: • 9 metres if within 20 metres of the frontage to the Scenic Highway, Farnborough Road, Yeppoon Road, Tanby Road and Emu Park Road; or • elsewhere, 12 metres.	Does not comply The site is mapped within Precinct B of the visual amenity mapping. The total height of the structure is 43.4 metres, which will result in an impact on visual quality. The structure is designed to minimise visual impacts on the surrounding area by making use of a slimline design, while the existing mature vegetation on site will assist in minimising the presence of the development. The facility is required at a specific height in order to ensure good signal quality and to maximise coverage to effectively service Bungundarra and surrounding suburbs.
O2 The slope of natural ground level of any development site is not greater than 15%.	Complies A Geotechnical Stability Assessment prepared by Geotech Investigations was provided with the application, which states the existing slope gradient of the nominated development site is six (6) per cent to twelve (12) per cent. The site will be retained to provide a flat development area.
O3 Clearing except in association with other assessable site development is inconsistent development.	Complies It is noted that State regulated vegetation (Category B) and locally significant vegetation are mapped on site, however 100 square metres of the development site has already been cleared of mature vegetation, with only small regrowth vegetation being proposed to be removed. It is considered that the remaining existing mature vegetation on the site will minimise the impact on scenic amenity in any significant manner.
O4 Buildings and structures are not sited above 50m AHD.	Does not comply The proposal is sited at approximately 152 metres Australian Height Datum. The topography of the land and the developments elevated position is considered vital in its capacity to function effectively. Mobile phone base station antennas need to be located clear of obstructions like trees and tall buildings to ensure good signal quality and to maximise coverage. The structure is designed to minimise visual impacts on the surrounding area by making use of a slimline design and the existing

Specific Outcomes		Response
		mature vegetation on site will assist in minimising any visual impact of the development. Furthermore, in rural areas, base stations will often be located on hills to maximise the coverage area and it is considered within the reasonable expectation of the rural community to have the facility in the rural backdrop.
O5	Buildings and structures are constructed primarily of non-reflective materials or if reflective materials form part of a building or structure, the level of light reflectivity of the material is not greater than 10%.	Complies The proposal is constructed of materials necessary for its operation and will not result in a high proportion of reflective materials.
O6	Buildings and structures including infrastructure are constructed in materials that complement the coastal location and blend with the surrounding area in terms of colour and texture.	Complies in part The proposal is constructed of materials necessary for its operation. The structure is designed to minimise visual impacts on the surrounding area by making use of a slimline design, while the existing mature vegetation on site will assist in minimising any visual impact of the development.
O7	Retaining walls are restricted to a maximum of 1.5 metres vertical height.	Complies The proposed retaining wall is 600 millimetres.
O8	Earthworks do not result in batter slopes that: • have a vertical height greater than 3 metres; or • are steeper than 25%.	Not applicable No batter slopes greater than three (3) metres or 25 per cent are proposed as part of the development.
O9	Earthworks and buildings are not located: • across or result in the redirection of watercourses and natural drainage lines; or • to require the removal of vegetation which defines watercourses and natural drainage lines.	Not applicable The proposal is not located within proximity to watercourses. The terrain of the site is sloping, and the proposal is not anticipated to alter the natural drainage lines.
O10	In Landscape special management area – Precinct A, despite applicable minimum lot size and minimum frontage outcomes nominated in the Residential zone code, new lots are not less than 1 500 m ² in area and comprise at least one discrete area of not less than 500 m ² which: • has a minimum dimension of 20 metres; and • is located at least 15 metres from the road fronting the lot; and • has a natural ground level slope not greater than 15%.to require the	Not applicable The proposed development is not for reconfiguring a lot and is not located in Precinct A.

Specific Outcomes	Response
removal of vegetation which	

As evident from the above assessment, the proposal does not comply with Specific Outcome O1 and O4 of the Capricorn Coast Landscape Code. The development will have minor visual impact on neighbouring properties, however, only one submission was received in relation to visual impact, and in addition there should be a reasonable expectation in the community that this type of infrastructure will locate in the area.

Telecommunications Facility Code

The Overall Outcomes applicable to the Telecommunications Facility Code are set out in section 4.17 of the scheme as follows:

- (a) *The purpose of the Telecommunication Facilities Code is the achievement of the overall outcomes for the development of telecommunication facilities.*
- (b) *The overall outcomes sought are:*
 - (i) *Telecommunications facilities are compatible with the physical characteristics of the site where they are located and the character of the locality; and*
 - (ii) *Telecommunication facilities do not cause nuisance or unacceptable risks to public health and safety.*

Telecommunications Facility Code Requirements

The following is an assessment of the proposal against the Telecommunications Facility Code, which includes an assessment of the development against the relevant specific outcomes of the code.

Specific Outcomes	Response
O1 Development is consistent with the scale of existing buildings and other works on the site and/or in the locality where they are located, and not visually dominant or obtrusive.	Justified to comply At 43.4 metres in height, the proposed development cannot be considered consistent with the scale of existing buildings surrounding the site, however, the structure is designed in such a way as to minimise visual impacts on the surrounding area by making use of a slimline design. In addition, the subject lot and neighbouring properties are heavily vegetated. The 100 square metre development site has previously been cleared of mature vegetation, and only minimal clearing of regrowth is proposed as part of the development. The existing mature vegetation onsite will assist in screening the facility from adjoining land owners and vehicle traffic along Bungundarra Road. The proposed facility will be located approximately 79 metres from the nearest Dwelling house, located on the adjoining property to the south. A submission has been received from the adjoining landowner raising concerns over the visual impact of the tower. Points raised in the submission will be addressed in the Consultation section of this report. This type of infrastructure is typically found in the backdrop of a rural locality and is

Specific Outcomes		Response
		considered to be reasonably expected by a rural community such as Bungundarra. This type of infrastructure is considered to be within the community's best interests, providing optimal mobile phone coverage for the locality.
O2	Development is sited to minimise overshadowing of adjacent residential premises.	Complies The proposal is located approximately 79 metres from the closest residential dwelling and therefore the proposed tower will not directly overshadow adjacent residencies.
O3	Emissions of light, noise, vibration or radiation are managed to ensure: ▪ nuisance is not caused beyond the site boundaries; ▪ applicable State and national standards and requirements are satisfied; ▪ unacceptable risks to the environment and to personal and public safety are not caused; and ▪ as necessary, public access is restricted to satisfy health and safety requirements.	Complies The proposed development will not cause emissions of light, vibration or significant noise and will operate in line with the Australian standards in respect to radiofrequency emissions.

As evident from the above assessment, the proposal complies with the various requirements of the Telecommunications Facility Code. The development will have minor visual impact on neighbouring properties, however, only one submission was received in relation to visual impact, and in addition there should be a reasonable expectation in the community that this type of infrastructure will locate in the area.

Clearing Code

The Overall Outcomes applicable to the *Clearing Code* are set out in section 4.20 of the scheme as follows:

- a) *The purpose of the Clearing Code is the achievement of the overall outcomes sought for the control of clearing.*
- b) *The overall outcomes sought are:*
 - (i) *The visual integrity of the natural landscape is not significantly impacted by indiscriminate and unnecessary clearing;*
 - (ii) *Ecological features and processes that underpin the biodiversity of the Shire are not disturbed by inappropriate clearing;*
 - (iii) *Vegetation in areas vulnerable to land degradation is not cleared, unless such clearing is required for the management of the degradation.*

Specific Outcomes		Response
Vegetation Management		
O1	Development protects the nature conservation values and water quality of watercourses, wetlands, lakes and	Complies The development location is considered to reasonably protect the conservation values of

Specific Outcomes	Response
	the site given the small scale nature of the development footprint and the minor clearing of regrowth vegetation proposed. Further, the development is not located in or near a watercourse, wetland, lake or springs.
O2 Areas identified (refer to PSM 10A & 10B – Locally Significant Vegetation) as containing locally significant vegetation are protected from development and its effects that may significantly reduce the values of the area in terms of: (a) damage or removal of vegetation; (b) loss of biodiversity; (c) loss of canopy cover and habitat; (d) visual detracting.	Complies The development location is considered to reasonably protect the conservation values of the site given the small scale nature of the development footprint and the minor clearing of regrowth vegetation proposed. The extent of clearing associated with the development is not considered to significantly reduce the values of the location and a rehabilitation planting plan has been conditioned to enhance the area, thus supporting the biodiversity values.
O3 Viable networks of habitat are protected from damage or destruction which may lessen their value to sustain wildlife.	Complies Biodiversity corridors are not specifically identified on the site however it is acknowledged wildlife movements are likely to occur in the area. The development location is considered to reasonably protect the conservation values of the site given the small scale nature of the development footprint and the minor clearing of regrowth vegetation proposed and given the limited clearing and small scale of development wildlife movements are not expected to be adversely impacted.
O5 Watercourses and adjacent habitat are protected in terms of: (a) minimising erosion and slumping; (b) retaining vegetation to provide for the natural filtering of sediments, nutrients and other pollutants prior to discharge; and (c) adverse impacts on the aquatic habitat.	Complies The development is not located in or near a watercourse, wetland, lake or springs.
O6 Vegetation removal does not result in land degradation as a result of: _ erosion, particularly top soils; _ reduction in the fertility of the soil; or _ changes in the water table which increase surface wetness or salinity.	Complies The development as associated minor clearing is not expected to result in land degradation.

Specific Outcomes		Response
O7	Land cleared to facilitate agriculture including forestry business or other intensive forms of agriculture is capable of sustainable use for such activities.	Not applicable The development is not for agriculture or forestry business practices.

As evident from the above assessment, the proposal complies with the various requirements of the Clearing Code and reasonable justification for the minor regrowth clearing has been provided.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No.2) 2015 for non-residential development applies to the application. The site falls entirely outside the priority infrastructure area. The adopted infrastructure charges for a Major utility are determined by the Livingstone Shire Council at the time of assessment as per the *Adopted Infrastructure Charges Resolution (No.2) 2015*. It has been determined that due to the proposal not linking to the water supply, sewerage supply networks, and not impacting on trunk roads, parks or stormwater, no charge is applicable in this instance.

CONSULTATION

The proposal was the subject of public notification between 19 January 2018 and 12 February 2018, as per the requirements of the *Planning Act 2016*, and one submission was received.

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

Matters raised in submission	Response to matters and description of how matters were dealt with in reaching the decision
Adverse impacts on visual amenity - the development is located 67 metres from the Dwelling house on the adjoining property (the submitters residence) and that visual amenity will be severely impacted upon by the proposal.	Desktop measurements indicate the proposal is approximately 79 metres from the existing Dwelling house on the adjoining property to the south (Lot 2 on RP612366). At 43.4 metres in height, the proposed development cannot be considered consistent with the scale of existing buildings surrounding the site, however, the structure is designed in such a way as to minimise visual impacts by making use of a slimline design. In addition, the subject lot and neighbouring properties are heavily vegetated. The 100 square metre development site has previously been cleared of mature vegetation, and only minimal clearing of regrowth is proposed as part of the development. The existing mature vegetation will assist in screening the facility from adjoining land owners and Bungundarra Road. This type of infrastructure is typically found in the backdrop of a rural locality and is considered to be reasonably expected by a rural community such as Bungundarra.
Concern that the location is inappropriate and would be better located elsewhere, namely Candidate C as listed in the Planning Report accompanying the application or the alternate site as indicated in the	A telecommunications facility is required within the Bungundarra locality in order to provide necessary infrastructure to an expanding community and network. Several potential sites were identified and assessed for suitability, including Candidate C reference in the submission, before the subject site was selected based on the site meeting the relevant criteria.

Matters raised in submission	Response to matters and description of how matters were dealt with in reaching the decision
submission.	
Adverse impacts on environmental values	The proposal is located on an area mapped as Locally Significant Vegetation. The site has previously been cleared of mature vegetation. Rehabilitation offset planting has been conditioned in the recommendation to minimise adverse impacts on habitat networks. Council's natural resource officers note that the site may contain: • Remnant/old growth woodland containing dominant species Blue Gum, Moreton Bay Ash and Rough-Barked Apple. There is some incursion of lantana but the vegetation community is still in fairly good condition; • Likely habitat for gliders, microbats, wedge-tail eagles and koalas; and • <i>Cycas ophiolitica</i>. Given the limited area proposed to be impacted by the development and the conditioning of the rehabilitation plan and requirement for a prestart meeting before works commence it is considered the environmental values of the site have been protected to the necessary extent. Importantly any viable networks of habitat on the site are not considered to be impacted by the development, given the small scale nature of the development, in terms of a development footprint. The development is not proposed to impact on waterways or steep vegetated slopes or heavily vegetated ridgelines that have not already been cleared previously.
General errors in the application material • Proximity to dwelling house on adjoining lot • Statement relating to screening of the development • Local environmental values not addressed	The application states the nearest dwelling house is 200 metres from the subject site. The above assessment addresses the proximity of the proposal to adjoining properties. The application states the development will be screened by the existing onsite vegetation. The above assessment addresses visual impact and screening of the proposal. Council's Natural Resource Management team has assessed the application and concurs with the submission in relation to a lack of information provided in relation to locally significant vegetation. As such the conditioning of the rehabilitation plan and requirement for a prestart meeting before works commence to identify removal of species, is considered the environmental values of the site have been protected to the necessary extent.
The submission recommends the tower be relocated to an alternate site either on the property or to location candidate C as detailed in the site selection parameters as detailed in the	The recommendation is acknowledged however given the above assessment it is determined the proposed siting of the tower is appropriate and there are sufficient grounds to support the location as applied.

Matters raised in submission	Response to matters and description of how matters were dealt with in reaching the decision
application	

EXTERNAL REFERRALS

The application was referred to the Department of Infrastructure, Local Government and Planning as a concurrence agency on 28 November 2017 in accordance with Schedule 10, Part 3, Division 4, Table 3, Item 1 of the *Planning Regulation 2017*, as the proposal is located within proximity to remnant vegetation. The Department of Infrastructure, Local Government and Planning assessed the application and provided conditions on 10 January 2018, which has no specific requirements except for development to be undertaken in accordance with the approved plans.

REASONS FOR THE DECISION

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

- (i) The development does not comply or only complies in part with Specific Outcome O3 and O4 of the Rural Zone Code, O1, O4 and O6 of the Capricorn Coast Landscape Code and O1 of the Telecommunications Facility Code based on visual amenity and landscape setting matters, given the location and type of development.
- (ii) Despite the non-compliance, overall, the proposal is considered to operate compatibly with the surrounding rural purposes and future rural pursuits on adjoining sites will not be compromised. This type of infrastructure is a positive contribution to communications opportunity for the locality of Bungundarra and its surrounds, by allowing widespread rural phone coverage. This footprint will not compromise the large tracts of bushland existing on the subject site and surrounding sites. Whilst the scale (height) exceeds that of common rural land uses and the amenity (in terms of vistas) is different to that existing, this type of infrastructure is typically found in the backdrop of a rural locality and is considered to be reasonably expected by a rural community.
- (iii) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.
- (iv) The development does not compromise the achievement of regional outcomes outlined in the Central Queensland Regional Plan.
- (v) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with aspects of the assessment benchmarks.

PREVIOUS DECISIONS

It is noted that Council has previously approved several development applications for the same land use within Rural Zone. The decision is as follows;

- Development Permit D-23-2017 – Development Application for a Material Change of Use for a Major utility (Telecommunications facility) located at 108 Mt Charlton Road, The Caves - Approved under delegated authority 13 July 2017;
- Development Permit D-160-2016 – Development Application for a Material Change of Use for a Major utility (Telecommunications facility) located at 353 Raspberry Creek Road, Kunwarara - Approved under delegated authority 8 March 2017;
- Development Permit D-163-2016 – Development Application for a Material Change of Use for a Major utility (Telecommunications facility) located at Lot 58 St Lawrence Road, Marlborough - Approved under delegated authority 24 February 2017;

- Development Permit D-132-2015 – Development Application for a Material Change of Use for a Major utility (Telecommunications facility) located at 24 Dooloolah Road, Dooloolah – Approved at Council Meeting 28 April 2016.
- Development Permit D-215-2015 – Development Application for a Material Change of Use for a Major utility (Telecommunications facility) located at 270 Limestone Creek Road, Adelaide Park - Approved under delegated authority 21 March 2016;
- Development Permit D-204-2015 – Development Application for a Material Change of Use for a Major utility (Telecommunications facility) located at 32 Kayes Road, Mount Chalmers - Approved under delegated authority 11 March 2016;
- Development Permit D-250-2014 – Development Application for a Material Change of Use for a Major utility (Telecommunications facility) located at 178 Palm Valley Road, Coowonga - Approved at Council Meeting 25 August 2015;
- Development Permit D-120-2014 – Development Application for a Material Change of Use for a Major utility (Telecommunications facility) located at 58 Dudley Lane, Cawarral – Approved at Council Meeting 27 January 2015.

It should be noted that each decision is made on its merits at the time of assessment and with the best planning information available.

BUDGET IMPLICATIONS

Management of this application and assessment has been within existing budget allocations.

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

The legal implication of deciding this development application favourably is the risk of appeal from a submitter exercising this right. These potential legal implications also bring unknown budget implications.

STAFFING IMPLICATIONS

There are no significant staffing implications for the assessment.

RISK ASSESSMENT

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

CORPORATE/OPERATIONAL PLAN

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

CONCLUSION

The proposed development is consistent with the Rural Zone outcomes and relevant codes, including the Telecommunications Code and the Special Management Area Code under the *Livingstone Shire Planning Scheme 2005* and sufficient justification has been demonstrated where deviation from a code requirement exists. The application received one submission which has been considered and addressed in the above assessment.

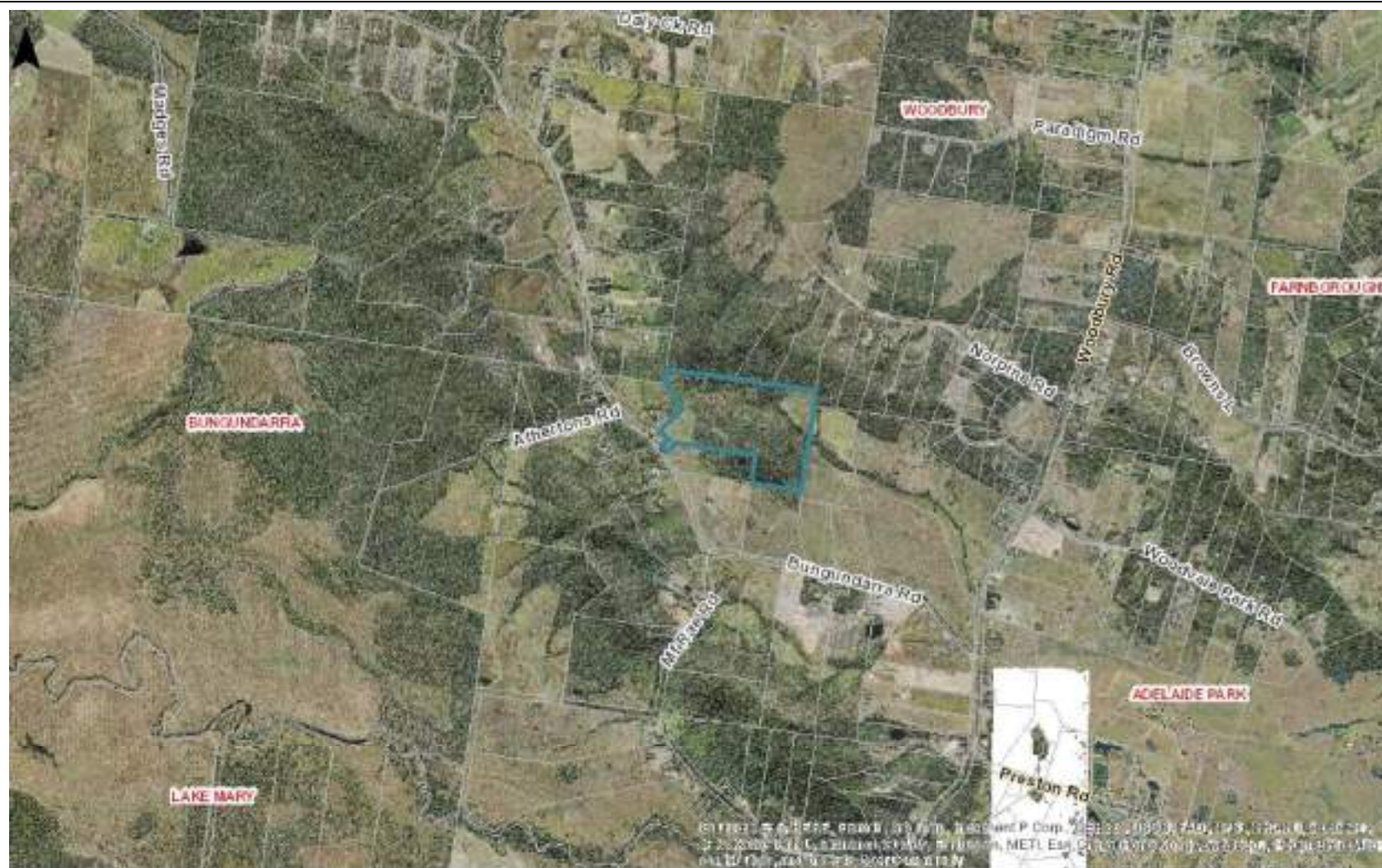
Subsequently, the application is recommended for approval, subject to reasonable and relevant conditions, as outlined in the recommendation.

**12.9 - DEVELOPMENT APPLICATION
D-202-2017 FOR A MATERIAL CHANGE
OF USE FOR A MAJOR UTILITY
(TELECOMMUNICATIONS FACILITY)**

Locality Plan

Meeting Date: 17 April 2018

Attachment No: 1



Locality Plan

Map Created by: Web AppBuilder for ArcGIS





Locality Plan

Map Created by: Web AppBuilder for ArcGIS



12.9 - DEVELOPMENT APPLICATION D-202-2017 FOR A MATERIAL CHANGE OF USE FOR A MAJOR UTILITY (TELECOMMUNICATIONS FACILITY)

Locally Significant Vegetation

Meeting Date: 17 April 2018

Attachment No: 2



Locally Significant Vegetation

Map Created by: Web AppBuilder for ArcGIS

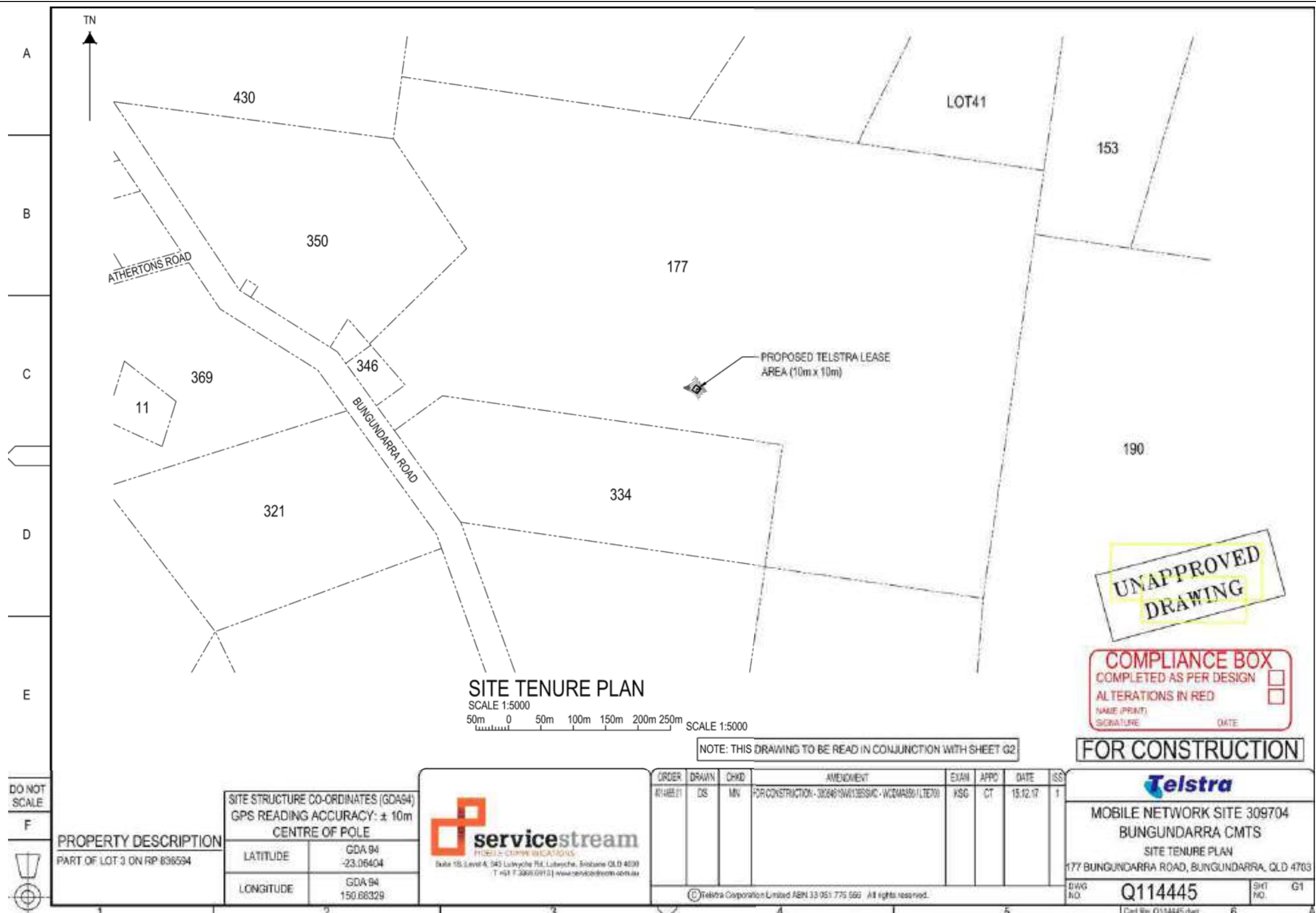


12.9 - DEVELOPMENT APPLICATION D-202-2017 FOR A MATERIAL CHANGE OF USE FOR A MAJOR UTILITY (TELECOMMUNICATIONS FACILITY)

Site Plan

Meeting Date: 17 April 2018

Attachment No: 3

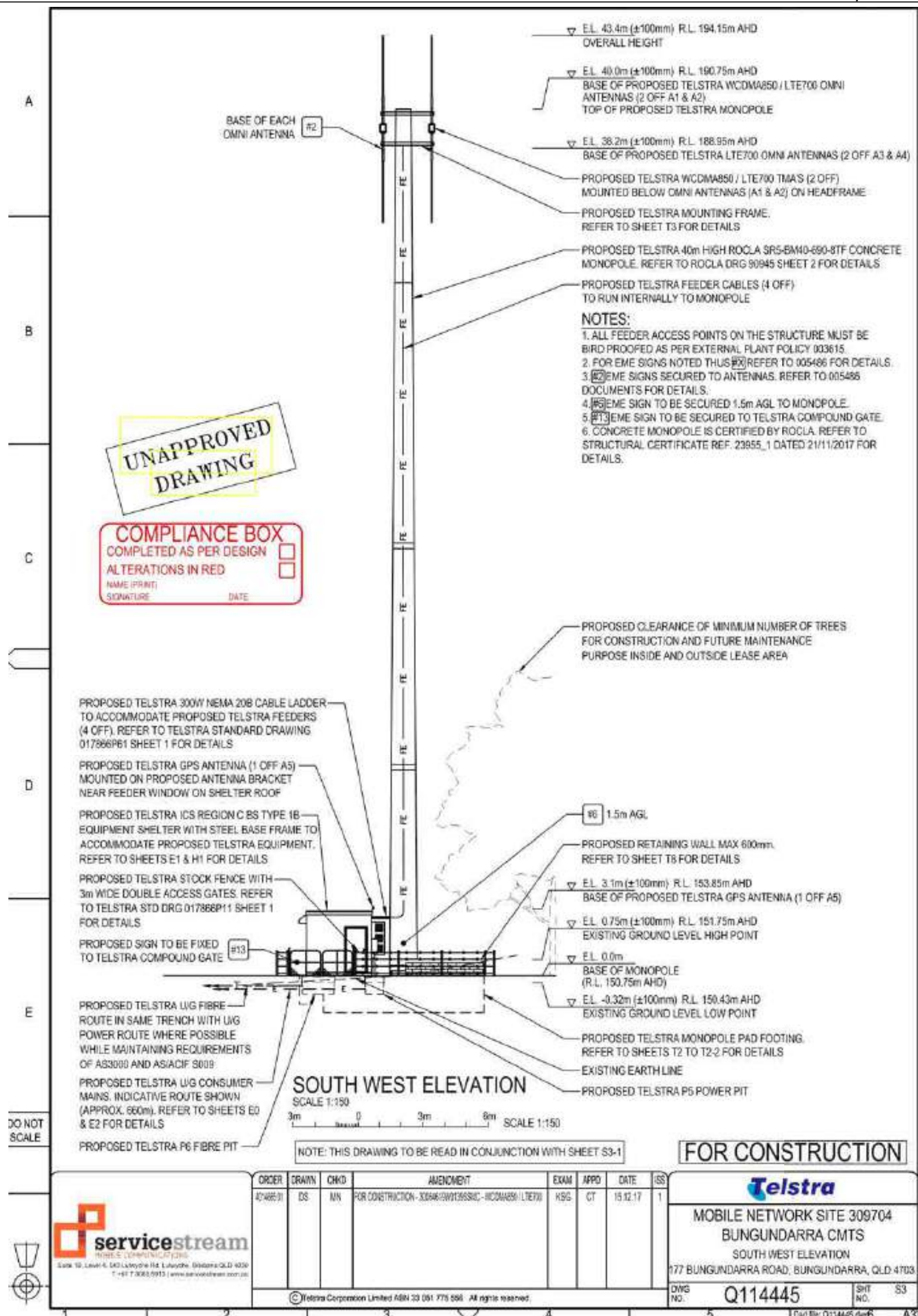


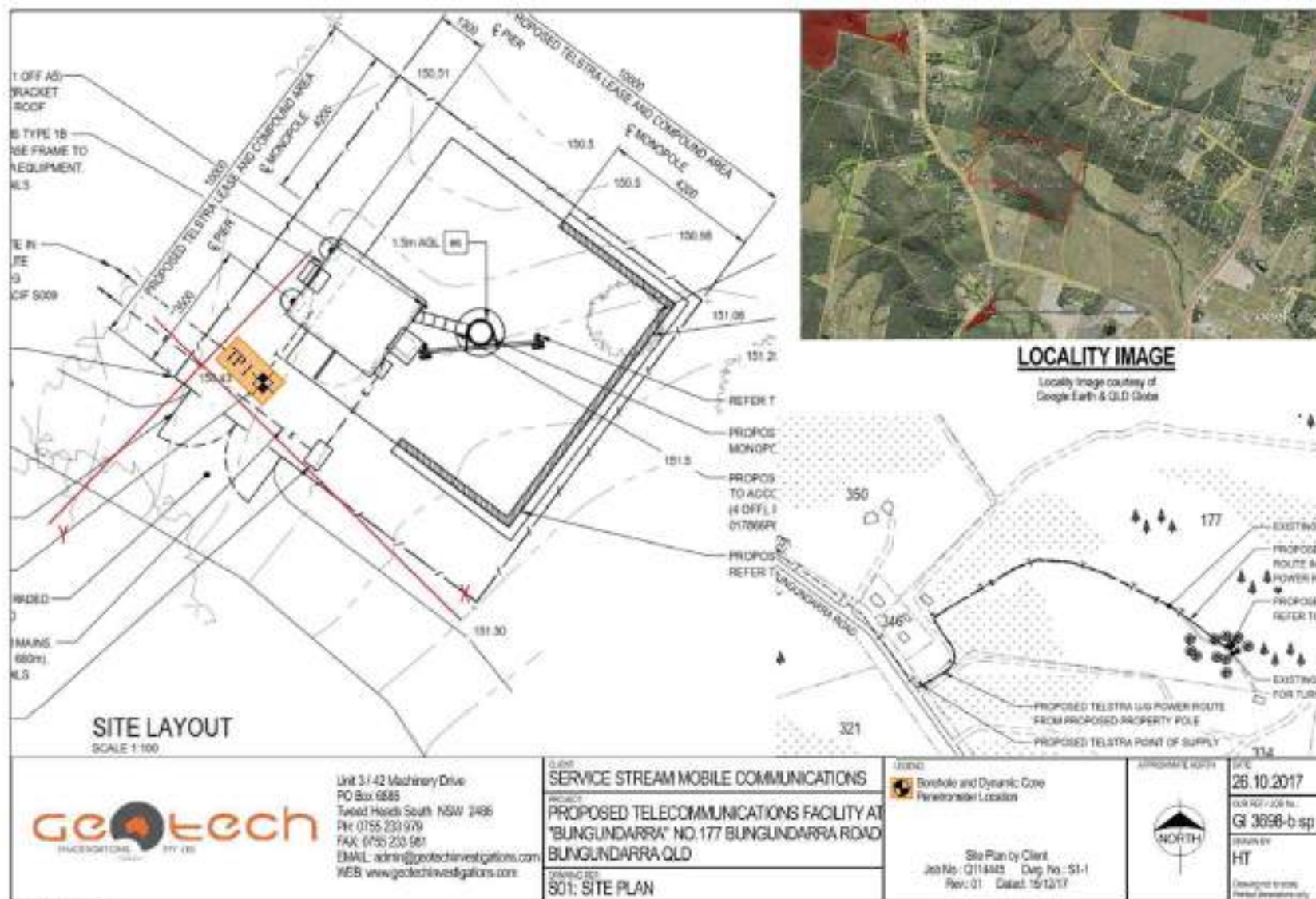
12.9 - DEVELOPMENT APPLICATION D-202-2017 FOR A MATERIAL CHANGE OF USE FOR A MAJOR UTILITY (TELECOMMUNICATIONS FACILITY)

Proposal Plan

Meeting Date: 17 April 2018

Attachment No: 4





12.9 - DEVELOPMENT APPLICATION D-202-2017 FOR A MATERIAL CHANGE OF USE FOR A MAJOR UTILITY (TELECOMMUNICATIONS FACILITY)

Submission

Meeting Date: 17 April 2018

Attachment No: 5

12 February 2018

The Chief Executive Officer
Livingstone Shire Council
PO Box 2292
YEPPON QLD 4703

Ian Denley
334 Bungundarra Road
Bungundarra. 4703

ATTN: Tara Norley (Planning Officer)

SUBMISSION OBJECTING TO PROPOSED MATERIAL CHANGE OF USE FOR MAJOR UTILITY
(TELECOMMUNICATIONS FACILITY) – D/202-2017 – OVER LOT 3 ON RP836594

I, Ian Denley, resident of 334 Bungundarra Road, Bungundarra, formally described as Lot 2 on RP612366, hereby object to the above described development application currently under assessment by Livingstone Shire Council. My grounds of objection are summarised as –

1. The proposal will adversely impact on the visual amenity of the locality and will be highly visible from my house, which is located 67 metres away; and
2. Both the natural environment and associated clearing and impacts have been inadequately defined and considered as part of the assessment.

I make clear that I am not inherently opposed to telecommunication facilities and understand their need; however, due consideration must be given to their siting, and the potential visual amenity and environmental impacts they have.

I am strongly opposed to the proposed siting of the telecommunications facility over Lot 3, which will seriously degrade the visual amenity of the locality and the outlook from my house. I provide further detail on my grounds of objection below.

Adverse Impacts on Visual Amenity

The proposal is in clear conflict with the following provisions of the Livingstone Shire Council Planning Scheme 2005 ('the Planning Scheme') as they relate to visual amenity:

Desired Environmental Outcomes (DEOs):

- (k) Development does not adversely affect:
 - (i) The community's health and safety; or
 - (ii) The amenity enjoyed by people in different areas of the Shire

Comment: Visual amenity will be severely impacted for the dwelling on neighbouring lot 2, being 67 metres distant from the tower. Broader scenic amenity can be better addressed by placing the tower at Candidate C.

- (l) Development reflects the community's reasonable expectations and harmonises with the natural environment and does not prejudice the Shire's existing scenic amenity, particularly along the Capricorn Coast.

Comment: As above for local residences and viewer places along Bungundarra Road. Candidate C would significantly reduce impacts to visual amenity.

Overall Outcomes for the Rural Zone Code:

- (c) It is a land use which:

- a. *Is compatible with surrounding rural purposes by being of a similar scale, intensity and character; and*
- b. *Supports a rural purpose; and*
- c. *Does not adversely affect the amenity of the locality.*

Comment: the proposed location is wholly out of keeping with surrounding rural use being significantly larger in scale and out of character with a rural dwelling located within 67 metres of the site. Visual impacts would be significantly reduced for surrounding dwellings and viewer locations along Bungundarra Road by placing the tower at Candidate C or other site.

Overall Outcomes for the Capricorn Coast Landscape Code:

- (i) *Development integrates all aspects of engineering and architecture with the natural features and characteristics of the site to minimise any adverse effects on the environment and landscape*
- (ii) *Areas identified as having landscape value are protected from development or the effects of development that may reduce those values in terms of physical changes to the natural environment, damage or removal of vegetation, prominence of the development within its landscape setting and the extent of associated visual detractor.*

Comment: The tower will be prominent from Bungundarra Road and surrounding residences and particularly prominent from the dwelling on neighbouring Lot 2. The submission has considered a limited number of sites. Visual impacts could be significantly reduced by placing a tower at Candidate C or other site.

Adverse Impacts on Environmental Values

The proposal is in clear conflict with the following provisions of the Planning Scheme as they relate to environmental values.

Overall Outcomes for the Clearing Code:

- (i) The visual integrity of the natural landscape is not significantly impacted by indiscriminate and unnecessary clearing;
- (ii) Ecological features and processes that underpin the biodiversity of the Shire are not disturbed by inappropriate clearing

Comment: There is a potential tower site 50 metres further to the NW on the same property and hill that is within a substantial cleared area. The applicants have not provided any consideration for this site. Existing clearing is approximately 18 to 45 metres wide and 145 metres long. As such this location would entail no clearing and not affect ecological features and processes. See **Figure 1** for the location.

In all the applicant has not provided expert or detailed information on the nature of the habitat to be cleared or the full extent of clearing at candidate B.

Overall Outcomes for the Capricorn Coast Landscape Code:

- (i) *Development integrates all aspects of engineering and architecture with the natural features and characteristics of the site to minimise any adverse effects on the environment and landscape*

- (ii) *Areas identified as having landscape value are protected from development or the effects of development that may reduce those values in terms of physical changes to the natural environment, damage or removal of vegetation, prominence of the development within its landscape setting and the extent of associated visual distraction.*

Comment: As per the previous comment, placing the tower 50 to 100m further to the NW would totally avoid the necessity to clear or damage native woodland and associated habitat.

General Comments

There are errors of fact in the proposal and the proposal otherwise lacks sufficient information and detail to assert that the Planning Scheme provisions have been addressed:

Impacts on Visual Amenity (proposal extracts in italics):

Complies S2. The nearest dwelling is located approximately 200 metres south-east of the facility... Planning Scheme Code assessment:

The nearest dwelling is located approximately 200 m south-west of the compound area. This dwelling is orientated towards Bungundarra Road to the west. Table 1, Candidate B. P9:

The nearest dwelling is 67 metres to the South-east of the proposed tower site. The dwelling is orientated to the North. The tower location will be visually prominent when entering and leaving the front entry to the house. See **figure 3** for a conceptual view of the tower from the dwelling.

Existing vegetation surrounding the facility will also screen it from sight and visual distraction when travelling along Bungundarra Road and from nearby residential dwellings. Table 6. P32:

Taller vegetation adjacent to the location is approximately 12m to 20m in height. The proposed tower will be 44.5 metres overall height which will place it 24.4 to 28.4 metres above surrounding vegetation and therefore easily seen from surrounding dwellings and from Bungundarra Road. Residences on the opposite side of Bungundarra Road are orientated towards the proposed tower location.

A fibre optic route trench is shown passing under a canopy tree and a 'turnaround area' in the site plan (Q114445 S1). The existing track is approximately 4 to 6m wide. Access to the turnaround area at the compound would entail clearing greater than the 10 metre compound area. The drawing indicates canopy trees would likely be removed, further exposing the site to viewer places.

Impacts on Environmental Values

Information on local environmental values and existing habitat have not been undertaken. Therefore the appropriate provisions on assessment of environmental impacts have not been met.

There are also inconsistencies between the stated extent of impacts and actual impacts:

Minimal clearing will be required to establish the compound area. Table 6. P32,

Some minor tree clearing would be required to establish the facility Table 1. P9,

However, some minor regrowth vegetation removal is required to establish the facility. Table 7. P33.

There is:

- a) No expert assessment, description and evidence of vegetation and habitat to adequately address environmental provisions;
- b) No likelihood of occurrence analysis or discussion of the EPBC results other than *All relevant EPBC matters have been considered* and an appended EPBC Database search result;
- c) It is indicated that a Wildlife Online search was undertaken (S7.3.1, P41) but there is no discussion on results and no appended Wildlife Online Search results;
- d) The compound area has already been cleared so that the veracity of the statement of the vegetation as 'minor' and 'regrowth' cannot be verified for that area; and
- e) There is no clear indication on the total extent and location of clearing. There are discrepancies between the stated extent of clearing (*some minor tree clearing*) and potential clearing indicated in the Site Plan (Q114445 S1). It would appear a large canopy tree would be cleared for the Fibre UG route and additional access for the turn around area adjacent to the 10X10m compound area. The existing width of the track was approximately 6m. The area for the compound (10X10m) has been cleared which would leave an additional width of clearing for vehicle access.

In relation to matters of local environmental significance:

- a) I have sighted sugar gliders within 20 metres of the site feeding on *Acacia* nectar.
- b) Wedge-tail eagles frequent the hill crest
- c) A neighbour has sighted a koala in the near area and I have expert opinion (pers.com. Dr. Alistair Melzer) that koala are present in the area in limited numbers. There are suitable food trees on the site and no detail as to what vegetation will be cleared.
- d) *Cycas ophiolitica* is located close to the site and the vegetation is suitable habitat for *C. ophiolitica*. The tower location is not within DNRM "Essential Habitat". As such associated habitat is not protected under State or Federal environmental legislation and is therefore a matter of local environmental significance.
- e) There are frequent overflights of migratory seabirds and some limited roosting in the surrounding trees.
- f) Microbats frequent the area

Recommendation

I believe the most appropriate site for the tower, based on environmental and visual amenity grounds, has not been chosen. In my view, application D/202-2017 should be refused based on the grounds outlined in this submission. In place of a refusal, I would expect at a minimum that one of the following locations for the telecommunication be selected:

- a) Candidate C as indicated in the submission; or
- b) The Alternative site indicated in Figure 1;

And otherwise:

- a) A more detailed analysis of alternative sites be undertaken and
- b) That any application include a thorough investigation and analysis of the associated environment, detailed mapping and visual impacts.
- c) the applicant demonstrate why candidate B is so much better than candidate C in terms of signal, and whether this is really sufficient to override the impacts on visual amenity and environment; and

- d) that Council provide examples of telecommunication towers this close to a dwelling in a rural setting.

It appears that the proposed location is unusually close to a dwelling when compared to similar structures located in the rural zone. As an example the closest location of a tower (NBN?) to a dwelling that I could locate is 140 metres. The tower is located along Woodbury Road near Stones Road intersection. All other locations within the rural zone extend out to around 250 metres.

There is a lack of apparent consideration by the applicant for alternative sites at similar distances from the exchange to Candidate B (729m) and similar elevations (150m). As an example; the hill crest immediately nth of Athertons Road (864m distance & 110m alt) and the hillcrest immediately east of the exchange (698m distant & 160m alt).

Candidate C Visual Amenity Impacts

I have undertaken a view analysis of a tower located at Candidate C and a desktop assessment of current clearing at candidate C. See **Figure 2** for detail on the location of tracks and existing clearing.

Candidate B is located at a lower elevation (lower in the landscape) and therefore more within the range of natural viewpoints from Bungundarra Road.

Candidate B is closer to Bungundarra Road and therefore perceptively larger from viewpoints along the road. See a comparison of relative heights (angle of elevation) from 4 viewpoints along Bungundarra Road in Table 1.

For a 1 kilometre survey along Bungundarra Road Candidate B was more prominent in the landscape than Candidate C. I can provide photographs of comparative views of each candidate location from 4 sites along Bungundarra Road.

Dwellings nearer to candidate C have aspects facing candidate B. The curvature of uphill slopes are likely to obscure part or all of a tower located at Candidate C from these dwellings.

Table 1. A view analysis comparison of comparative visual impacts between sites at Candidate B and C; the table provides a view angle (relative height) at 4 sites along Bungundarra Road. The smaller the view angle the smaller the apparent size of the tower. In every case, for the same height of tower, Candidate C will have less impact on visual amenity from Bungundarra Road.

Viewpoint Site	Tower Location	Distance to tower (metres over ground)	View Angle
1	B	701	3.6
1	C	769	3.2
2	B	428	5.8
2	C	687	3.6
3	B	529	4.7
3	C	716	3.5
4	B	722	3.4
4	C	762	3.3
Dwelling	B	65	33.8

Candidate C Environmental Impacts

There appears to be a cleared access road along the crest of the hill where Candidate C is located providing existing access to the site. The applicant indicates that 200 metre of vegetation may need to be cleared but the location of this clearing and the nature of the vegetation is not indicated in the application. Additionally there is a cleared area of approximately 25 metres diameter at the proposed tower location. As such locating access on the existing road and the tower within the existing cleared area would substantially reduce otherwise more significant impacts. I have

undertaken a substantial number of impact studies and management plans for Powerlink and Ergon at similar locations. It is within my professional experience that impacts at the location would be entirely manageable and within Councils impact management codes.

Thank you for considering my submission, and I look forward to hearing how my concerns have been addressed by Council and the applicant.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'ID' or 'Ian Denley', written in a cursive style.

Ian Denley



Figure 1. Alternative site near candidate B



Figure 2. Candidate C showing location in the landscape, the access track across the crest and the cleared area at the compound location. Location taken from planning report.



Figure 5. Left, The current view from the dwelling on Lot 2. Right an approximation of the tower view after construction. The existing access track is located in front of the tower location. The tower height was estimated using a drone to determine height. The height in the photo is 43.5 metres. However, the tower will be 44.5 metres.

**12.10 RESPONSE TO QUESTIONS ON NOTICE - CR MATHER - TOWER HOLDINGS
GKI****File No:** LU18.3**Attachments:** Nil**Responsible Officer:** Brett Bacon - Director Community & Planning Services**Author:** Erin McCabe - Co-ordinator Development Assessment

SUMMARY

The report responds to questions on notice in regards to demolition work on land leased by Tower Holdings at Great Keppel Island.

OFFICER'S RECOMMENDATION

THAT Council receive the report for information.

BACKGROUND

At Council's Ordinary Meeting of 17 April 2018, Councillor Mather proposes to present three Questions on Notice pertaining to the redevelopment of the former resort on Great Keppel Island (under the control of Tower Holdings).

COMMENTARY

Councillor Mather has presented Council with three Questions on Notice pertaining to the redevelopment of the former resort on Great Keppel Island (under the control of Tower Holdings). The following provides a response to those questions.

- 1) *Has Tower Holdings made Application for an Operational Works Permit to carry out any demolition work within its leases, or entered into discussion with Council with a proposal to do so?*

Pursuant to the *Building Act 1975* and the *Planning Act 2016*, demolition work is defined as Building Work. Council's Development Assessment unit received draft demolition plans for comment on 5 April 2018.

Council received notification on 9 April 2018 that Rockhampton Building Approvals has been engaged for the assessment and decision on a development application for demolition works over Lot 8 and Lot 31 Great Keppel Island, The Keppels.

No other development applications pertaining to demolition work have been received.

- 2) *Was there any Application for an Operational Works Permit during the term of amalgamation?*

There is no record of an application for Operational Works being made over the land in question during this period.

- 3) *If by chance a Permit had been issued under the amalgamated council, would that permit remain valid under the de-amalgamated council (LSC)?*

Any permits issued under the amalgamated Council remain valid for the Livingstone Shire Council local government area, to the extent they remain a valid permit in line with any relevant period for the permit.

PREVIOUS DECISIONS

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

BUDGET IMPLICATIONS

There are no budget implications associated with this particular issue.

LEGISLATIVE CONTEXT

The management of demolition work is captured by the *Planning Act 2016* and the *Building Act 1974*.

LEGAL IMPLICATIONS

There are no legal implications for Council associated with this matter.

STAFFING IMPLICATIONS

There are no staffing implications for Council associated with this matter, as it was managed by the state government.

RISK ASSESSMENT

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

CORPORATE/OPERATIONAL PLAN

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

CONCLUSION

At Council's Ordinary Meeting of 17 April 2018, Councillor Mather proposes to present Council with three Questions on Notice pertaining to the redevelopment of the former resort on Great Keppel Island (under the control of Tower Holdings). This report provides a response to those questions.

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - DISABILITY ACCESS 1 ADELAIDE PARK ROAD

File No: GV13.4.4

Attachments: 1. NOM - Disability Access 1 Adelaide Park Road [↓](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 17 April 2018, as follows:

RECOMMENDATION

THAT due to widespread public concerns over the construction of a prominent disability access encroaching onto a traffic thoroughfare on a blind corner adjacent to 1 Adelaide Park Road, Council organise the earliest removal of the structure, and review all other alternative options for the access.

BACKGROUND

Refer to attached Notice of Motion.

**13.1 - NOTICE OF MOTION -
COUNCILLOR GLENDA MATHER -
DISABILITY ACCESS 1 ADELAIDE
PARK ROAD**

**NOM - Disability Access 1 Adelaide
Park Road**

Meeting Date: 17 April 2018

Attachment No: 1

PO Box 5186
Red Hill PO
Rockhampton Q4701
2 April 2018

Chief Executive Officer
Livingstone Shire Council
Anzac Parade
Yeppoon Q 4703

**Notice of Motion
Disability Access 1 Adelaide Park Road**

Dear Madam CEO,

I wish to give Notice of my intention to move the following motion at the next Ordinary Meeting of Council.

"That due to widespread public concerns over the construction of a prominent disability access encroaching onto a traffic thoroughfare on a blind corner adjacent to 1 Adelaide Park Road, Council organize the earliest removal of the structure, and review all other alternative options for the access."

Background

Had there been a prior on-site inspection with demonstrated impact of the proposed construction on visibility, traffic flow, and pedestrian safety, I am confident the structure as it is, would not have proceeded.

There is widespread public opinion that the protruding structure on a blind corner poses safety threats to motorists, cyclists and pedestrians, the latter being forced to walk in the lane of traffic in the absence of a footpath.

I consider this a poor decision and a poor design for this location, and lacks common sense.

Above all, it poses an imminent safety treat to all persons using this section of road, and its removed is warranted.

Many thanks,
Glenda Mather

13.2 QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - TOWER HOLDINGS - GKI**File No:** GV13.4.4**Attachments:** 1. QoN - Tower Holdings - GKI [↓](#)**Responsible Officer:** Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather indicated her intention to place the following Questions on Notice in relation to Tower Holdings at the next Council Meeting 17 April 2018, as follows:

- 1. Has Tower Holdings made an application for an Operational Works Permit to carry out any demolition work within its leases, or entered into discussion with Council with a proposal to do so?*
- 2. Was there any application for an Operational Works Permit during the term of amalgamation?*
- 3. If by chance a permit had been issued under the amalgamated council would that permit remain valid under the de-amalgamated council (LSC)?*

RECOMMENDATION

THAT the questions on notice be received.

BACKGROUND

Refer to attached questions on notice.

**13.2 - QUESTIONS ON NOTICE -
COUNCILLOR GLENDA MATHER -
TOWER HOLDINGS - GKI**

QoN - Tower Holdings - GKI

Meeting Date: 17 April 2018

Attachment No: 1

PO Box 5186
Red Hill PO
Rockhampton Q 4701
2 April 2018

Chief Executive Officer
Livingstone Shire Council
Anzac Parade
Yeppoon Q 4703

**Questions on Notice
Tower Holdings - GKI**

Dear Madam CEO,

I hereby submit the following Questions on Notice in relation to the state's requirement for Tower Holdings to carry out specified demolition work within their current leases.

- Ques. 1 Has Tower Holdings made Application for an Operational Works Permit to carry out any demolition work within its leases,
- or entered into discussion with Council with a proposal to do so?
- Ques. 2 Was there any Application for an Operational Works Permit during the term of amalgamation?
- Ques. 3 If by chance a Permit had been issued under the amalgamated council, would that permit remain valid under the de-amalgamated council (LSC)?

Many thanks
Glenda Mather Clr

14 CLOSED SESSION

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

RECOMMENDATION

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

15.1 Notice of Motion - Councillor Glenda Mather - Rating Category Issue

This report is considered confidential in accordance with section 275(1)(d), of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

15.2 Notice of Motion - Councillor Glenda Mather - Request Independent Inquiry - Statue Bay

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

15 CONFIDENTIAL REPORTS

15.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - RATING CATEGORY ISSUE

File No: GV13.4.4

Attachments: 1. NOM Rating Category Issue

Responsible Officer: Chris Murdoch - Chief Executive Officer

This report is considered confidential in accordance with section 275(1)(d), of the *Local Government Regulation 2012*, as it contains information relating to rating concessions.

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 17 April 2018, as follows:

**15.2 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - REQUEST
INDEPENDENT INQUIRY - STATUE BAY****File No:** GV13.4.4**Attachments:** 1. NOM - Request Independent Inquiry - Statue Bay**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 17 April 2018, as follows:

16 URGENT BUSINESS/QUESTIONS

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

17 CLOSURE OF MEETING