



ORDINARY MEETING

AGENDA

22 JANUARY 2019

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 22 January 2019 commencing at 9.00am for transaction of the enclosed business.

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

CHIEF EXECUTIVE OFFICER
17 January 2019

Next Meeting Date: 05.02.19

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

Officers in Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mr Dan Toon – Executive Director Infrastructure
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mr Nick Sheehan - Chief Human Resources Officer

3 LEAVE OF ABSENCE / APOLOGIES

3.1 LEAVE OF ABSENCE FOR COUNCILLOR JAN KELLY 17 JULY - 10 AUGUST 2019 INCLUSIVE

File No: GV13.4.1

Attachments: Nil

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Jan Kelly requested leave of absence from 17 July – 10 August 2019 inclusive.

RECOMMENDATION

THAT leave of absence be granted to Councillor Jan Kelly for the period 17 July - 10 August 2019 inclusive.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 4 December 2018.

Minutes of the Ordinary Meeting held 18 December 2018.

5 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

6 PUBLIC FORUMS/DEPUTATIONS

Nil

7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 MAYORAL MINUTE

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS

11.1 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 10 DECEMBER 2018

File No: GV13.4.2
Attachments: Nil
Responsible Officer: Rodney Chapman - Coordinator Governance
Andrea Ellis - Chief Financial Officer
Author: Suzanne Pambid - Governance Officer

SUMMARY

The Audit, Risk and Business Improvement Committee met on 10 December 2018 and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Councillor Portal.

OFFICER'S RECOMMENDATION

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee meeting held on 10 December 2018 be received and the following recommendations contained within those minutes be adopted.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 12 October 2018 be taken as read and adopted as a correct record.

6 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

THAT the Business Outstanding Table for the Audit, Risk and Business Improvement Committee meeting be received.

7 REPORTS

THAT the Committee receive this report on the outcomes from the annual self-assessment.

7.2 COMMITTEE WORK PROGRAM STATUS

THAT the Committee receives the status of the Annual Work Program.

7.3 DRAFT CONTENT FOR THE ANNUAL REPORT RE ARABIC AND INTERNAL AUDIT

THAT the Audit, Risk and Business Improvement Committee endorses the draft content for the Annual Report on the Audit, Risk and Business Improvement Committee and Internal Audit.

7.4 AUDIT COMMITTEE POLICY AND TERMS OF REFERENCE

THAT the Committee endorse the proposed changes to the ARaBIC Terms of Reference for Council approval.

Motion not moved as the Committee requested further changes be developed and presented to the next meeting.

7.5 CFO ASSURANCE STATEMENT

THAT the Audit, Risk and Business Improvement Committee note the Chief Financial Officer statement to the Chief Executive Officer.

7.6 BRIEFING ON QUEENSLAND AUDIT OFFICE REPORT “MANAGING LOCAL GOVERNMENT RATES & CHARGES – REPORT 17: 2017-18

THAT the briefing report is noted.

7.7 INTERNAL AUDIT UPDATE

THAT the Committee receive the report on Internal Audit.

7.8 OPERATIONAL PLAN UPDATE REPORT

THAT the 2017-18 Q4/Annual Operational Plan report be received.

THAT the 2018-19 Operational Plan be endorsed.

7.9 INTERNAL AUDIT REPORT – SOCIAL MEDIA MANAGEMENT

THAT the Committee receive this report on the review of Social Media Management.

7.10 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE

THAT the Committee receives the verbal updates provided by the Leadership Team on key activities or issues.

7.11 CFO UPDATE

THAT the Audit Risk and Business Improvement Committee receive the Chief Financial Officer's update.

7.12 2017-18 FINANCIAL STATEMENTS

THAT the Audit, Risk and Business Improvement Committee makes the following recommendations for the consideration of Council:

1. The revised unaudited 2017-18 General Purpose Financial Statements be received;
2. Written notification of the differences between the attached 2017-18 unaudited General Purpose Financial Statements and the draft Financial Statements as previously presented to the Audit, Risk and Business Improvement Committee on 31 August 2018 be noted;
3. The Chief Executive Officer and Chief Financial Officer sign the Management Representation letter as part of finalising the audit and for the Mayor and Chief Executive Officer to sign the final 2017-18 audited Financial Statements when completed; and
4. Any material change in the final 2017-18 audited Financial Statements be reported to Council and the Audit, Risk and Business Improvement Committee.

7.13 EXTERNAL AUDITOR'S UPDATE

THAT the Committee receive the Livingstone Shire Council Final Management Letter and the Closing Report from the External Auditors.

7.14 INTERNAL AUDIT REPORT – ROADS MAINTENANCE SCHEDULING

THAT the Committee endorse the Internal Audit Report on Roads Maintenance Scheduling. This report is to be brought back to Council as a separate agenda item for consideration

7.15 BUSINESS IMPROVEMENT UPDATE

THAT the Audit, Risk and Business Improvement Committee receive the Business Improvement update report.

11.1 RISK MANAGEMENT

THAT the Audit, Risk and Business Improvement Committee receive the Risk Management Report for information.

11.2 CEO UPDATE ON EMERGING ISSUES

THAT the Committee receives the verbal update provided by the Chief Executive Officer on emerging issues.

11.3 CONFIRM WHETHER MEMBERS' BRIEFING SESSION IS REQUIRED

THAT it is confirmed there is no requirement for a Members' Briefing following the meeting.

BACKGROUND

The Audit, Risk and Business Improvement Committee (ARaBIC) operates in accordance with the ARaBIC Policy and ARaBIC Terms of Reference.

COMMENTARY

The chair determined that as no decisions were required, the resolution for agenda item 11.2 did not need to be moved, seconded or voted upon. For clarity, the CEO did provide a verbal update on topics consistent with the content of the report.

PREVIOUS DECISIONS

Not applicable, each report on a committee meeting is considered separately from previous reports.

BUDGET IMPLICATIONS

Section 105 of the *Local Government Act 2009* requires Council to establish an audit committee. Section 211 of the *Local Government Regulations 2012* requires this report to be presented to Council following each meeting of the committee.

There are no budget implications as a result of the committee meeting.

LEGISLATIVE CONTEXT

Section 105 of the *Local Government Act 2009* requires Council to establish an audit committee. Section 211 of the *Local Government Regulations 2012* requires this report to be presented to Council following each meeting of the committee.

LEGAL IMPLICATIONS

There are no legal implications arising from the operation of the committee.

STAFFING IMPLICATIONS

There are no staffing implications as a result of the committee meeting.

RISK ASSESSMENT

The Audit, Risk and Business Improvement Committee is a key part of the governance structures established by Council that help ensure there is effective ongoing risk management.

CORPORATE/OPERATIONAL PLAN

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

LOCAL GOVERNMENT PRINCIPLES

The Local Government principles are –

- (a) Transparent and effective processes, and decision-making in the public interest; and
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) Democratic representation, social inclusion and meaningful community engagement; and

- (d) Good governance of, and by, Local Government; and
- (e) Ethical and legal behaviour of councillors and Local Government employees.

CONCLUSION

Council is demonstrating strong governance responsibilities by enabling independent oversight of the: management of risk; compliance with legislation and standards; internal audit function; and external audit and reporting requirements.

12 REPORTS

12.1 LIFTING MATTERS LYING ON THE TABLE

File No: GV13.4.1
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Lucy Walker - Executive Support Officer

SUMMARY

The Business Outstanding Table is used as a tool to identify when reports are due back to the table. Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the current meeting 22 January 2019.

OFFICER'S RECOMMENDATION

THAT the following matters, 'lying on the table' in the Business Outstanding Table due to return to Council Meeting, be lifted from the table as they have already been dealt with:

- Councillor Interaction with the Organisation Policy – 7 March 2017
- Standing Orders for Council Meeting Policy – 18 April 2018
- Notice of Motion – Councillor Adam Belot – Procedural Motions – 5 June 2018

12.2 FINALISATION OF MATTERS LYING ON THE TABLE

File No: GV.13.4.3
Attachments: 1. Resolution - 30 November 2018 [↓](#)
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Lucy Walker - Executive Support Officer

SUMMARY

The following matters were 'layed on the table' at previous Council meetings and have since been dealt with. This report is to finalise the outstanding actions associated with those matters.

<u>Meeting Date</u>	<u>Report</u>
7 March 2017	<i>Councillor Interaction with the Organisation Policy</i>
18 April 2018	<i>Standing Orders for Council Meeting Policy</i>
5 June 2018	<i>Notice of Motion – Councillor Adam Belot – Procedural Motions</i>

OFFICER'S RECOMMENDATION

THAT Council confirms that the matters identified in this report as being 'layed on the table' have since been resolved.

BACKGROUND

Refer to attached resolution from Special Meeting on 30 November 2018.

COMMENTARY

These matters have been brought back to the table and resolved at the Special Council meeting held on 30th November 2018 via the following new report:

10.1 Adoption of Council and Councillor Related Policies

These policies being; *Councillor Interaction with the Organisation Policy* and *Meeting Procedures Policy*.

PREVIOUS DECISIONS

On the dates identified in the summary of this report a procedural motion to 'lay the matter on the table' was passed pending new reports to come back to Council Meeting for adoption.

BUDGET IMPLICATIONS

NA

LEGISLATIVE CONTEXT

NA

LEGAL IMPLICATIONS

NA

STAFFING IMPLICATIONS

NA

RISK ASSESSMENT

NA

CORPORATE/OPERATIONAL PLAN

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

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

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

CONCLUSION

To finalise matters layed on the table.

12.2 - FINALISATION OF MATTERS LYING ON THE TABLE

Resolution - 30 November 2018

Meeting Date: 22 January 2019

Attachment No: 1

SPECIAL MEETING MINUTES

30 NOVEMBER 2018

10 REPORTS**10.1 ADOPTION OF COUNCIL AND COUNCILLOR RELATED POLICIES****File No:** CM4.7.13**Attachments:**

1. Meeting Procedures Policy⇒
2. Councillor Interaction with the Organisation Policy⇒
3. Briefing Sessions Policy⇒
4. Councillor Complaints Investigation Policy⇒

Responsible Officer: Rodney Chapman - Coordinator Governance
Andrea Ellis - Chief Financial Officer**Author:** Suzanne Pambid - Governance Officer

SUMMARY

The Draft Meeting Procedures Policy, Councillor Interaction with the Organisation Policy, Briefing Sessions Policy and Councillor Complaints Investigation Policy will be presented for consideration and adoption by Council.

COUNCIL RESOLUTION

THAT Council:

1. Adopt the Meeting Procedures Policy;
2. Adopt the Councillor Interaction with the Organisation Policy;
3. Adopt the Briefing Sessions Policy; and
4. Adopt the Councillor Complaints Investigation Policy.

Moved by: Councillor Kelly**Seconded by:** Deputy Mayor, Councillor Hutton**MOTION CARRIED****DIVISION:**

Crs N Hutton, J Kelly, B Ludwig and T Wyatt voted in the affirmative.

Crs PE Eastwood and G Mather voted in the negative.

Mayor Ludwig sought leave of the meeting to suspend meeting procedures for morning tea.

Leave granted.

Meeting procedures were suspended at 8:32AM.

Meeting procedures resumed at 8:42AM.

8:43AM Mayor Ludwig left the meeting.

12.3 MAYORS, COUNCILLORS AND CEO'S 1880 TO 2018

File No: CS 3.1.6
Attachments: 1. 1880 Election Gogango Divisional Board [↓](#)
Responsible Officer: Dan Toon - Executive Director Infrastructure Services
Author: Michael Prior - Manager Infrastructure Operations

SUMMARY

This report presents to Council, lists of all Mayors, Councillors and Chief Executive Officers to have served Livingstone Shire Council from its inception on 11 November 1879 through to the 11 November 2018. The research necessary to collect and compile these records has been completed by the report author outside of normal working hours over the past three years. The data is presented as a gift to Council in both hard copy and digital format under separate cover.

OFFICER'S RECOMMENDATION

THAT Council publish the list of Councillors and invite public feedback on any potential errors or missing names.

BACKGROUND

What started out just over three years ago as a much larger project of Council recent history, eventually morphed into a more realistic goal to 'simply' research and record the names of all Mayors, Councillors and Chief Executive Officers to have served Livingstone Shire Council. Whilst perhaps not of immediate apparent benefit, it is hoped that this complete record of one aspect of Livingstone Shire Council will prove of some value to someone in the future.

The following sources were used to research and verify the lists of Mayors, Councillors and CEO's:

1880 – 1952 Trove Scanned Newspapers (Internet)

1952 – 1958 Newspaper cuttings scrapbooks (Livingstone Shire Council records)

1958 – 1991 LSC Meeting Attendance Books and other Council Records

1991 – 2001 Newspaper cuttings scrapbooks (LSC records)

2001 – 2008 LSC Meeting Attendance Book

2008 – 2018 Queensland Electoral Commission website

The newspaper cuttings scrapbooks up until recently held by Council were also extensively consulted to verify all of the researched and collected data. These records covered the period 1883 through to 2006 and meticulously recorded any local newspaper article where Livingstone Shire Council was mentioned or had an interest.

Perhaps counter-intuitively, the level of confidence in the presented records being 100% complete and accurate is the highest for the pre-1930's and the lowest for the periods 1952 through to 1958, and 1991 to 2001 – the further back in time, the more complete and accessible the recorded history.

COMMENTARY**Introduction**

All of the information presented here relates to Livingstone Shire Council between 11 November 1879 and 11 November 2018. The former date is relevant because it was the day on which the relatively new Colony of Queensland created 74 new Local Governments, Gogango Division being one of them.

It therefore includes when this local government was known as Gogango Divisional Board and Gogango Shire Council.

The name Gogango stemmed from the Colonial Secretary's wish to attribute native names where possible when naming (Local Government) Divisions in 1879 and was already then the name of a local creek and settlement. The debate and decision to change the name to Livingstone centred on the fact that the existing County of Livingstone covered a significant portion of the Shire. As of 30 November 2015, the State Government decreed that the use of County and Parish for property descriptions was no longer needed and would cease from that date. There can be little doubt that the name Livingstone will be dropped at some future time in favour of a more geographically relevant title – ironically the same reason for the original change from Gogango to Livingstone.

Mayors

Only 27 persons have had the honour of leading the Shire as Mayor (includes Chairman) since 1880. Only one woman has served the Shire as Mayor – Barbara Wildin, our 26th.

The longest serving Mayor was William Todd (20th) who led the Shire for a remarkable 25 years (1936 to 1961). Mr Todd also served as a Councillor for 9 years before becoming Chairman in January 1936.

Our 27th and current Mayor, Cr Ludwig, is our 2nd longest-serving Mayor at 12-plus-years. Mr Ludwig also served as a Councillor for 3 years on the 1997-elected Council and for all 6 years as the Division 3 Councillor of the amalgamated Rockhampton Regional Council.

We have had two sitting State Members lead the Shire – Owen Daniel in 1933 and Lindsay Hartwig in 1985. Despite both being hardened political survivors, neither completed their respective terms on Council.

Four other former Mayors went on to serve the electorate in the Queensland State Parliament.

Incredibly only 3 Mayors have failed to complete their respective terms – Daniel in 1933 (died in office), Todd in 1961 (ill-health) at the end of his long reign, and Hartwig in 1985 (resigned).

Of all 27 Mayors, only Daniel and Hartwig had not previously served as a Livingstone Councillor.

Councils and Councillors

There have been 71 Councils served by a total of 225 Councillors, 15 of whom have been women. The first female Councillor was Beryl Dowling, elected to represent Division 2 in 1964. Mrs Dowling was also the first woman to nominate for Council. The 1964 to 1967 Council was to be Beryl Dowling's only foray into Local Government - beaten by almost 100 votes at the 1967 Poll, she didn't nominate again for Council.

Up until Cr Dowling's election, there had been 157 male Councillors.

Where a Mayor also at one time previously held the position of Councillor, they are recorded in both the lists for Councillors and Mayors.

The details of each local government election for Livingstone has also been thoroughly researched and recorded. Significant research was expended in checking to the fullest extent possible, all instances where a Councillor failed to complete an elected term, and the circumstances and the results of any consequential by-election or appointment.

The typical format used for presentation of each election is shown as Attachment 1 – 1880 Election of Gogango Divisional Board.

Of the 71 Councils, 30 completed their respective term unchanged between scheduled elections.

Chief Executive Officers

LSC has been served by just 13 CEO's – our current Chief Executive Officer, Chris Murdoch, is the first female CEO and is our 9th longest serving. By October 2019, Chris will 'pass' the current 8th ranked CEO, William Henningses, whose tenure was ultimately marked by his serving 7 years penal servitude for embezzling 1006 pounds, the property of the Gogango Divisional Board.

Our longest serving Shire Clerk (CEO) was Willingham Richardson (Clerk October 1898 to November 1933), who, having served the Shire with distinction for 35 years, was unceremoniously sacked by the controversy-laden 1933 Council.

Coincidentally, both the 1933 and 1985 Councils are the only ones in our history to be the subject of ouster proceedings, both of which ultimately failed.

Both Councils were also responsible for sacking a senior officer – the Shire Clerk in 1933 and the Shire Engineer in 1985.

PREVIOUS DECISIONS

There are no known previous decisions in relation to this report.

BUDGET IMPLICATIONS

There are minimal costs associated with the presentation to Council of these records. There may be some minor costs associated with publishing the list of Councillors but it is believed these costs can be accommodated within existing budget allocations.

LEGISLATIVE CONTEXT

The records presented to Council are covered by the *Public Records Act 2002*.

LEGAL IMPLICATIONS

There are no known legal implications from consideration of this report.

STAFFING IMPLICATIONS

There are no known staffing implications associated with this report.

RISK ASSESSMENT

While all readily available relevant records have been consulted, there is some risk that the list of Councillors may be incomplete and/or in error. It is considered that publishing the list of Councillors and inviting public comment will help to mitigate this risk.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: Strategy GO5: Deliver customer focused and responsive services efficiently and effectively.

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

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

CONCLUSION

The names and details of all Mayors, Councillors and Chief Executive Officers to have served Livingstone Shire Council between its inception on 11 November 1879 through to 11 November 2018 has been thoroughly researched and is hereby presented to Council under

separate cover in both hard copy and digital format as a gift to be used for any purpose Council may decide.

12.3 - MAYORS, COUNCILLORS AND CEO'S 1880 TO 2018

1880 Election Gogango Divisional Board

Meeting Date: 22 January 2019

Attachment No: 1

<h1>1880 Board</h1> <h2>Gogango Divisional Board</h2>	
Chairman: Henry JONES	Date Chairman Elected: Saturday 20 March 1880

The Board elected Henry JONES Chairman for the ensuing twelve months at the first Meeting of the Board on Saturday 20 March 1880.

TERM OF THIS BOARD – March 1880 to January 1881

SUBDIVISION ONE MEMBERS (3)	
Michael REILLY	
John STOCKALL	
John MURRAY	

SUBDIVISION TWO MEMBERS (3)	
Peter Fitzallan MACDONALD	
William BROOME	Resigned December 1880
George FOX	

SUBDIVISION THREE MEMBERS (3)	
William Harvey HOLT	
William PATTISON	
Henry JONES	

INAUGURAL ELECTION February 1880

Nominations closed 4pm Friday 6 February 1880

Nominations declared noon Saturday 7 February 1880

Postal Ballot Polls closed 4pm Saturday 6 March 1880

Election results declared publicly 7pm Saturday 6 March 1880
at the Rockhampton Court House.

Returning Officer Theophilus Parsons PUGH, Police Magistrate of Rockhampton.

SUBDIVISION ONE MEMBERS ELECTED (3)		UNSUCCESSFUL CANDIDATES	
Michael REILLY (Gracemere) 95 votes		Francis Helvetius HOBLER (Westwood) 56 votes	
John STOCKALL (Stanwell) 68 votes		Robert M. HUNTER (R'ton) 52 votes	
John MURRAY (Fitzroy Park) 68 votes		George SANDERSON (Stanwell) 19 votes	
		Informal 1	

SUBDIVISION TWO MEMBERS ELECTED (3)		UNSUCCESSFUL CANDIDATES	
Peter Fitzallan MACDONALD (Yaamba) 67 votes		The Hon. C. S. D. MELBOURNE M.L.C. (Solicitor) 53 votes	
William BROOME (Woodlands) 59 votes			
George FOX (Lakes Creek) 54 votes		Informal 6	

SUBDIVISION THREE MEMBERS ELECTED (3)		UNSUCCESSFUL CANDIDATES	
William Harvey HOLT ¹ . (Glenprairie)			
William PATTISON ¹ . (Princhester)			
Henry JONES ² .			

1. Messrs HOLT and PATTISON being the only nominations where three members are required, were declared duly elected at the declaration of nominations on Saturday 7 February 1880.
2. Mr JONES was appointed by the Governor-in-Council.

The Morning Bulletin of Monday 8 March 1880 reported that " There were only a few voters in attendance at the declaration of the result of the elections, owing principally to the circumstances that they in most instances live at a distance from town".

12.4 TRADE WASTE POLICY

File No: 4.7.29
Attachments: 1. Trade Waste Policy [↓](#)
Responsible Officer: Dan Toon - Executive Director Infrastructure Services
Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report relates to the rescission of the Trade Waste Policy.

OFFICER'S RECOMMENDATION

THAT Council rescind the Trade Waste Policy (v1.1).

BACKGROUND

Version 1.1 of the Trade Waste Policy was adopted by Council at its 10 June 2014 Meeting.

COMMENTARY

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

The Trade Waste Policy which was adopted at Council's June 2014 Meeting has recently been reviewed and it is proposed that it now be rescinded. At the same June 2014 Meeting, Council adopted a Trade Waste Environmental Management Plan which is currently under review and will be presented to Council for consideration in the near future.

Council's Policy Document Development Framework provides the following relevant definitions:

- a) Policy *'A statement, formally adopted by Livingstone Shire Council (Council), that describes Council's position on a particular issue and by which Council and its employees are required to conduct Council activities.'*
- b) Community Policy *'Policies adopted by Council that are considered by the Policy Owner to have a direct impact on the community.'*

The Trade Waste Policy, which offers little of value, does not comply with the above definitions and makes three statements that do not need to be documented in policy form.

The following comments are offered on the Policy Statement; Item 1) is a necessary administrative matter which does not need to be documented in a policy and Items 2) and 3) are describing the content of the Trade Waste Environmental Plan.

In addition to the Trade Waste Environmental Management Plan, Trade Waste is also addressed under ch 2 pt 6 of the *Water Supply (Safety and Reliability) Act 2008*.

PREVIOUS DECISIONS

At its 10 June 2014 Meeting, Council resolved as follows:

'That Council adopt the Trade Waste Policy.'

BUDGET IMPLICATIONS

Not applicable.

LEGISLATIVE CONTEXT

Trade Waste is covered under ch 2 pt 6 of the *Water Supply (Safety and Reliability) Act 2008*.

LEGAL IMPLICATIONS

Not applicable.

STAFFING IMPLICATIONS

There are no staffing implications.

RISK ASSESSMENT

Any risk associated with trade waste is addressed by the Trade Waste Environmental Plan.

CORPORATE/OPERATIONAL PLAN

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

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

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

CONCLUSION

The Trade Waste Policy should be rescinded by Council because:

- a) it does not provide any information of substance;
- b) it does not comply with the definition of Policy or Community Policy in Council's Policy Document Development Framework; and
- c) Trade Waste is covered under the Trade Waste Environmental Management Plan and the *Water Supply (Safety and Reliability) Act 2008*.

12.4 - TRADE WASTE POLICY

Trade Waste Policy

Meeting Date: 22 January 2019

Attachment No: 1



TRADE WASTE POLICY (COMMUNITY POLICY)

1. Scope

The Trade Waste Policy (this 'Policy') applies to all premises that discharge trade waste into Council's sewerage system for treatment.

2. Purpose

The purpose of this Policy is to provide a liquid waste disposal service for domestic, commercial and industrial waste in accordance with the principles of environmental sustainability and in a manner which safeguards public health and is consistent with Council's responsibilities and obligations under Queensland legislation.

3. References (legislation/related documents):

Application/Renewal for a Permit to Discharge Trade Waste (Industrial Liquid Waste) into Council's Sewer
 Trade Waste Environmental Management Plan
 Trade Waste Information and Application Guide
 Trade Waste Treatment Device Installation Information Sheet
Water Supply (Safety and Reliability) Act 2008

4. Definitions

To assist in interpretation, the following definitions shall apply:

Council	Livingstone Shire Council.
Sewerage System	Infrastructure used to receive, transport and treat sewage or effluent, including for example, sewers, access chambers, vents, engines, pumps, structures, machinery and outfalls under the control of Council.
Trade Waste	Liquid discharge from industry, business, trade or manufacturing premises which has the potential to enter Council's sewerage system (other than domestic sewage, prohibited substances or stormwater).
Trade Waste Environmental Management Plan	The Trade Waste Environmental Management Plan adopted by Council from time to time.

5. Policy Statement

Council provides a sewerage system primarily for transporting and treating domestic sewage. Subject to Council approval, this system may also be used for the acceptance and

Trade Waste Policy

Adopted/Approved: Adopted, 10 June 2014
 Version: 1.1

Portfolio: Infrastructure
 Business Unit: Water & Waste Operations

Page 1 of 2

treatment of trade waste. Before giving approval to discharge trade waste into the sewerage system, Council is required to assess the effects that trade waste will have on the sewerage system and the environment. To ensure continued protection of the sewerage system and the environment, Council will adopt and implement a Trade Waste Environmental Management Plan.

The Trade Waste Environmental Management Plan:

- 1) Is subject to regular revision to ensure it remains consistent with State Government legislation;
- 2) Provides technical support for the control of trade waste disposed of by domestic, industrial and commercial customers; and
- 3) Ensures that adverse effects caused by the disposal of trade waste are reduced and that disposal is done in a manner which protects:
 - The community;
 - The environment;
 - The sewerage system; and
 - The wastewater treatment processes

6. Changes to this Policy

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

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

7. Repeals/Amendments

Version	Date	Action
1	10/06/2014	Adopted
1.1	23/10/2018	Administrative Amendments – reflect organisational restructure and update of Chief Executive Officer

CHRIS MURDOCH
CHIEF EXECUTIVE OFFICER

12.5 AUSTRALIAN GOVERNMENT BRIDGES RENEWAL PROGRAM - ROUND FOUR

File No:	GS15.2.7
Attachments:	1. Bridges Renewal Program Round Four Guidelines ↓
Responsible Officer:	Chris Murdoch - Chief Executive Officer
Author:	Dan Toon - Executive Director Infrastructure Services

SUMMARY

This report provides a recommendation to Council for an application to Round Four of the Bridges Renewal Program.

OFFICER'S RECOMMENDATION

THAT Council resolve to apply to Round Four of the Bridges Renewal Program for funding to replace the Shannon Creek Bridge on Werribee Road.

BACKGROUND

The Australian Government will provide \$480 million from the 2015-2016 financial year to the 2021-2022 financial year, with an on-going commitment of \$60 million each following year to upgrade and replace bridges to enhance access for local communities and facilitate higher productivity vehicle access. The current project to replace and upgrade the Daly Creek Bridge on Bungundarra Road is partly funded by Round 3 of the program.

COMMENTARY

On 7 January 2019, the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, the Hon Michael McCormack MP, announced that Round Four of the Bridges Renewal Program (BRP) was open for proposals from 7 January 2019 to 5 February 2019. This is a very tight timeframe in which to prepare a submission.

Round Four is only open to local governments, which are eligible to apply for funding for up to two timber bridges that will enhance access for local communities or facilitate higher productivity vehicle access.

The Australian Government will contribute up to 50 per cent of the total project cost of successful projects, up to a maximum of \$700,000 for one bridge or \$1.4 million for two bridges in the same local government area. Proponents are encouraged to consult with industry and the community on their proposed projects to ensure industry priorities and community views are considered in the development of proposals.

The key program dates for this round of funding are provided by the table below.

Event	Date
Proposal period open	7 January 2019
Proposal Period Closes	5 February 2019 at 11.59pm AEDST
Expected Announcement of Successful and unsuccessful projects	1 April 2019
Successful Proponents to return Offers of Funding	60 days after ministerial announcement
First funding availability	2020-21 financial year
Last date for Commencement of construction (scheduled)	31 December 2019

Event	Date
Last date for completion of construction (scheduled)	31 December 2022

Livingstone Shire has only two remaining timber bridges which have been the subject of previous reports to Council when load limits were imposed pursuant to asset inspection recommendations.

Werribee Road Bridge

This bridge is a single span timber girder bridge on Werribee Road over Shannon Creek, which is a permanent 'non-tidal' waterway. The structure has cast-in-situ concrete abutments built in the 1960's. There are no formal details or design plans available.

It caters for an estimated usage of less than 500 vehicles per year. The approach roads are formed gravel roads. Historical evidence indicates that the structure and approach roads become unusable during flood events and periods of intense rainfall. Once inundated, the structure and adjoining road sections are impassable for extended periods.

On-site inspections were conducted on 25th May and 2nd June 2017 and included a timber drilling assessment of the existing bridge.

The bridge provides access to large rural holdings and is regularly used by light vehicles, semi-cattle trucks, rigid cattle trucks and semi Logging trucks. The risk of these heavy vehicles damaging the bridge, or causing the bridge to fail was high, given the unknown bridge capacity. Council now has a certified report signed by an RPEQ verifying the below standard bridge capacity. This places Council in a situation where immediate action was necessary and failure to take appropriate action could have exposed Council to litigation, should a fatality or property damage result from the bridge failing.

There is no available detour route if the bridge is deemed not suitable.

Based on the site inspection and structural analysis by Forcecor, the following was recommended:

- i. Immediately implement a Load Limit of 12t and restrict usage to rigid trucks until such time as remedial measures are put in place. This recommendation was implemented; and
- ii. Replace timber girders and upgrade the bridge deck within 6 months and monitor the bridge regularly.

Other options considered included demolishing the existing bridge and replacing it with a steel grid bridge (similar in construction to a cattle grid) or a concrete bridge.

A concept estimate for construction of a replacement concrete bridge indicates a construction cost of approximately \$400,000.

This bridge is assessed as the highest priority for replacement due to heavy loads not currently able to access beyond the bridge without utilizing private access tracks.

Doonside Road Bridge

This bridge is a two span timber girder bridge on Doonside Road on Hedlow Creek which is a permanent 'non-tidal' waterway. Precast concrete deck planks were installed in the 1990's and temporary steel mid-span props were installed in the early 2000's by Roadtek. No formal details or design plans are available.

It caters for an estimated usage of less than 500 vehicles per year. The approach roads are formed gravel roads. Historical evidence indicates that the structure and approach roads become unusable during flood events and periods of intense rainfall. Once inundated, the structure and adjoining road sections are impassable for extended periods. The channel beneath the bridge has been inundated with standing water since 2011.

The bridge provides access to properties in Doonside and is regularly used by light vehicles, semi-cattle trucks and rigid cattle trucks hauling cattle to and from the property. The risk of these vehicles damaging the bridge, or causing the bridge to fail was high, given the unknown bridge capacity. Council now has a certified report signed by an RPEQ verifying the below standard bridge capacity. This placed Council in a situation where immediate action was necessary, and failure to take appropriate action could have exposed Council to litigation, should a fatality or property damage result from the bridge failing.

An on-site inspection was conducted on 25th May 2017 and due to the sub-structure of the bridge being below water level, an underwater investigation utilising commercial divers was required to determine the overall condition and current load capacity.

Marine Engineering and Diving undertook the underwater inspection and a timber drilling assessment was done on 13th June 2017. Based on the site inspection, underwater inspection and structural analysis by Forcecor, the following was recommended:

- i. Immediately implement a Load Limit of 6t and restrict usage to rigid trucks until such time as remedial measures are put in place. Load limit and alternative route signage should be put in place as soon as possible. This recommendation was implemented; and
- ii. Carry out repair works to Pier 1 headstock and corbels, three girders and their connections within 6 months.

Other options considered included demolishing the existing bridge and replacing it with concrete culverts / bridge with T44 or SM1600 loading conditions.

There was a negative response from adjacent property owner causing construction of a detour embankment adjacent to the bridge for heavy vehicles. Whilst this is a generally acceptable solution, the embankment is prone to damage during flood events and replacement of the bridge will be required eventually. A concept estimate for construction of a replacement concrete bridge indicates a construction cost of approximately \$700,000. It is proposed that this bridge will be the subject of Round 5 of the Bridges Renewal Program when applications are invited.

PREVIOUS DECISIONS

NA

BUDGET IMPLICATIONS

The adopted Forward Works Program does not allocate any funding to this project. Should the application be successful the matching funding will have to be allocated in a future budget by deferring another project or applying another funding stream such as W4Q or R2R as the Council contribution. The long lead time for delivery will assist in that regard.

LEGISLATIVE CONTEXT

NA

LEGAL IMPLICATIONS

None whilst the load limit is imposed.

STAFFING IMPLICATIONS

Nil

RISK ASSESSMENT

The immediate risk of failure when subjected to heavy loads has been mitigated by the load limit, however, the bridge will continue to deteriorate and eventually require replacement.

CORPORATE/OPERATIONAL PLAN

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

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

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

CONCLUSION

Round Four of the Australian Government Bridge Renewals Program offers an opportunity to access 50% of the cost to replace one of the remaining two timber bridges in the Livingstone asset fleet. There are valid reasons to prioritise replacement of the Shannon Creek Bridge on Werribee Road as detailed in this report.

12.5 - AUSTRALIAN GOVERNMENT BRIDGES RENEWAL PROGRAM - ROUND FOUR

Bridges Renewal Program Round Four Guidelines

Meeting Date: 22 January 2019

Attachment No: 1



Australian Government

Department of Infrastructure and Regional Development



BRIDGES RENEWAL PROGRAM (BRP)

ROUND FOUR

GUIDELINES

Bridges Renewal Program – Round Four Guidelines



Welcome to Round Four of the Australian Government's Bridges Renewal Program.

The Australian Government is committed to ensuring bridges that are nearing the end of their useful life are maintained or replaced to provide ongoing access for local communities and improve the productivity of users. We understand the significance of this access for Australia's regions and their importance to our future economic prosperity. To assist in the upkeep of this important infrastructure, the Australian Government has established the Bridges Renewal Program.

Three rounds of the Program are currently underway. On 14 September 2017 the former Minister for Infrastructure and Transport, the Hon Darren Chester MP, announced successful proposals under Round Three of the Program.

The Program is investing in crucial bridge infrastructure projects that are being conceived by local communities – and this approach is helping Australia's regions invest in their own future.

The Australian Government will provide \$420 million from 2015-16 to 2019-20, with an on-going commitment of \$60 million each year following to upgrade and repair bridges to enhance access for local communities and facilitate higher productivity vehicle access.

In an effort to allow for a wider distribution of projects, the Australian Government will limit Round Four to local government entities seeking funding for the replacement of up to two timber bridges in their Shire. The Australian Government will contribute up to 50 per cent to the total project costs, with a maximum amount of \$700,000 per project or \$1.4 million per proponent. This will allow local governments to fast track their most important infrastructure needs.

The Guidelines for the Bridges Renewal Program provide the information you need about the type of project proposals we are seeking, how proposals will be assessed, critical dates, and how you can contact our Department to help you with further information.

We welcome your interest in Round Four of the Bridges Renewal Program, and wish you all the best with your proposal.



**The Hon Michael McCormack
MP**

Deputy Prime Minister
Minister for Infrastructure,
Transport and Regional
Development

The Hon Scott Buchholz MP

Assistant Minister for Roads and
Transport

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1. INTRODUCTION

1.1 Overview

Round Four of the Bridges Renewal Program (BRP) will provide Australian Government funding to eligible projects that best achieve the Program objectives.

Projects under the BRP are assessed as part of a competitive, merit-based process. The Department will use the information provided in the Proposal Form to check eligibility and assess projects against the criteria.

These Program Guidelines (the Guidelines) apply to all projects seeking funding from Round Four of the BRP. The Guidelines outline the objectives and desired outcomes of the BRP, eligibility and assessment requirements, the submission of proposals process, the appraisal process, funding arrangements and roles and responsibilities of the proponent and the Department.

A 'Process Flowchart' is provided at [Attachment A](#).

1.2 Program objectives and outcomes

The objectives of the Program are to upgrade and repair bridges to enhance access for local communities and facilitate higher productivity vehicle access. Round Four is only open to local government entities. Proponents are encouraged to discuss priorities with local communities, relevant industry stakeholders, Regional Development Australia committees and state road agencies early in the process.

Proponents can apply for funding for up to two wooden bridge projects that meet the objectives of the Program to a high degree along a key route. A limit on the amount of funding that can be sought by each proponent has been introduced for Round Four, see Section 3.2 for details. Where projects seek to improve access for heavy vehicles, proponents must provide assurances that all efforts will be made to ensure regulatory access (through the National Heavy Vehicle Regulator) is also gained.

2. KEY DATES

Event	Date
Proposal period open	7 January 2019
Proposal Period Closes	5 February 2019 at 11.59pm AEDST
Expected Announcement of Successful and unsuccessful projects	01 April 2019
Successful Proponents to return Offers of Funding	60 days after ministerial announcement
First funding availability	2020-21 financial year
Last date for Commencement of construction (scheduled)	31 December 2019
Last date for completion of construction (scheduled)	31 December 2022

3. HOW TO APPLY

3.1 Proposal period

Proposals for the BRP can be submitted at any time between the opening and closing dates for each Round.

Proposals must be received by 11:59pm (AEDST) on 5 February 2019 for Round Four to the bridgesrenewal@infrastructure.gov.au.

Proponents are strongly encouraged to submit proposals in advance of the deadline.

Late proposals will not be accepted, unless the Department considers there were exceptional circumstances beyond the proponents' control. The Department's decision will be final.

3.2 Limits on requested funding

Due to the high volume of requests for funding received under Rounds One to Three of the Program, limits have been introduced for Round Four to better align the type of bridge projects to the program objectives and to provide a more even distribution of funds. Proponents should consider up to two of their highest priority projects when preparing submissions. Australian Government Funding to local governments is limited to a maximum of 50 per cent of the total project costs or \$700,000 per bridge project and \$1.4 million per proponent whichever is greater.

3.3 Proposal requirements

Proponents must provide all of the information required in the Proposal Form.

Evidence must also be provided to support the claims made against the assessment criteria.

Only completed proposals submitted by an authorised member (e.g. Chief Executive Officer, Director of Engineering) of the organisation will be accepted and appraised. Incomplete proposals will be deemed as ineligible.

Proposals may be withdrawn at any time by advising the Department at <mailto:bridgesrenewal@infrastructure.gov.au>.

Only two timber bridge replacement proposals will be accepted from each eligible proponent.

3.4 How to submit a Proposal

Proposals must be received by 11:59 Australian Eastern Daylight Time (AEDT) on 5 February 2019 for Round Four to the BridgesRenewal@infrastructure.gov.au email box – Do Not Send Hardcopies.

Proponents are strongly encouraged to submit proposals in advance of the deadline.

Late proposals will not be accepted, unless the Department considers there were exceptional circumstances beyond the proponents' control. The Department's decision will be final.

No Information Technology or program support will be available after 4.30 pm AEST on the closing date, so please ensure that you submit your proposal early to receive support if required.

3.5 Confirmation of Submission

A confirmation email receipt for each proposal submitted by 5 February 2019 will be sent via email. If you do not receive a receipt for your submission by 12 February 2019, please contact the Department on 02 6274 8040 immediately.

Please note that lodgement of this proposal signifies confirmation/acceptance that all information provided is true and accurate.

4. ELIGIBILITY

4.1 Eligibility requirements

To be eligible under Round Four of BRP:

- Proponents must be a local government entity;
- The bridge must be a publicly accessible road bridge;
- Proponents must contribute at least 50 per cent of costs – proponents are able to combine state/territory and/or private sector funding to obtain 50 per cent funding;
- Construction must not have commenced, or be due to commence and tenders must not have been awarded. Construction means actual on ground works at the project site and/or the fabrication of major components off site. **Construction prior to Departmental advice that your project can commence will result in funding for the project being withdrawn by the Department;**
- Construction must be scheduled to start by 31 December 2019 and completed by 31 December 2022;

- An Eligibility Checklist is provided in the first part of the *Proposal Form*. You must be able to answer 'Yes' to all questions. If you consider that you are eligible, but you have responded 'No' to one of the questions you can contact us to discuss. Contact details are at Section 12 of this form.

4.2 What is eligible for funding?

- Due to the high volume of proposals received under earlier round of the Program, Round Four is limited to bridge replacement projects that seek to replace up to two existing timber bridges with new bridges; and
- The new concrete structure being either a bridge or culverts in structure.

4.3 What is ineligible for funding?

- Bridges on the National Land Transport Network (NLTN). Please visit the Department website at www.investment.infrastructure.gov.au/whatis/network/ for more information about the NLTN;
- Projects that are wholly or principally for maintenance;
- Planning and design only projects (can be included as a small portion in a capital expenditure proposal, but not as a stand-alone project);
- Rail bridges;
- Stand-alone cycle ways, foot bridges or stock bridges;
- Inspections and structural assessments;
- Causeways; and
- New bridges where no road or water crossing currently exists (i.e. greenfield bridges).

5. ASSESSMENT CRITERIA

The Department will assess proposals against the program criteria to develop a merit list representing best value for money and make recommendations to the Minister for Infrastructure and Transport who will make decisions on funding under the *National Land Transport Act 2014*. The value for money assessment and decisions by the Minister may take account of the overall mix and funding source of projects.

Proposals that were successful under earlier Rounds were generally strategic and provided quality analysis and clear evidence about the benefits of the proposal and how they related to the program objectives of improving community access and productivity. Proponents should take this into consideration when preparing their proposals for Round Four.

Evidence must be provided as part of the response to assessment criteria or in supporting documentation. Independent evidence is highly regarded. Examples of evidence are:

- Annual average daily traffic (AADT) readings;
- Executive summary page of Quantity Surveyor costing;
- Letters from local business providing data on current and future usage, or restrictions in increasing usage;
- Geo-spatial maps of agricultural usage surrounding the bridge;
- Executive summary or selected pages of regional strategic plans referencing the route/bridge; and
- Maps showing alternative routes if bridge is not available.

The size and content of substantiating documents, and the level of evidence to support responses to the assessment criteria, should be commensurate with the size, scope and the nature of the project. It would be expected that each criterion response would be one page or less, regardless of the size of the project.

Proposals will be appraised equally against each of the following assessment criteria -

- Assessment Criterion 1 – Structural Improvements Contributing to Productivity and Access;
- Assessment Criterion 2 – Evidence of Economic and Social Benefits;
- Assessment Criterion 3 – Construction Readiness and Risk;

- Assessment Criterion 4 – State and Territory Priority.

Note: Proponents do not address Criterion 4. State and territory governments will be asked to prioritise and rank ALL eligible projects within their jurisdictions. Please note that state and territory agencies will use information provided in proposal forms to assist in prioritising projects in their jurisdiction.

6. DECISIONS

6.1 Value for Money

Value for money is achieved when the processes, actions and behaviours employed by the Australian Government and proponents result in public resources being used in an efficient, effective, economical and ethical manner. Public resources are defined in the *Public Governance, Performance and Accountability Act 2013* as 'relevant money, relevant property, or appropriations'.

The BRP seeks to promote value for money by selecting for funding those projects that:

- have met all of the eligibility requirements;
- have demonstrated the greatest relative merit in terms of the assessment criteria;
- involve a reasonable (rather than excessive) cost having regard to the quality and quantity of deliverables that are proposed; and
- have a risk profile that is acceptable to the Australian Government, with any identified risks able to be efficiently and effectively managed.

Value for money will also be considered on an ongoing basis during and after the delivery of the project. This includes by ensuring that Australian Government funding is expended and acquitted in accordance with contracted requirements and all other conditions of funding are met. Monitoring and evaluating the extent to which a funded project achieves its objectives and contributes to the outcomes of the BRP is also a consideration.

6.2 Decisions on projects to be funded

The Department may request further information to assist with the assessment or management of a proposal at any time. The Department may impose conditions on funding.

Following the closing date/time, the Department will commence eligibility checks and assessments of all proposals that have been received. If the Department requires any further information, it may contact proponents on the details provided in the proposal form. If any details change, proponents must contact the Department to update their details. Please provide a generic email address for your project if you have access to one as this can assist in any follow up enquiries or correspondence.

Upon completion of the assessment process, the Department will make recommendations for projects to be funded to the Minister. The Minister for Infrastructure and Transport will announce successful projects. A list of successful projects will also be available from the Department's BRP website at www.infrastructure.gov.au/bridges.

Successful projects and payments to councils will be managed through state and territory governments under the National Partnership Agreement on Land Transport Infrastructure Projects and the related Notes on Administration, available at <http://investment.infrastructure.gov.au/funding/projects>.

7. CONDITIONS OF FUNDING

After the project has been approved for funding by the Minister, the Department will contact proponents to confirm the status of project, confirm funding and costings and agree to milestones for payment.

Milestones and related payments will be proposed by the Department based on the size and complexity of projects and information provided in the proposal:

- Given the large number of projects, and as project reporting and payments will be managed through state governments, the Department will seek to streamline the number of milestones and payments;

- The preferred milestone payment schedule is two payments. The first payment is either 40 per cent of the total Australian Government funding to a maximum of \$400,000, with the balance payable on provision of a Post-Completion Report;
- Proponents may submit proposed milestones that better reflect project schedules and cash flow requirements, the Department will either agree or begin a negotiation process until agreement is reached;
- Payments against milestones will be made only after proponents have demonstrated the milestone has been met, principally through photographs and/or engineering sign-off;
- Projects are funded on a maximum Australian Government contribution, if the Project encounters an overrun in costs, the Australian Government contribution cannot be increased;
- Amounts approved are for the proposal project and cannot be transferred to another project; and
- The Department will include evaluation reporting within the Post-Completion Report.

8. PROBITY

The Australian Government is committed to ensuring that the process for providing funding from the BRP is transparent and in accordance with published Guidelines. The Guidelines may be varied from time-to-time by the Australian Government, as needed or to reflect its priorities. Amended Guidelines will be published on the Department's website www.infrastructure.gov.au/bridges.

For probity reasons, the Department can only provide advice of a general nature and cannot provide guidance or comments on draft proposals that could be considered as giving a proponent an advantage.

8.1 Confidential information

Information submitted by the Proponent may be provided to other organisations for the purposes of eligibility and project proposal appraisal. In addition, Proposal and Proponent details will be made publicly available on the Departmental website.

Proponents should identify any information submitted which they wish to be considered as confidential, supported by reasons for the request. The Australian Government reserves the right to accept or refuse a request to treat information as confidential.

The *Privacy Act 1988* applies to the handling of personal information about individuals obtained in the course of the delivery of the BRP.

9. COMPLETING THE PROPOSAL FORM

Please ensure you read all the questions first before commencing your responses. Character limits apply to some sections of the form; these cells are locked to prevent additional information being added.

Some sections only require a number – where we have asked for a number, this must be provided, and the form will not allow text to be added to these sections. You can cover off any additional details in your responses to the criterion.

Please note some tabs on the form require you to scroll down – please ensure that you have responded to all sections of the form prior to submission.

Proposals are assessed on the basis of the answers to questions in the *Proposal Form*, with attachments providing supporting evidence. Please do NOT respond to questions with "See Attached" or "data can be provided on request".

Google Maps, photos and other relevant material can be attached to the proposal and should be provided within the criterion, or as attachments to the submission email. Such material can be used to provide context and/or to demonstrate key points made in addressing the criteria (e.g. location of services, heavy vehicle routes/detours).

9.1 Project details

Project Name	The Project Name should be no more than 50 characters, including spaces. It should be concise and include the name of the project, the name of the road and the town.
Project Details	The only Project type allowed is replacement of a timber bridge with a concrete bridge.
Scheduled Construction Start date	Scheduled Construction Start Date <u>MUST</u> be before 31 December 2019.
Scheduled Construction Completion date	Scheduled Construction Completion Date <u>MUST</u> be before 31 December 2022.
Benefit Cost Ratio (BCR)	A BCR is optional under Round Four, However, where a BCR is available, it should be included as substantiation for your claims.

9.2 Eligibility Checklist

This table asks a number of questions to determine your eligibility to receive funding under the BRP. The form provides a drop down menu with a Yes or No response required. You must answer 'Yes' to each question to be eligible. If you consider that you should be eligible, but have answered 'No' to one or more questions, you can contact us on 02 6274 8040 or via email on bridgesrenewal@infrastructure.gov.au if you would like to discuss.

9.3 Proponent Details

These details will be used for any correspondence with proponents. Please provide contact officer details, or a generic email that can be accessed by relevant staff.

Mayor details are only required to be provided by councils (not state/territory governments). The Mayor and contact details provided will be used to forward correspondence if your project is successful in securing funding. Mayor titles are usually 'Councillor', but this title can differ from council to council.

Project Budget

Proponents are required to complete the 'Project Budget' to provide a breakdown of total costs.

If successful, the Australian Government will not:

- Provide more than 50 per cent of the final total project cost;
- Allocate savings to other projects; and
- Cover any cost increases - these will need to be met by the proponent in full.

Note the funding limits outlined at Section 3.2. Projects requesting more than the allocated funding limit may be considered ineligible.

. Please ensure you use whole figures, for example for \$17,500 do not use 17.5 as the system will round this number, use 17,500.

9.4 Criteria

Criterion 1 – Structural Improvements Contributing to Productivity and Access

The degree to which the upgraded bridge will be physically improved.

Structural improvements can be demonstrated by, but not limited to:

- Increasing load limits;

- Increasing the number of lanes, safety or capacity;
- Extending the operational life of bridge;

Claims against this criterion should be specific and measurable.

Key Data

This section seeks details about how the bridge will be altered by the project. It requests information on pre and post-construction data including:

- Bridge dimensions;
- Number of lanes;
- Load limits;
- Average Annual Daily Traffic (AADT);
- Heavy vehicle traffic; and
- Flooding – number of days per year, on average, that the bridge/road is subject to flooding.

For Load Limits, a number is required e.g. current load limit is 12 tonnes, post construction limit will be 62 tonnes. SM1600 or similar descriptors will not be accepted. 'Unlimited' load limit can be entered as 166.

Location details are to be provided in this section also. Location Latitude and Longitude must be decimal degrees and a useful link is www.gps-coordinates.net.

An example of 'other location information' could be 15 kms north of (town name) on (road/street name), or on (road/street name) between town x and town y.

Not all fields will be applicable to your project, however, information should be provided where it is available. This information will assist in the assessment process.

Criterion 2 – Evidence of Economic and Social Benefits

The economic and social benefits to the community of the project including evidence to support these claims.

Benefits could include (but not limited to):

- Increasing traffic capacity;
- Increased safety;
- Improved access;
- Shorter trips.

Evidence could include (but not limited to):

- General and heavy vehicle counts;
- Costs incurred by alternative routes;
- BCR's (where available);
- Letters of support that provides statements as to how the community, organisation or individual will benefit.

Criterion 3 – Construction Readiness and Risk

The ability of the proponents and partners of undertaking the project and the risks to the project from proceeding.

This may include:

- Past experience in delivering similar projects within the required timeframes;
- Confirmation of other funding sources;
- Community consultation undertaken by the proponent to the community; and

- Risks have been adequately considered and addressed.

Evidence could include (but not limited to):

- Planning or design work that has been undertaken, including if final designs have been completed;
- The progress of approvals and when all approvals are expected to be completed;
- Engineering assessments recently undertaken that provides a report on the current status of the bridge; and
- Project costings and how these costings were obtained.

Criterion 4 – State and Territory Priority

State and territory governments will be asked to prioritise and rank ALL eligible projects within their jurisdictions. Higher ranked projects will be assessed by the Department as meeting this criterion to a higher degree.

Please note that state and territory agencies will use information provided in proposal forms to assist in prioritising projects in their jurisdiction.

9.5 Declaration

Conflict of Interest

This is a drop down box that requires a 'yes' or 'no' answer. Please see the information below to assess what your answer should be. If it is 'yes' please provide some details in the cell provided.

A conflict of interest may exist, for example, if the proponent or any of its personnel:

- has a relationship (whether professional, commercial or personal) with a party who is able to influence the project appraisal process, such as a Department staff member;
- has a relationship with, or interest in, an organisation, which is likely to interfere with or restrict the proponent in carrying out the proposed activities fairly and independently; or
- has a relationship with, or interest in, an organisation from which they will receive personal gain as a result of the provision of funding under the BRP.

As part of their proposal, each proponent will be required to declare any existing conflicts of interest, or declare that to the best of their knowledge there is no conflict of interest that would impact on or prevent the proponent from proceeding with the project or any agreement it may enter into with the Australian Government as represented by the Department, if funding were to be approved under the BRP.

Where a proponent subsequently identifies that an actual, apparent, or potential conflict of interest exists or might arise in relation to this proposal for funding, the proponent must inform the Department in writing immediately.

Declaration

The person making this declaration must be authorised to commit the proponent to undertaking this project if this funding proposal is successful in securing funding and confirm that all information supplied within the form is true and accurate.

10. ASSESSMENT OF PROPOSALS

Following the closure date for the acceptance of proposals, each proposal will be checked for eligibility.

Once the eligibility checks are completed, each proposal will be assessed on its own merits and marked accordingly. Proposals will then undergo a Quality Assurance (QA) process to ensure that all projects have been ranked correctly according to the information received.

Projects recommended to receive funding are presented to the Minister for Infrastructure and Transport for a final decision on projects to be funded.

Following the Minister's decision, the Department will contact all proponents to inform them of the outcome of their proposals. Unsuccessful proponents will be advised by email and will be able to seek feedback from the Department. Successful proponents will receive an email with information of the process to be undertaken to secure their funding. This process is outlined below.

11. PROCESSES FOR SUCCESSFUL PROPONENTS

If your proposal is successful, you will first be contacted by the Department via email. The Minister will have signed a letter to your state minister and if you are a council, a letter will have also been sent to your mayor.

The Department will list the successful projects on the BRP webpage.

In your successful email you will receive a copy of the Mayor's letter and an Offer of Funding form for you to complete. The due date for the Offer of Funding to be returned to the Department will be approximately 60 calendar days following the Ministerial announcement, you will be advised of the exact date in your email, please ensure that your contact details are up to date. A generic email address is often best if you have access to one to cover staff absences.

11.1 Offer of Funding Form

The Offer of Funding form is a negotiation tool. You will complete it and the Department will liaise with you until an agreement is reached. The Offer of Funding form will ask you to provide confirmation of each of the following:

Project Details – you must confirm all details of the project, including advice that the project has not commenced, construction tenders have not been accepted, planning and development of the project is sufficiently advanced to ensure commencement within 12 months, any new risks identified, if the budget has been confirmed and if the matching funding has been confirmed.

Milestones – you will be asked to nominate payment milestones for your project.

- The first milestone should be evidence of construction commencement seeking 40 per cent of Australian Government funding with the remainder paid upon the provision of a Post-Completion Report.
- There is a maximum first payment on commencement of construction of \$400,000 for all projects.
- Where the Australian Government funding is \$100,000 or less there will be one milestone payment upon completion and submission of a satisfactory Post Completion Report.
- Larger projects and projects with cash flows over two years may have further milestones subject to agreement on a case-by-case basis.
- All payments will be paid to the state/territory road agency in the first instance in all cases. Councils will need to make arrangements with their road agencies for the on forwarding of those payments.

The Offer of Funding must be returned within 60 calendar days of the date of the Ministerial announcement.

When both parties agree the terms and conditions at the officer level, the next stage is for Department to approve the Instrument under the Act and produce the Project Agreement.

11.2 Project Agreement

The Department will approve the Instrument under the Act to formalise its Approval, which can take several weeks.

When approved, a copy of this document will be sent to you. It will advise you that your project may now commence and will contain the following information:

- The Formal Approval of funding;
- The agreed milestones and payment schedule;
- Reporting Requirements;
- Signage information;
- Events (Public Recognition) information; and
- Contact Details for the Australian Government and your state contact.

An example of the *Project Agreement* Form is at Attachment C, including links to reference documents.

REMEMBER – CONSTRUCTION MAY COMMENCE ONLY AFTER PROPONENTS HAVE RECEIVED THE PROJECT AGREEMENT AND IT IS IMPORTANT THAT NO CONSTRUCTION ACTIVITY, INCLUDING ACCEPTANCE OF TENDERS OR OFFSITE PRE-FABRICATION CAN OCCUR PRIOR TO THE PROJECT AGREEMENT BEING ISSUED.

Failure to do so may render your project ineligible and the Australian Government may withdraw its funding. Please be aware that this condition has been enforced on projects previously approved for funding under Rounds One to Three of the Program.

12. CONTACT DETAILS

General enquiries can be either emailed to bridgesrenewal@infrastructure.gov.au or proponents can contact the Department using the BRP info line on 02 6274 8040.

Written enquiries can be directed to:

The Director
Bridges Renewal Program Round Four
Infrastructure Investment Division
Department of Infrastructure and Regional Development
GPO Box 594
CANBERRA ACT 2601

13. ATTACHMENTS

Attachment A **Process Flowchart**

Attachment A – Process Flowchart

Bridges Renewal Program (BRP) Process Flowchart



12.6 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE AT 47-49 FOUNTAIN STREET, EMU PARK

File No: D-71-2018

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

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Strategy & Development

Author: Jenna Brosseuk - Senior Planning Officer

SUMMARY

Applicant: COLIN STARKEY For the Colin Clifford Starkey Family Trust

Consultant: Gideon Town Planning

Real Property Address: 47-49 Fountain Street, Emu Park

Common Property Address: Lot 6 on E15616

Area of Site: 2,023 square metres

Planning Scheme: Livingstone Shire Planning Scheme 2005

Planning Scheme Zoning: Residential Zone, R1 Precinct

Planning Scheme Overlays: Overlay Map O8 – Acid sulfate soils (land below twenty metres Australian Height Datum)

Existing Development: Vacant land

Level of Assessment: Impact assessable

Submissions: Nil received

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area One

Application Progress:

<i>Informal pre-lodgement meeting held:</i>	24 January 2018
<i>Application properly made:</i>	27 April 2018
<i>Confirmation notice issued:</i>	4 May 2018
<i>Information request issued:</i>	18 May 2018
<i>Information request response received:</i>	26 October 2018
<i>Notice of intention to commence received :</i>	7 November 2018
<i>Submission period commenced:</i>	14 November 2018
<i>Submission period end:</i>	5 December 2018
<i>Notice of compliance received:</i>	6 December 2018
<i>Extended by agreement:</i>	14 January 2019
<i>Statutory determination date:</i>	22 January 2019

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Child care centre, made by Gideon Town Planning on behalf of COLIN STARKEY For the Colin Clifford Starkey Family Trust, on Lot 6 on E15616, and located at 47-49 Fountain Street, Emu Park, Council resolves to Approve the application despite the conflict with the planning scheme and provide the following reasons to justify the decision despite the conflict:

- (i) The development does not comply with Planning Scheme Shire Wide Desired Environmental Outcomes h) and j) which directly relates to the development locating in a Residential Zone.
- (ii) Despite the non-compliance, the proposed development has been justified as it is across the road from a school and will encourage combined vehicle trips for parents with children at school and at child care.
- (iii) The development is not a use which is specifically identified as being a preferred use and therefore does not comply with Specific Outcome O1, however given the community nature, it can be considered consistent with the purpose and overall outcomes of the Residential Zone as it will provide a necessary service to the immediate community and will have a built form similar to a Dwelling house.
- (iv) The proposed Child care centre is located across the road from the existing Emu Park Primary School and allows multi-purpose trips for parents for the Child care centre and primary school. The development is conveniently accessible from all directions off Fountain Street.
- (v) The development is for a new Child care centre to cater for a maximum of one hundred (100) children and fourteen (14) staff. The proposal will offer child care for a variety of age groups, up to five (5) years old.
- (vi) The development will not adversely impact upon the amenity of the streetscape given the urban location, built form consistent with residential developments and suitable setbacks from front, side and rear boundaries.
- (vii) The development is provided with appropriate infrastructure in terms of vehicular access and parking, subject to a related development application for operational works which must demonstrate compliance with all appropriate Australian standards and the Capricorn Municipal Development Guidelines.
- (viii) The development does not compromise the achievement of regional outcomes outlined in the Central Queensland Regional Plan.
- (ix) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.
- (x) 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 three aspects of the assessment benchmarks.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for a Child care centre, made by Gideon Town Planning on behalf of COLIN STARKEY For the Colin Clifford Starkey Family Trust, on Lot 6 on E15616, and located at 47-49 Fountain Street, Emu Park, 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) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Water Works;
 - (iv) Stormwater Works;
 - 1.6.2 Building works; and
 - 1.6.3 Plumbing and drainage 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>
Floor/site plan	060916-01A, revision A	24 September 2018
Elevation 3 and Elevation 1	060916-02A, revision A	24 September 2018
Elevation 4 and Elevation 2	060916-03A, revision A	24 September 2018
Stormwater catchment plan	SK01, Revision 4	16 October 2018
Retaining walls extents & Parking comments	SK02, Revision 5	16 October 2018
Vehicle access & Sight distance	SK04, Revision 2	16 October 2018

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

prevail.

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

3.0 ROAD WORKS

- 3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works on the site.
- 3.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant Australian Standards, and the provisions of a Development Permit for Operational Works (road works).
- 3.3 The full length of the frontage of the site to Fountain Street must be designed and constructed to comply with a Urban Minor Collector standard including associated drainage systems. Upgrade works must include (but not be limited to) carriageway widening to the development side road frontage, kerb and channel and the relocation of relevant infrastructure (if applicable).
- 3.4 Any application for Operational works (road works) must include detailed engineering plans of:
- i) The localised widening of Fountain Street including all associated stormwater drainage systems; and
 - ii) Any infrastructure relocation or upgrade necessary.
- 3.5 Traffic signs and pavement markings including any alterations must be provided in accordance with the *Transport Operations (Road Use Management) Act 1995* and *Manual of Uniform Traffic Control Devices (Queensland)*.

4.0 ACCESS AND PARKING WORKS

- 4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Off Street Car Parking"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.3 A dual access driveway must be designed and constructed.
- 4.4 Parking spaces and associated vehicle manoeuvring areas must be sealed.
- 4.5 All ingress and egress movements to and from the development site must be in a forward gear.
- 4.6 A minimum twenty (20) off-street parking spaces including one (1) universal access space must be provided on the site.
- 4.7 The universal access space must be provided in accordance with *Australian Standard AS 2890.6. 2009 "Off-Street parking for people with disabilities"*.
- 4.8 All stormwater runoff from parking and vehicular manoeuvring areas must be collected on the site and must drain so as to demonstrate lawful discharge in accordance with the *Queensland Urban Drainage Manual*.

5.0 WATER WORKS

- 5.1 A Development Permit for Operational Works (water works) must be obtained prior to the commencement of any water works on the site.
- 5.2 All works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act* and the provisions of a Development Permit for

Operational Works (water works).

- 5.3 The proposed development must be connected to Council's reticulated water network. The lot must be provided with its own separate water property point of connection, located wholly within its property boundary.

6.0 SEWER WORKS

- 6.1 Easement must be provided over all council's sewerage infrastructure located within private property. The easement location(s) and width(s) must be in accordance with the requirements of the *Capricorn Municipal Development Guidelines*.

7.0 PLUMBING AND DRAINAGE WORKS

- 7.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 7.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 7.3 The development must be connected to Council's reticulated sewerage and water networks.
- 7.4 The existing sewer property point of connection must be retained, and upgraded if necessary, to service the proposed development.

8.0 STORMWATER WORKS

- 8.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the site.
- 8.2 All stormwater management works must be designed and constructed in accordance with the *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 8.3 All stormwater including roof water must achieve demonstrated lawful discharge and must not adversely affect the upstream or downstream land when compared to pre-development conditions by way of blocking, altering or diverting existing stormwater runoff patterns to cause an actionable nuisance or damage infrastructure.
- 8.4 Drainage easement(s) must be dedicated in favour of Council over all major overland flow paths (land inundated by the Defined Flood Event) and major drainage systems to provide drainage corridors suitable for the conveyance of peak stormwater flows through the subject land during the Defined Flood Event.
- 8.5 Any application for Operational Works (stormwater works) must accompany a detailed stormwater management report certified by a suitably qualified Registered Professional Engineer of Queensland. The report must include the following (but not limited to);
- 8.5.1 A detailed assessment of the major and minor rainfall event peak discharges for the pre-development and post-development scenarios and clearly identifies discharge point(s) and demonstrate lawful discharge;
- 8.5.2 Detail design of the proposed detention system; the volume of detention must be sufficient to attenuate the peak discharge from the site to ensure non-worsening of the flow regime immediately downstream of the development for a selected range of Annual Exceedance Probability events, up to the Defined Flood Event (inclusive) for a range of storm durations, including critical storm duration;
- 8.5.3 Details to demonstrate vehicular, pedestrian amenity and safety criteria are

met in accordance with the *Queensland Urban Drainage Manual*;

- 8.5.4 Detail design calculations for any proposed energy dissipaters (i.e. rock scour protection areas) by taking into account permissible velocity details in accordance with the provisions of the *Queensland Urban Drainage Manual*;
 - 8.5.5 Detailed engineering plans with details of any new drainage systems, or the amendment and upgrading of existing drainage systems to implement the proposed drainage strategy; and
 - 8.5.6 Full calculations, including electronic modelling files from industry standard modelling software, (inclusive of both electronic model files and results files), hydrological model parameters, calibration details and all details of the modelling assumptions to support the proposed stormwater management strategy.
- 8.6 Any culvert/cross drainage structure proposed as part of the development must be designed to ensure safe trafficability during a Defined Flood Event, with twenty (20) per cent blockage factor. The maximum flow depth over the cross drainage structure must be limited to 200 millimetres, demonstrating allowable velocity/depth product(s).
- 8.7 The location of the proposed rock scour protection is not approved in its current form. The proposed rock scour protection must be wholly located within the property boundaries of the development site.
- 9.0 **BUILDING WORKS**
- 9.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 9.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"*.
- 9.3 Site works must be constructed such that they do not, at any time, in any way adversely restrict, impair or change the natural flow of runoff water to cause an actionable nuisance or worsening to adjoining properties or damage infrastructure.
- 9.4 All structures must comply with the provisions of *Queensland Development Code Mandatory Part 1.4 (MP 1.4)*, relative to relevant infrastructure. In the event of a non-compliance, a Building Over or Near Relevant Infrastructure application must be obtained prior to any works on the site.
- 9.5 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.
- 10.0 **ROOF AND ALLOTMENT DRAINAGE WORKS**
- 10.1 All roof and allotment drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 10.2 All roof and allotment drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.
- 11.0 **LANDSCAPING WORKS**
- 11.1 A Development Permit for Operational Works (landscaping works) must be obtained prior to the commencement of any landscaping works on the site.
- 11.2 Any application for a Development Permit for Operational Works (landscaping works) must be generally in accordance with the approved plans (refer to condition 2.1) and must include, but is not limited to, the following:
- 11.2.1 A plan documenting the "Extent of Works" and supporting documentation

which includes:

- (i) location and name of existing trees, including those to be retained;
- (ii) the extent of soft and hard landscape proposed;
- (iii) important spot levels and/or contours;
- (iv) underground and overhead services;
- (v) typical details of critical design elements (stabilisation of batters, retaining walls, podium/balcony planters, trees in car park areas, fences);
- (vi) details of landscape structures including areas of deep planting; and
- (vii) specification notes on mulching and soil preparation.

11.2.2 A "Planting Plan" and supporting documentation which includes:

- (i) Shrubs and low growing trees (less than three (3) metres in fully growth height) to prevent overshadowing on the southern and south-western boundaries;
- (ii) trees, shrubs and groundcovers to all areas to be landscaped;
- (iii) the extent and type of works (inclusive but not limited to paving, fences and garden bed edging). All plants shall be located within an edged garden;
- (iv) a plant schedule with the botanic and common names, total plant numbers and pot sizes at the time of planting; and

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

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

11.4 All landscaping must be constructed and or established, in accordance with the requirements of the Development Permit for Operational Works (landscaping works), prior to the commencement of the use.

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

11.6 A minimum 1.8 metre high fence must be provided along the Hunter Street frontage, the northern side boundary and the western side boundary.

12.0 ELECTRICITY AND TELECOMMUNICATIONS

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

13.0 ASSET MANAGEMENT

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

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

13.3 'As constructed' information pertaining to assets to be handed over to Council and

those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

14.0 ENVIRONMENTAL

14.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:

- (i) site location / topography / soil type;
- (ii) objectives;
- (iii) concept;
- (iv) design details;
- (v) implementation procedures for construction and post construction phases of work.
- (vi) vegetation;
- (vii) interim drainage plan during construction;
- (viii) dust suppression;
- (ix) top soil management;
- (x) Acid sulphate soils; and
- (xi) erosion susceptibility and risk;

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

15.0 OPERATING PROCEDURES

15.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Fountain Street and Hunter Street.

15.2 All waste storage areas must be kept in a clean, tidy condition.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

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

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 policies. The contributions are presented on an Infrastructure Charges Notice which has been supplied with this decision notice.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Child care centre, made by Gideon Town Planning on behalf of COLIN STARKEY For the Colin Clifford Starkey Family Trust, on Lot 6 on E15616, and located at 47-49 Fountain Street, Emu Park, Council resolves to issue an Infrastructure Charges Notice for the amount of **\$33,110.00**

BACKGROUND

Not Applicable

COMMENTARY

PROPOSAL IN DETAIL

The proposal is for a Child care centre to be constructed on the subject site. The building is 574.7 square metres of gross floor area with an additional 169.2 square metres of patio area. Operationally the rooms within the building will be used by different age groups in four areas. The development also includes ancillary office, amenities, kitchen, laundry, staff room and reception area. There is an open play area to the rear of the site.

The facility will cater for up to 100 children and there will be fourteen (14) educators on site. The facility will cater for children up to five (5) years old. The building is setback approximately 19.8 metres to the Fountain Street frontage, three (3) metres to the north-western side boundary, 3.72 metres to the Hunter Street frontage and 4.37 metres to the north-eastern (rear) boundary. The building is single storey and 6.6 metres to the highest point which fronts Fountain Street, due to the slope of the site.

The site will be retained to the rear to allow for a large, flat open play area of 601.2 square metres to the rear. The site will be fenced to for safety and screening. The operating hours are 6:00am to 6:00pm, Monday to Friday.

Vehicular access to the site is from the Fountain Street frontage with a single entry and single exit. Twenty (20) car parking spaces are proposed to the Fountain Street frontage, one of which is a universally accessible space. There is a two-way entry and exit to Fountain Street and no access is proposed to Hunter Street.

SITE AND LOCALITY

The subject site is 2,388 square metres in size and located within an urban area. The site has access to all standard infrastructure networks. The locality is characterised primarily by residential uses and is across the road from Emu Park State School.

The site slopes towards the Fountain Street frontage. It is clear of vegetation and is currently vacant. The site has two frontages, one to Fountain Street to the south and Hunter Street to the east.

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

Existing applications over the site	
Lot 6 on E15616 47-49 Fountain Street, Emu Park	There are no electronic records of any planning, building or plumbing approvals.
Applications/approvals on adjoining sites	
Lot 5 on E15616 52-54 William Street, Emu Park (to the East)	The site is developed with a Dwelling house. There are no electronic records of approvals over the site.
Lot 4 on E15616 56-58 William Street Emu Park (to the north)	Vacant
Lot 7 on E15616 51-53 Fountain Street Emu Park (to the north west)	Building Works BP 2754 for a Dwelling Building Works BP 3374 for a Dwelling addition

ASSESSMENT INCLUDING BENCHMARKS AND RELEVANT MATTERS

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

The assessment has been carried out against the assessment benchmarks in the relevant categorising instrument/s for the development and having regard to the *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 further in this report.

Benchmarks applying for the development	Benchmark reference
Shire Wide Outcomes Residential Zone Code Natural Features Code	Livingstone Planning Scheme 2005, reprint 7 as in force 10 July 2017
Chapter 4 – Regional outcomes and policies	<i>Central Queensland Regional Plan</i> , October 2013
Part E: State interest policies and assessment benchmarks	<i>State Planning Policy</i> , July 2017
Relevant matters considered	
Any development approval for, and any lawful use of, the premises or adjacent premises	The relevance of existing approvals on the subject site and adjoining properties in respect of the land use pattern and commensurate development

The draft Livingstone Planning scheme	In respect of the policy direction of the new planning scheme
The common material submitted with the application	In respect of the reports provided in the material including proposal plans and supporting information
Submissions provided on the application	No submissions were received.
The Local Government Infrastructure Plan	In respect of trunk infrastructure provisions and charging for development.

Internal advice and assessment

Infrastructure Operations Unit – 14 November 2018

Support, subject to conditions.

Natural Resource Management – 2 May 2018 (DCU minutes)

No comments.

Public and Environmental Health – 2 January 2019

Support. If food is intended to be served from the kitchen, a food business licence is required. The child care centre kitchen fit out will need to comply with the Australian New Zealand Food Standards 3.2.3 (Food Premises and Equipment). Using the Australian Standards 4674:2004 Construction and fit out of a commercial food business as a guide for the fit out parameters is best practice. Reference is made within Australian New Zealand Food Standards 3.2.3 to using AS4674-2004.

TOWN PLANNING COMMENTS

State Planning Policy – July 2017

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

1. Liveable Communities: Not applicable as the proposal does not involve the need for a community management scheme.
2. Mining and extractive resources: Not applicable as the subject site is not located within proximity to a key resource area and will not involve mineral extraction.
3. Water quality: Not applicable as the proposed development is not greater than 2,500 square metres in size.
4. Natural Hazards, risk and resilience: The subject site is located in a local government flood hazard area. Under the *Livingstone Shire Planning Scheme 2005*, as well as the now adopted *Livingstone Planning Scheme 2018*, the site is not mapped as a drainage problem area or flood hazard area.
5. Strategic Airports and Aviation facilities: Not applicable as the subject site is not within proximity to any strategic airports.

Central Queensland Regional Plan – October 2013

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.

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 located within a Priority Living Area however, will support the local community with a community purpose land use.
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.

Other Legislation/Policy

National Quality Framework

This Commonwealth framework applies to long day care services and kindergarten programmes throughout Australia and includes regulations and quality standards for all services as well as operation requirements including learning frameworks, qualification requirements for educators and child ratios. The Australian Children's Education and Care Quality Authority is the national body for monitoring the consistency with this framework.

In Queensland, the Department of Early Childhood Education and Care is the regulatory authority and is responsible for:

- Granting service and provider approvals
- Assessing and rating the quality of services
- Monitoring and enforcing compliance with the legislation

Building Code of Australia (BCA)

All services are required to meet national building standards and physical environment requirements including provisions for;

- Administrative space

- Kitchen facilities
- Toilet, laundry and hygiene facilities
- Window sill height
- Fencing, security and barriers
- Premises, furniture, materials and equipment to be safe, clean and in good repair
- Ventilation and natural light
- Space requirements - indoor and outdoor
 - o Outdoor space - shade and natural environment
- Premises designed to facilitate supervision

Education and Care Services Act 2013 (Qld)

This legislation is referenced within the *Livingstone Shire Planning Scheme 2005* and was repealed through the introduction of the *Child Care Act 2002* and *Child Care Regulation 2003* which have also since been replaced on 1 January 2014 by the *Education and Care Services Act 2013 (Qld)*. This Act provides the legislative framework for the state department to monitor and enforce.

Summary

Whilst the above legislation is relevant to the construction and operation of the land use, the requirements of this legislation is not part of the planning assessment for the application. Separate application and approvals area required from the relevant authorities.

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: The development will not affect the values of the Shire's natural environment as the site is clear of significant vegetation and natural features. Stormwater will be directed to the street.

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

Complies: The proposed development is for a Child care centre which is not anticipated to affect the quality and quantum of water available throughout 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: The site is mapped as within the acid sulfate soils special management area. The development is not likely to involve excavation below five (5) metres Australian Height Datum as the site is all above seventeen (17) metres Australian Height Datum, therefore the risk of disturbance to acid sulfate soils is low.

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

Complies: There is no natural resources associated with the site. Stormwater will be managed appropriately before being discharged to the road reserve.

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

Complies: The development will provide an economic benefit to the community through jobs in construction and operation. It will provide a benefit to working parents as it provides a safe place that promotes healthy development of children and child minding services. There facility will provide another alternative site for residents of the Emu Park locality and surrounding localities, with the benefit of combining trips with the Emu Park Primary School also being located across the road.

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

Complies: There is no new emerging business or industry trend as a result of the proposed development, however, will provide an opportunity for employment during the construction and post construction.

- (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 proposed development will not impact on the tourism industry.

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

Justified to comply: A Child care centre is not listed as a preferred use to occur in the Residential Zone, however the location of the proposed development across the road from the primary school will encourage combined vehicle trips. The development also is located on a larger lot with adjoining uses being sufficiently separate from the use. The use will not operate at night to impact on the surrounding residents. The development, despite not being located in the Business zone, which is the main centre of Emu Park, is a suitable site for the development to locate.

- (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: There is no expansion of the movement system, however the development provides for a new car park to the Fountain Street frontage, which can be manoeuvred appropriately and will accommodate staff and client parking.

- (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.*

Justified to comply: The land is not identified to accommodate a child care centre. It is intended to accommodate residential purposes, however, the site has remained undeveloped for a number of years and does provide a unique location across the road from a school. It will provide opportunity for combined trips for parents with children at school and in child care. It will have access from Fountain Street which is an Urban minor collector. The site has access to all infrastructure.

- (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 has been designed to comply with health and safety requirements and is suitably located on the subject site to achieve suitable setbacks from adjoining properties and the road frontages. The site also has the benefit of wide road reserves providing additional separation.

- (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: The development will not have a negative impact on the Shire's scenic amenity as it is of a lower elevation and will be integrated with the site and surrounding development.

The development underwent public notification making the community aware of the proposed project, with no submissions received.

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

Complies: The site is not identified as containing known significant cultural or heritage values. As such, the development will not detrimentally affect the values of places and landscapes, which reflect the community's history and identity.

The performance assessment of the proposal demonstrates that the development compromises items (h) and (j) of the Planning Scheme Shire Wide Desired Environmental Outcomes, which directly relates to the development locating in a Residential Zone under the *Livingstone Shire Planning Scheme 2005*. The non-compliance has been justified as it is across the road from a school and encourage combined vehicle trips for parents with children at school and at child care.

Residential Zone Outcomes

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,
 - a. Long-term accommodation is located in precinct R1, R2 and R3; and
 - b. 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:
 - a. Relatively low density development in precinct R1; and
 - b. Relatively medium density (125 persons/Ha) development in precinct R2; and
 - c. 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, being for a Child care centre is not a use which is specifically identified as being a preferred use in the Residential Zone.

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	<p>Land use is:</p> <p>(b) a preferred use (as identified in the overall outcomes of this code); or</p> <p>(c) a use (as identified in the overall outcomes of this code) which:</p> <ul style="list-style-type: none"> (i) is compatible with surrounding development by being of similar scale, intensity and character; and (ii) supports preferred land use; and (iii) does not adversely affect the amenity of the locality. 	<p>Performance based solution provided</p> <p>The proposed development, being for a Child care centre (long day care service and kindergarten program) is not a use which is specifically identified as being a preferred use in the Residential zone. Despite this the land use falls within the Community purpose group of uses and will operate to service the local community and surrounding community for child care services.</p> <p>Under the <i>Livingstone Planning Scheme 2018</i> (version 2, in effect 25 June 2018), the proposed child care centre would be a preferred use as the development is relatively small in scale in comparison to the lot size, consistent with the built form of the surrounding area (appearance is of a Dwelling house) and adjoins a higher order road (Fountain Street is an urban minor collector). The building is larger in scale than the surrounding dwelling houses, but does not exceed fifty (50) per cent site cover, which is the maximum site cover of the Low density residential zone.</p>
Subdivision Design		
O2	<p>Reconfigured lots are designed and developed with:</p> <ul style="list-style-type: none"> ▸ with sufficient area and suitable proportions for preferred uses in accordance with Table S3 below; ▸ adequate frontage for safe and convenient vehicular and pedestrian access; ▸ with suitable areas within each lot for the location of relevant activities and works, <p>and:</p> <ul style="list-style-type: none"> ▸ in a manner that does not expose people and works to unacceptable risks from flooding or other hazards. 	<p>Not applicable</p> <p>The proposal does not involve subdivision.</p>
Density		
O3	<p>Density of residential development is compatible with local amenity expressed by the outcomes sought for the Residential Zone.</p>	<p>Not applicable</p> <p>The proposal does not involve residential development however the density is one single building on the subject allotment.</p>
Built Form		

Specific Outcomes	Response
<p>O5 Uses and works are located, designed and operated to minimise adverse impacts on:</p> <ul style="list-style-type: none"> ▸ existing environmental conditions relating to air, water and soil, ▸ the amenity of adjacent properties and public spaces, ▸ visual quality of landscapes in terms of: <ul style="list-style-type: none"> – 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. 	<p>Complies</p> <p>The amenity of adjoining premises will change during the operating hours of the Child care centre as there will be increased traffic accessing the site and a higher number of persons and children at the site than what can be expected for a Dwelling house. As the Emu Park State School is across the road to the south west), there is already a higher number of persons and traffic in the area therefore, the development of a Child care centre is not anticipated to adversely impact on the adjoining residences, in particular the dwelling house to the west. The location of the access driveway will not impact on the adjoining property to the west access onto Fountain Street.</p> <p>There is no obstruction of significant local or distant views are a result of the proposed development.</p>
<p>O6 Buildings and structures are:</p> <ul style="list-style-type: none"> ▸ 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 	<p>Complies</p> <p>The proposed building is 6.35 metres at the frontage where the ramp is located and 6.6 metres to the western side at the front (when viewing the building from Fountain Street). The building is cut into the land and is single storey.</p> <p>Site cover of the gross floor area, patios and undercover outdoor play area is approximately forty (40) per cent.</p> <p>The building is setback three metres from the western side, 4.4 metres to the rear, 3.72 metres from the eastern side (Hunter Street frontage) and 17.29 metres from the Fountain Street frontage to the outer most projection (eave) over the ramp.</p> <p>The building will be constructed to compliment the surrounding development and will have the appearance of a Dwelling house.</p> <p>The building will be cut into the land and will be retained to the rear. The building is setback from side and rear boundaries to ensure adequate access to daylight and ventilation.</p> <p>The site will be fenced to screen the development from the north, west and east. There will be landscaping to the Fountain Street frontage.</p>
<p>O7 For a noise sensitive place, activities are laid out and buildings are designed and constructed to mitigate to a level,</p>	<p>Complies</p> <p>The development is identified as being a noise sensitive place. The development is</p>

Specific Outcomes		Response
	<p>that does not unreasonably adversely affect the health and safety of people using premises, the effects of noise from:</p> <ul style="list-style-type: none"> ▶ Traffic on major roads (including State controlled roads); or ▶ Operations within railway corridors. 	<p>separated from Hill Street by approximately 200 metres. There is no unreasonable noise impacts that will impact on the child care centre due to the separation distance from Hill Street.</p>
Cultural Heritage Values		
O8	<p>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.</p>	<p>Not applicable</p> <p>The subject site is not identified as containing any known cultural heritage values mapped in Schedule 3 of the scheme.</p>
Flood Immunity		
O9	<p>Development is immune to flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.</p>	<p>Complies</p> <p>The subject site achieves flood immunity given the topography of the land. Stormwater will be discharged in accordance with the Engineering report.</p>
Community Safety		
O1	<p>Personal safety and property security are optimised through the design of buildings and spaces incorporating:</p> <ul style="list-style-type: none"> ▶ Opportunities for surveillance; ▶ Clear definition of boundaries between private and public spaces; and ▶ Robust construction materials. 	<p>Complies</p> <p>Vegetation will be planted to the Fountain Street frontage and the car park will be at the frontage to allow opportunities for surveillance. The front office/reception area will also provide for street surveillance.</p>
Vehicle Parking and Movement		
O1	<p>Development is provided with an on-site parking and movement system designed and constructed to:</p> <ul style="list-style-type: none"> ▶ be integrated with the site layout including: <ul style="list-style-type: none"> – 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 	<p>Complies</p> <p>Schedule 2 of the Scheme prescribes a parking provision of one space per five children, with 60 per cent of this to be designated for staff.</p> <p>With the proposed capacity of 100 children, this equates to twenty (20) on site car spaces. Twenty (20) car parking spaces are provided. There is adequate space for clients and staff to park within the on-site car park. There is no on-site queuing space provided as all children need to be signed in when they are dropped off and signed out on pick up so</p>

Specific Outcomes	Response
<p>footpath and facility entry points; and</p> <ul style="list-style-type: none"> ▶ 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. 	<p>there is no set down area required.</p> <p>The car parking spaces are able to be adequately manoeuvred in and out and all vehicles can enter and exit the site in a forward direction.</p> <p>The two-way access to Fountain Street will require an Operational Works application. The driveway is approximately twenty-eight metres long and will provide space for four (4) vehicles to queue if needed.</p>
Infrastructure	
<p>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:</p> <ul style="list-style-type: none"> ▶ comprise components and materials that are: <ul style="list-style-type: none"> – 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 to this planning scheme; and ▶ are constructed in accordance with standards nominated in Division 2 of Schedule 4 to this planning scheme. 	<p>Complies</p> <p>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.</p>

As evident from the above assessment, the proposal generally complies with the various requirements of the Residential Zone Code with the exception of the on-site car parking provision. In this regard, a performance based solution is provided and the development is able to achieve compliance with the Overall Outcomes.

Child Care Centre Code Requirements

The following is an assessment of the proposal against the Child Care Centre Code, which includes an assessment of the development against the relevant specific outcomes of the code.

(1) *Purpose*

- (a) *The purpose of the Child Care Centre Code is the achievement of the overall outcomes sought for the establishment and use of Child Care Centres.*
- (b) *The overall outcomes sought are:*
- (i) *Child Care Centres are well designed and established in locations that best meet the needs of the community having regard to:*
- (A) *Demand for the type of facility proposed in terms of existing and predicted population profiles within the catchment area; and*
- (B) *Access and safety considerations; and*
- (C) *Amenity of the locality with particular attention to surrounding land use and building siting and design;*
- (ii) *Child care centres are functional and are able to achieve licensing under the Queensland Child Care Act 1991 for a prescribed type of child care service established by the Child Care Regulations 1991; and*
- (iii) *Child care centres are located to encourage multi-purpose trips rather than as a destination of a single purpose trip.*

The proposed Child care centre is considered to be well designed and is proposed in a location that best meets the needs of the community.

Specific Outcomes		Response
Location of Child Care Centres		
O1	Child care centres are developed in response to a demonstrated need.	<p>Complies</p> <p>As part of the application, advice was provided by the Emu Park State School which forecast increased growth through to 2021. The August 2017 enrolment indicates 499 students are enrolled and in 2021, the forecast is approximately 680 students which is approximately a forty-five percent growth. A child care centre is of a similar arrangement as a school by providing minding and care of children, whom will eventually progress to school.</p> <p>There are currently two Child care centres in the Emu Park locality, one of which recently extended the facilities to accommodate an additional twenty-five students.</p> <p>In the Livingstone Shire Council area, between the 2011 and 2016 census, the households with young children (under 15 years only) increased by 139 which forms 18.2 per cent of the 2016 household percentage. In the Emu Park locality, 11.7 per cent of the households have young children.</p>
O2	Child care centres are located: <ul style="list-style-type: none"> • In proximity to other community facilities or educational establishments; or • At a conveniently accessible site at 	<p>Complies</p> <p>The child care centre is located across the road from the existing Emu Park Primary School. The development is conveniently accessible from all directions off of</p>

Specific Outcomes		Response
	<p>the 'gateway' to a residential or business area; and</p> <ul style="list-style-type: none"> On a site with direct access to a road of at least collector status, but not with direct access to an arterial or higher order road; and To meet occupational health and safety standards relevant to child care centres. 	<p>Fountain Street.</p> <p>Under the <i>Livingstone Planning Scheme 2018</i>, Fountain Street is an Urban Minor Collector therefore of a higher order able to accommodate the traffic movements.</p> <p>The child care centre will be required to comply with other legislation as required.</p>
O3	<p>Child care centres are not located:</p> <ul style="list-style-type: none"> Within 40 metres of a high voltage electricity line, mobile phone base station or any other facilities that generate electro-magnetic fields or radiation; or Within 55 metres of an above-ground LPG storage tank or tanker unloading facility. 	<p>Complies</p> <p>The subject site is not located within proximity to either piece of infrastructure.</p>
Site Characteristics		
O4	<p>Child care centres are developed on sites which have sufficient area and exhibit suitable characteristics to accommodate desired facilities without risk to children's health and safety.</p>	<p>Complies</p> <p>The site is 2,388 square metres in area, large enough to accommodate the proposed building for up to 100 children, an outdoor play area to the rear and car parking to the frontage. The site does not exhibit features which would put children's health and safety at risk.</p>
Site Layout and Design		
O5	<p>Child care centres comply with the minimum design requirements for the licensed capacity of the proposed facility in accordance with the relevant legislation.</p>	<p>Complies</p> <p>As discussed previously, the use of the centre is subject to state and federal monitoring and licencing.</p>
Streetscape and Amenity		
O6	<p>Child Care centres are developed to compliment the local streetscape and reflect the character of the locality.</p>	<p>Complies</p> <p>The proposed fencing and vegetation will be planted on the site to integrate the development with the surrounding developments. The building is single storey and built into the site to also integrate and appear as a dwelling house.</p>

As evident from the above assessment, the proposal complies with the various requirements of the Child care centre Code in respect of location, layout and amenity.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 3) 2018 for non-residential development applies to the application and the Adopted Infrastructure Charges are as follows:

Total charge:	<p>\$33,110.00</p> <p>This charge may be indexed in line with Consumer Price Index on an annual basis.</p>
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Charge area:	The subject site is located within charge area 1
Calculation:	<p>The charge is calculated in accordance with Table 4 – Adopted charge for development Uses within the Priority Infrastructure Area, as follows:</p> <ol style="list-style-type: none"> 1. A gross floor area of 575 square metres at \$70.00 per square metre; and <u>Total: \$40,250.00</u> 2. impervious area of 1,786 square metres at \$10.00 per square metre. <ul style="list-style-type: none"> • The impervious area of 1,786 square metres comprises: <ul style="list-style-type: none"> • 744 square metres for the building and patio; and • 544 square metres for the parking and manoeuvring area; and • 498 square metres for the footpaths, eaves and hardstand area. <u>Total: \$17,860.00</u> 3. Less a credit of \$25,000.00
Credit:	<p>The above calculation takes into account a credit of \$25,000.00 for the existing allotment pursuant to section 4.0 of Council's <i>Adopted Infrastructure Charges Resolution (No. 3) 2018</i>. The credit is calculated as follows:</p> <ol style="list-style-type: none"> (i) one existing lot at \$25,000.00 per lot.
Offset:	There is no offset applicable to this development.

CONSULTATION

The proposal was the subject of public notification between 14 November 2018 and 5 December 2018, as per the requirements of the *Planning Act 2016*, and no submissions were received.

REFERRALS

The application did not require referral to any State government departments as a part of the development assessment process.

LIVINGSTONE PLANNING SCHEME 2018

The *Livingstone Planning Scheme 2018* has progressed through the statutory process (known as MALPI) and commenced on 1 May 2018. Significant weight can be given to the Livingstone Planning Scheme 2018 in the assessment of applications given the 'Coty Principle'. 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. Queensland Planning and Environment Court decisions have also established that the weight to be given to draft laws or policies depends to a large extent on the maturity of the document and its stage along the statutory path to gazettal.

The subject site is identified as being within the Low density residential zone under the *Livingstone Planning Scheme 2018*. The site is mapped with the following overlays:

- OM01 Acid Sulfate Soils (twenty (20) metres Australian Height Datum contour)
- OM20 Transport Infrastructure (Fountain Street is an Urban Minor Collector and Hunter Street is an Urban access street)

A child care centre is listed as a use that can occur in the Low density residential zone if it is small in scale, consistent with the built form and appearance of development in the immediate surrounding area and is located at a site adjoining an appropriate road in the planning scheme road hierarchy.

The development is not considered small in scale as it will cater for up to 100 children and will employ fourteen (14) educators. Despite not being small in scale, the development is suitable located on a larger lot and across the road from a school that has similar characteristics. The development is also not considered to be consistent with the built form and appearance of development in the immediate surrounding area given the larger size of the proposed building footprint than surrounding development. The building will be a new, brick building and will be provided with suitable setbacks and landscaping to integrate with the surrounding development. The development is limited to single storey, consistent with overall outcome (8)(b). The development will also contribute to a high level of visual amenity when viewed from the street, being a modern building in the locality.

A child care centre is a sensitive land use, however is not located in proximity to any established incompatible land uses.

SUMMARY OF ASSESSMENT

Pursuant to Section 45(5)(a) of the *Planning Act 2016*, the assessment manager must carry out an assessment against the assessment benchmarks and have regard to matters prescribed by the regulation. In addition, 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.

The assessment benchmarks have been assessed earlier in this report and the development generally complies with the benchmarks or where there is deviation from the benchmark suitable alternative compliance has been achieved. Further, the grounds in support of the development are based on finding on material questions of fact and are outlines below:

- (i) The development does not comply with Planning Scheme Shire Wide Desired Environmental Outcomes h) and j) which directly relates to the development locating in a Residential Zone.
- (ii) Despite the non-compliance, the proposed development has been justified as it is across the road from a school and will encourage combined vehicle trips for parents with children at school and at child care.
- (iii) The development is not a use which is specifically identified as being a preferred use and therefore does not comply with Specific Outcome O1, however given the community nature, it can be considered consistent with the purpose and overall outcomes of the Residential Zone as it will provide a necessary service to the immediate community and will have a built form similar to a Dwelling house.
- (iv) The proposed Child care centre is located across the road from the existing Emu Park Primary School and allows multi-purpose trips for parents for the Child care centre and primary school. The development is conveniently accessible from all directions off Fountain Street.
- (v) The development is for a new Child care centre to cater for a maximum of one hundred (100) children and fourteen (14) staff. The proposal will offer child care for a variety of age groups, up to five (5) years old.
- (vi) The development will not adversely impact upon the amenity of the streetscape given the urban location, built form consistent with residential developments and suitable setbacks from front, side and rear boundaries.
- (vii) The development is provided with appropriate infrastructure in terms of vehicular access and parking, subject to a related development application for operational works which must demonstrate compliance with all appropriate Australian standards and the Capricorn Municipal Development Guidelines.
- (viii) The development does not compromise the achievement of regional outcomes outlined in the Central Queensland Regional Plan.

- (ix) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the State Planning Policy.
- (x) 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 three aspects of the assessment benchmarks.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be relevant matters that favour Council exercising its discretion to approve the 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.

PREVIOUS DECISIONS

It is noted that under temporary delegation, Council has previously approved a development application for Material Change of Use for a Child care centre (extension) in the Emu Park locality which was also in the Residential Zone under the *Livingstone Shire Planning Scheme 2005*.

It should be noted that each decision is made on its merits at the time of assessment and with the best planning information available. The application detailed above was consistent with the new planning scheme policy direction and consistent with the existing, established land use.

BUDGET IMPLICATIONS

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

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

The legal implications of refusing this development application is the risk of appeal from the developer. These potential legal implications also bring unknown budget implications.

STAFFING IMPLICATIONS

No staffing implications have been identified in the assessment.

RISK ASSESSMENT

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

CORPORATE/OPERATIONAL PLAN

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

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

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

- (e) Ethical and legal behaviour of councillors and local government employees.

CONCLUSION

The proposed development, being for a Child care centre is not a use which is specifically identified as being a preferred use however given the community nature, it can be considered consistent with the purpose and overall outcomes of the Residential Zone as it will provide a necessary service to the immediate community and will not detract from the amenity of the locality. Council's planning, engineering and public health officers have undertaken an assessment of the proposal against the applicable codes and confirm that the proposal generally complies with the purpose and overall outcomes of the relevant codes. The development is located in a suitable area, across the road from the Emu Park Primary School and allows for multi-purpose trips for parents accessing the proposed Child care centre and school. The proposed development will service the current and future population of Emu Park, providing an alternative child care service in the Emu Park locality. In this regard, the proposal appeases an overriding community need and benefit, despite any non-compliance with code provisions. As such, the proposal is recommended for approval, subject to reasonable and relevant conditions outlined below.

**12.6 - DEVELOPMENT APPLICATION
FOR A DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR A
CHILD CARE CENTRE AT 47-49
FOUNTAIN STREET, EMU PARK**

Locality Plan

Meeting Date: 22 January 2019

Attachment No: 1



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The State Government of Queensland (Dept. of Natural Resources and Mines) 2019.
Other data: © Livingstone Shire Council 2019.

47-49 Fountain Street, Emu Park

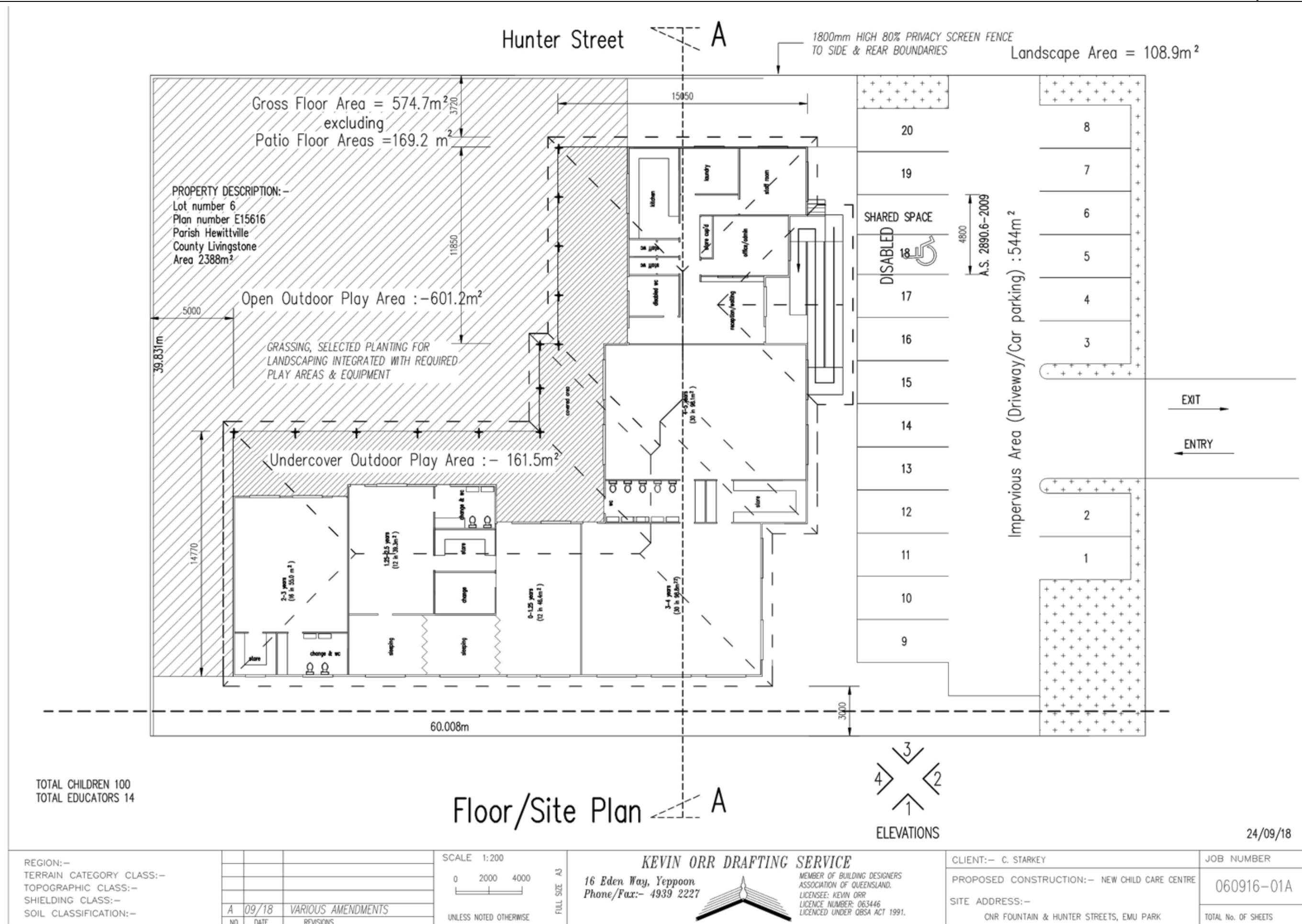
Map Created by: Web AppBuilder for ArcGIS

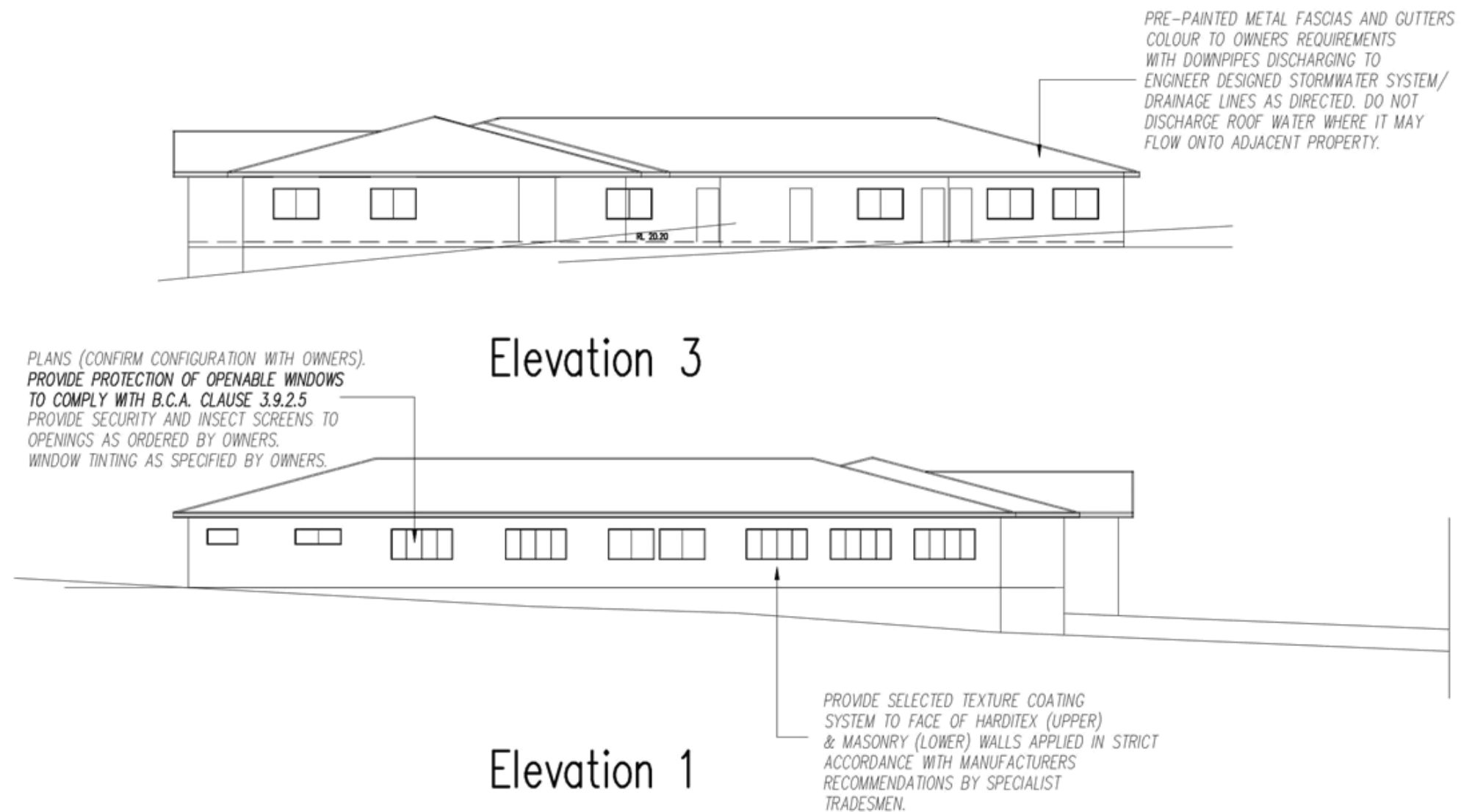
12.6 - DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A CHILD CARE CENTRE AT 47-49 FOUNTAIN STREET, EMU PARK

Proposal Plans


Meeting Date: 22 January 2019

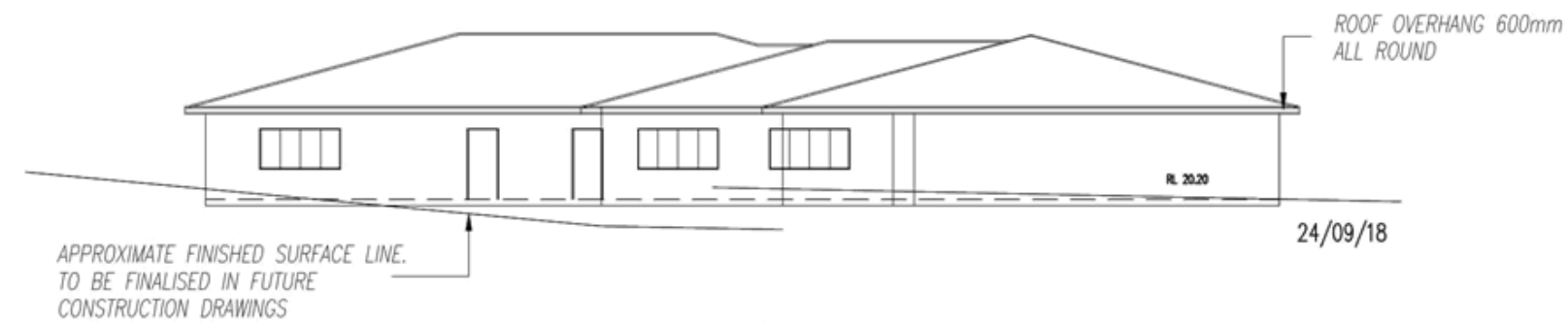
Attachment No: 2





24/09/18

REGION:-				SCALE 1:200	KEVIN ORR DRAFTING SERVICE 16 Eden Way, Yeppoon Phone/Fax:- 4939 2227  MEMBER OF BUILDING DESIGNERS ASSOCIATION OF QUEENSLAND. LICENSEE: KEVIN ORR LICENCE NUMBER: 063446 LICENCED UNDER QBSA ACT 1991.	CLIENT:- C. STARKEY	JOB NUMBER
TERRAIN CATEGORY CLASS:-				0 2000 4000		PROPOSED CONSTRUCTION:- NEW CHILD CARE CENTRE	060916-02A
TOPOGRAPHIC CLASS:-				UNLESS NOTED OTHERWISE		SITE ADDRESS:-	TOTAL No. OF SHEETS
SHIELDING CLASS:-						CNR FOUNTAIN & HUNTER STREETS, EMU PARK	
SOIL CLASSIFICATION:-	A	09/18	VARIOUS AMENDMENTS				
	NO.	DATE	REVISIONS				




24/09/18

Elevation 4



Elevation 2

24/09/18

REGION:-				SCALE 1:200	KEVIN ORR DRAFTING SERVICE 16 Eden Way, Yeppoon Phone/Fax:- 4939 2227  MEMBER OF BUILDING DESIGNERS ASSOCIATION OF QUEENSLAND. LICENSEE: KEVIN ORR LICENCE NUMBER: 063446 LICENCED UNDER QBSA ACT 1991.	CLIENT:- C. STARKEY	JOB NUMBER
TERRAIN CATEGORY CLASS:-				0 2000 4000		PROPOSED CONSTRUCTION:- NEW CHILD CARE CENTRE	060916-03A
TOPOGRAPHIC CLASS:-				UNLESS NOTED OTHERWISE		SITE ADDRESS:-	TOTAL No. OF SHEETS
SHIELDING CLASS:-						CNR FOUNTAIN & HUNTER STREETS, EMU PARK	
SOIL CLASSIFICATION:-	A	09/18	VARIOUS AMENDMENTS				
	NO.	DATE	REVISIONS				

12.7 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR SHORT-TERM ACCOMMODATION AND A DWELLING HOUSE AT 15 KELLYS LANDING ROAD, WOODBURY

File No: D-178-2018

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

Responsible Officer: Erin McCabe - Co-ordinator Development Assessment
David Battese - Manager Strategy & Development

Author: Tara Norley - Planning Officer

SUMMARY

Applicant: Kris Thorpe and Alicia Thorpe

Consultant: Reel Planning

Real Property Address: Lot 3 on RP608150

Common Property Address: 15 Kellys Landing Road, Woodbury

Area of Site: 20.153 hectares

Planning Scheme: Livingstone Planning Scheme 2018, version 2 in effect 25 June 2018

Planning Scheme Zone: Rural

Planning Scheme Overlays:

- OM02 Agricultural Land Class A and B
- OM07 Biodiversity – Habitat and Vegetation
 - Matters of Local Environmental Significance Habitat and Vegetation
- OM10 Biodiversity – Wetlands and Waterways
 - Waterway Potential Assessment Area
- OM11 Biodiversity – Stream Order
 - Waterway Potential Assessment Area
- OM12 Bushfire Hazard Area
 - Very High Potential Bushfire Intensity
 - High Potential Bushfire Intensity
 - Medium Potential Bushfire Intensity
 - Potential Impact Buffer
- OM15 Drainage Problem Area
- OM18 Landslide Hazard Area
- OM20 Road Hierarchy
 - Rural Access (Kelly's Landing Road)
 - Rural Minor Collector (Farnborough Road)
- OM21 Scenic Amenity
 - Scenic Amenity Management Area A
 - Scenic Amenity Management Area B

<i>Level of Assessment:</i>	<i>Impact Assessable</i>
<i>Submissions:</i>	<i>Nil</i>
<i>Referral Matter:</i>	<i>Clearing native vegetation (10.4.3.3.1)</i>
<i>Infrastructure Charge Area:</i>	<i>Outside the Priority Infrastructure Area</i>

APPLICATION PROGRESS:

<i>Application received:</i>	<i>28 August 2018</i>
<i>Application properly made:</i>	<i>29 August 2018</i>
<i>Development control unit meeting:</i>	<i>5 September 2018</i>
<i>Confirmation notice issued:</i>	<i>12 September 2018</i>
<i>Public notification period:</i>	<i>10 October 2018 to 30 October 2018</i>
<i>Notice of compliance received:</i>	<i>2 November 2018</i>
<i>Decision period commenced:</i>	<i>5 November 2018</i>
<i>Extension of time agreed to:</i>	<i>19 December 2018</i>
<i>Statutory determination date:</i>	<i>30 January 2019</i>

OFFICER'S RECOMMENDATION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for Short-term accommodation and a Dwelling house made by Kris Thorpe and Alicia Thorpe on Lot 3 on RP608150 and located at 15 Kellys Landing Road, Woodbury, Council resolves to Approve the application despite the conflict with the planning scheme and provide the following reasons to justify the decision despite the conflict:

- (i) The proposal is not for development specifically identified as being preferred uses in the Rural zone. Despite being accommodation activities, not expressly anticipated for the zone, both uses can occur without compromising the purpose and overall outcomes of the Rural zone.
- (ii) The development does not compromise the strategic framework themes, outcomes and strategies specific to the proposal.
- (iii) The proposal is for a Dwelling house and Short-term accommodation associated with rural living and the enjoyment of the natural features of the landscape setting and is able to be sited in a location sufficiently buffered from rural zoned land and rural activities and in a manner that manages the natural features and natural hazards on the site.
- (iv) The development does not compromise the achievement of regional outcomes outlined in the *Central Queensland Regional Plan*.
- (v) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the *State Planning Policy*.
- (vi) 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.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for a Material Change of Use for Short-term accommodation and a Dwelling house made by Kris Thorpe and Alicia Thorpe on Lot 3 on RP608150 and located at 15 Kellys Landing Road, Woodbury, 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.
- 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 their purposes:
- 1.6.1 Operational Works:
- (i) Access Works;
 - (ii) Clearing Works; and
 - (iii) Site Works;
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 This approval is for the construction of a Dwelling house, any associated class 10 building and Short-term accommodation to be wholly located within the proposed building envelope in accordance with the approved plans (refer condition 2.1).

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 Number</u>	<u>Dated</u>
Proposed Site Plan	40851-1	15 Aug 2018
Floor Plan	Page No: 2 of 10	April 2018
Elevations	Page No: 4 of 10	April 2018
Elevations	Page No: 5 of 10	April 2018
Slope Stability Assessment for	18189-001-Rev1	27 August 2018

Proposed Residences and Shed – 15 Kellys Landing Road, Woodbury		
Bushfire Hazard Assessment & Bushfire Management Plan	40851	18/07/2018

- 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 endorsement by Council prior to the submission of a Development Application for Operational Works.
- 3.0 ACCESS WORKS
- 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 approved plans (refer condition 2.1), the *Capricorn Municipal Development Guidelines*, any requirements of the approved Bushfire Management Plan and the provisions of a Development Permit for Operational Works (access works).
- 3.3 An access driveway must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines standard drawing (CMDG-R-040)*.
- 3.4 An internal access way to the proposed building envelope must be designed and constructed, including any cross drainage structure, such that safe and trafficable access is available in a bushfire event. The standard of internal access way must be generally in accordance with the requirement of the approved Bushfire Management Plan (refer condition 2.1).
- 3.5 Details of the internal access way demonstrating compliance with the maximum allowable gradient, and any bushfire management plan requirements, must be provided with any application for a Development Permit for Operational Works (access works).
- 3.6 Direct access from Farnborough Road to the subject site is only permitted for emergency use or management of the fire breaks on the premises.
- 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 internal plumbing and sanitary drainage works must be in accordance with the approved plans (refer condition 2.1), *Capricorn Municipal Development Guidelines*, *Water Supply (Safety and Reliability) Act*, regulated work under the *Plumbing and Drainage Act*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 On-site sewerage treatment and disposal must be in accordance with the *Queensland Plumbing and Wastewater Code* and Council's Plumbing and Drainage Policies.
- 4.4 Structures or buildings must not be located within the on-site sewerage treatment and disposal area or conflict with separation distances as detailed with the *Queensland Plumbing and Wastewater Code*.
- 4.5 On-site water storage for domestic water supply purposes, with a minimum combined capacity of 50,000 litres, must be provided for the Dwelling house.
- 4.6 On-site water storage for domestic water supply purposes, with a minimum combined capacity 50,000 litres, must be provided for the Short-term accommodation.

-
- 4.7 On-site water storage for firefighting purposes, with a minimum requirement of 25,000 litres must be provided for the Dwelling house.
- 4.8 On-site water storage for firefighting purposes, with a minimum requirement of 25,000 litres must be provided for the Short-term accommodation.
- 4.9 All on-site water storage for firefighting purposes must be:
- 4.9.1 Constructed with fire-proof materials, or located underground with above-ground access points;
 - 4.9.2 Located more than nine (9) metres from any potential fire hazards (such as venting gas bottles and combustible structures);
 - 4.9.3 Located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance;
 - 4.9.4 Fitted with fire brigade tank fittings consisting of:
 - (i) For above ground tanks, a fifty (50) millimetre ball valve and male camlock coupling and metal pipe fittings; or
 - (ii) For underground tanks, an access hole having a minimum diameter of 200 millimetres to allow access for suction lines; and
 - 4.9.5 Identified by directional signage clearly provided at the street access point (Kellys Landing Road access).
- 5.0 ROOF AND ALLOTMENT DRAINAGE
- 5.1 All stormwater, including roof and allotment drainage, must achieve demonstrated lawful discharge in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.
- 5.2 All stormwater, including roof and allotment drainage, must not adversely affect the upstream or downstream land when compared to pre-development conditions by way of blocking, altering or diverting existing stormwater runoff patterns or cause an actionable nuisance or damage infrastructure.
- 6.0 BUILDING WORKS
- 6.1 A Development Permit for Building Works must be obtained prior to the commencement of any building works on the site.
- 6.2 The Short-term accommodation and Dwelling house must be designed, constructed and certified to satisfy the performance requirements for bushfire ignition risk under the *National Construction Code Building Code of Australia (Volume 2)* and the recommendations of the approved Bushfire Management Plan (refer condition 2.1).
- 6.3 The height of all buildings and structures must not exceed 8.5 metres above ground level.
- 6.4 External wall and roof finishes must have the same tonal value as the surrounding vegetation and must not include:
- (a) Highly reflective surfaces; and
 - (b) Bright or high contract colours including whites, yellows or reds.
- 6.5 Fences, entry structures, retaining walls and elevated swimming pools visible from coastal viewer places must be either:
- (a) Painted in muted colours to blend with natural landscape; or
 - (b) Softened by vegetation so that straight lines and hard edges are not visible.
- 6.6 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 (15) per cent 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.

- 6.7 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"*.

7.0 SITE WORKS

- 7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.
- 7.2 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments"* and the recommendations of the approved Slope Stability Assessment Report.
- 7.3 Any application for a Development Permit for Operational Works (site works) must be accompanied by a detailed earthworks' plan which clearly identifies the following:
- 7.3.1 the location of cut and/or fill, batter slopes;
 - 7.3.2 the type of fill to be used and the manner in which it is to be compacted;
 - 7.3.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 7.3.4 Retaining Structures (if necessary);
 - 7.3.5 Surface and sub-surface drainage controls (if applicable).
- 7.4 Cut and fill of the subject allotment 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 assessment as approved by Council.
- 7.5 Site works must be constructed such that they do not, at any time, in any way adversely restrict, impair or change the natural flow of runoff water, or cause an actionable nuisance or worsening to adjoining properties or damage infrastructure.
- 7.6 Any retaining structures one 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.
- 7.7 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.

8.0 ELECTRICITY AND TELECOMMUNICATIONS

- 8.1 The Short-term accommodation and Dwelling house must be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice. (Note if the development is provided with a reticulated grid electricity supply, the reticulated supply must be provided in accordance with the requirements of the relevant energy supply authority.)
- 8.2 The Short-term accommodation and Dwelling house must be provided with on-site telecommunications infrastructure for the use sufficient to enable contact in normal circumstances with the each of the nearest emergency services. (Note if the development is provided with reticulated telecommunications infrastructure, the reticulated infrastructure must be provided in accordance with the requirements of the relevant telecommunications supply authority.)

9.0 ASSET MANAGEMENT

- 9.1 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.
- 9.2 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.
- 9.3 '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 the use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

10.0 ENVIRONMENTAL

- 10.1 Any application for a Development Permit for Operational Works must be accompanied by an Erosion and Sediment Control Plan which addresses, but is not limited to, the following:
- (i) design details;
 - (ii) implementation procedures for construction and post construction phases of work.
 - (iii) vegetation;
 - (iv) interim drainage plan during construction;
 - (v) dust suppression;
 - (vi) top soil management; and
 - (i) erosion susceptibility and risk.
- 10.2 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, and landscaped). The prepared Erosion Control and Stormwater Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 10.3 An environmental covenant, pursuant to *Section 97A of the Land Title Act*, must be entered into in respect of 8,000 square metres of land in the north west corner of Lot 3 on RP608150, to the effect that:
- 10.3.1 the area is protected as a vegetated flora habitat and all native vegetation must be retained; and
 - 10.3.2 there is to be no artificial interference or disturbance of the habitat, except as approved by Council, to remove hazards to safety of persons outside of the habitat, removal of weeds and approved (by Council) revegetation with local native species.
- 10.4 The environmental covenant must be registered over Lot 3 on RP608150. The covenant area must be shown on the Survey Plan and the respective documentation submitted to Council, prior to the commencement of the use.
- 10.5 A Planting Plan must be submitted with the Survey Plan demonstrating a planting works within the covenant area. The Planting Plan must include a list of suitable (being fire retardant and relevant to the location) local native species to be planted, a planting plan including the location and spacing of plantings and maintenance schedule to cover watering and weed management activities and timing. The Rehabilitation Planting Plan must include a maintenance schedule over a three year

- period to ensure the plantings are self-sustaining.
- 10.6 A Development Permit for Operational Works (Clearing Works) must be obtained prior to the commencement of any clearing works on the site.
- 10.7 The boundaries of clearing areas must be clearly delineated for machinery operators, with clearing confined to the area required for the purposes of survey, in order to minimise impacts on adjacent habitats prior to and during vegetation clearing.
- 10.8 All trees cleared must be felled away from adjoining vegetation.
- 10.9 Vegetative materials cleared from the site must not be placed near or within vegetation adjacent to the site, other than strategic placement of fauna habitat if required.
- 10.10 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.
- 10.11 A Rehabilitation Planting Plan must be lodged with the Operational Works (Clearing works) application to address the requirement to revegetate cleared areas outside the necessary access corridor and curtilage of the new buildings. The Rehabilitation Planting Plan will need to show spatial extents of the revegetation works, a list of suitable (being fire retardant and relevant to the location) local native species to be planted, a planting plan including the location and spacing of plantings and maintenance schedule to cover watering and weed management activities and timing. The Rehabilitation Planting Plan must include a maintenance schedule over a three year period to ensure the plantings are self-sustaining.
- 11.0 OPERATING PROCEDURES
- 11.1 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 Kellys Landing Road.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage

It is advised that under Section 23 of the *Aboriginal Cultural Heritage Act*, 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 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. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for Short-term accommodation and a Dwelling house made by Kris Thorpe and Alicia Thorpe on Lot 3 on RP608150 and located at 15 Kellys Landing Road, Woodbury, Council resolves to issue an Infrastructure Charges Notice for the amount of \$5,900.00.

BACKGROUND

A pre-lodgement meeting was held on 13 June 2018, attended by the owner's (Kris and Alicia Thorpe), town planning consultant (Brendan Standen from Reel Planning), bushfire consultant (Ian Denley from Denley Environmental Consulting) and relevant Council Officer's. The proposal discussed at the pre-lodgement meeting was for a Dwelling house (new), Short-term accommodation (farm stay) and Caretaker's accommodation (conversion of existing dwelling on the premises). Council was supportive of the proposed development on the site, subject to addressing the matters identified in the meeting minutes and the relevant provisions of the planning scheme, specifically in regards to biodiversity (habitat and vegetation), scenic amenity, bushfire and landslide overlays, and access and revegetation.

COMMENTARY**PROPOSAL**

The proposal is for Short-term accommodation and a Dwelling house to be located within a 4,321 square metre building location envelope.

The Short-term accommodation aspect of the development involves the relocation of an existing single storey dwelling with a gross floor area of 142 square metres, including two (2) bedrooms, family and 'sleepout' area, kitchen, dining and lounge areas, a bathroom and laundry to be located atop the knoll of the hill in the southern portion of the subject site, approximately 200 metres from Kellys Landing Road frontage.

The Dwelling house will be utilised as the primary residence for the owners and operators of the short term accommodation. This Dwelling house does not include any specific floor plans for the dwelling. Instead, approval is being sought for a proposed 4,321 square metre building envelope for the dwelling to be located within, with specific design requirements for the dwelling to be conditioned. The establishment of this primary residence will result in the existing Dwelling house becoming a 'Secondary dwelling', resulting in a total of three accommodation activities on the site.

The internal access driveway to the building envelope will be provided via an improved (albeit unsealed) driveway. The driveway extends up the western side of the slope, generally following the natural contours of the land, before reaching the building envelope. The access driveway then continues west to the property boundary where it intersects with an existing access track leading to Farnborough Road, to be used for secondary access during bushfire.

SITE AND LOCALITY

The site is 20.153 hectares in area and located within the rural locality of Woodbury, approximately thirteen (13) kilometres from the Yeppoon Central Business District, and is characterised predominately by large rural landholdings. The site is densely vegetated with locally significant vegetation through the central and southern portions of the site, and includes a level, unvegetated area to the north which contains an existing Dwelling house located at approximately fifty-five (55) metres Australian Height Datum, and a dam.

The topography of the site varies dramatically, with a small mountain peak located on the site. The site is approximately twenty-six (26) metres Australian Height Datum at its lowest point on the southern, western and northern property boundaries, to eighty-two (82) metres Australian Height Datum at its highest peak in the centre of the lot. The building location envelop is proposed on the peak, running east/west along the ridgeline. The building location envelope, an area of approximately 4,321 square metres, has been cleared of all vegetation, and major earthworks have been undertaken on the site to create a building pad being located at approximately 79.5 metres Australian Height Datum.

The site has two road frontages, being Farnborough Road and Kellys Landing Road, with access to the site via Kellys Landing Road. There is an existing access and internal driveways on the site, one driveway connecting to the development site and one to the existing Dwelling house located to the north of the development site. The site is not connected to reticulated water, sewerage, electricity or telecommunications infrastructure.

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

Existing applications/development permit over the site	
Lot 3 on RP608150 15 Kellys Landing Road, Woodbury	Development Permit B-242-2018 for New Relocated Dwelling – under assessment
Applications/development permits on adjoining properties	
Lot 2 on RP608150 Lot 2 Farnborough Road, Woodbury (to the west)	Nil Vacant land
Lot 2 on RP607608 Lot 2 Kellys Landing Road, Woodbury (to the north)	Nil

ASSESSMENT INCLUDING BENCHMARKS AND RELEVANT MATTERS

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

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

Benchmarks applying for the development	Benchmark reference
Strategic framework – Settlement pattern and Natural environment and hazards themes Rural zone code Biodiversity overlay code Landslide hazard overlay code Scenic amenity overlay code Accommodation activities code General development code Development works code	<i>Livingstone Planning Scheme 2018</i> , Version 2, in effect 25 June 2018
Part E: State interest policies and assessment benchmarks	<i>State Planning Policy</i> , July 2017
Relevant matters considered	
Any development approval for, and any lawful use of, the premises or adjacent premises	The relevance of existing approvals on the subject site and adjoining properties in respect of the land use pattern and

	commensurate development
The common material submitted with the application	In respect of the reports provided in the material including proposal plans and supporting information
The Local Government Infrastructure Plan	In respect of trunk infrastructure provisions and charging for development.

Internal advice and assessment

Infrastructure Operations Unit – 12 September 2018

Support, subject to conditions.

Natural Resource Management – 17 December 2018

Support, subject to conditions.

Public and Environmental Health – 5 September 2018

No comments

External referral

Written pre-lodgement advice was sought from the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) in relation to the referral for Clearing native vegetation under Schedule 10, Part 3 of *Planning Regulation 2017*. No concerns were raised in the advice and it was advised to first obtain a “relevant purpose determination” followed by addressing State Code 16 as part of the referral material.

A subsequent request to the Department of Natural Resources, Mines and Energy (DNRME) for a determination that the clearing was for a relevant purpose resulted in the Department confirming that the clearing is categorised as ‘exempt clearing work’ (Schedule 21, Part 2, (2)(h) – routine management). On this basis no relevant purpose determination was required and therefore the application would not require referral despite the clearing of regulated vegetation (Category B – Least concern regional ecosystem).

State Planning Policy – July 2017

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

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

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

The site is identified as being within Flood hazard area - Local Government flood mapping area, Bushfire hazard area. The site is not mapped within the Flood hazard area overlay of the *Livingstone Planning Scheme 2018*. Bushfire hazard is addressed under the Bushfire hazard overlay code in the following report.

Central Queensland Regional Plan

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

Livingstone Planning Scheme 2018

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

Strategic Framework

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme. The settlement pattern and natural hazards and environment themes are applicable to the assessment of the application. Consideration of the relevant outcomes for these themes concludes that the development will not compromise the strategic framework objectives, given:

- (1) The development does not restrict the opportunity for agricultural uses to occur on the property given the availability of land not utilised by the development.
- (2) Development does not limit or compromise agricultural land or uses involved in primary production on adjoining properties.
- (3) The uses, despite being non-rural activities:
 - (a) are compatible with the area, or have a nexus with a specific natural resource not available in an urban zone;
 - (b) do not limit or compromise the operations of established rural activities on adjoining land;
 - (c) do not limit or compromise the potential development of rural activities on the site or on adjoining land;
 - (d) do not result in adverse impacts on amenity or infrastructure
 - (e) protect important features identified by scenic amenity overlays or biodiversity areas overlays.
- (4) The use of Short-term accommodation is tourism focused development which is appropriate in the rural location given the development:
 - (a) has low impacts;
 - (b) is compatible with and does not limit or compromise existing lawfully established activities or the future use of rural land on-site or on adjoining land;
 - (c) is located at a site which has or is proximate to unique cultural, historical or natural environment features which are likely to attract tourists and visitors (typical examples of uses which might fit this scenario include an environment facility, a tourist park, nature based tourism, or outdoor sport and recreation involving nature based recreation or adventure activities associated with riding, climbing, boating, trekking or similar);
 - (d) is provided with appropriate infrastructure commensurate to the uses and site context; and
 - (e) minimises impacts on the rural road network given the small scale nature of the development; and
- (5) Important areas containing matters of environmental significance and landscape features are protected for their contribution to biodiversity, economic prosperity, culture, identity, character and sense of place.
- (6) Natural hazards are managed for the site commensurate with the uses and site context.
- (7) Development does not result in adverse impacts on:

- (a) the natural functioning of flood plains;
- (b) environmentally significant waterways and wetlands which support biodiversity;
- (c) waterway and wetlands which support landscape and scenic amenity values; and
- (d) the quality of water entering waterways, wetlands, local catchments and the Great Barrier Reef Marine Park.

The proposal is considered to comply with the above outcomes of the Strategic Framework and the performance assessment of the proposal demonstrates that the development will not compromise the Strategic Framework, therefore supporting the high order planning scheme direction.

Rural zone code

The purpose of the rural zone code is:

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

The purpose of the Rural zone code is achieved through overall outcomes in the code. The proposed development is for Short-term accommodation and a Dwelling house which are uses within the accommodation activities group.

Short-term accommodation is not preferred or supported by the overall outcomes of the zone, with the strategic preference being for Short-term accommodation to be located within proximity to urban areas (where not explicitly a Host farm).

A Dwelling house is not listed as preferred use in the Rural zone. A Dwelling house is a use within the accommodation activities group which can occur in limited circumstances as follows:

- (a) *it is ancillary to the use of the land for a use within the rural activities group;*
- (b) *it is designed and sited so as not to limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot;*
- (c) *it is designed and sited so as not to limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group;*
- (d) *it is appropriately separated and buffered from uses that are likely to result in adverse impacts on amenity; and*
- (e) *the use:*
 - (i) *is a caretaker's accommodation; or*
 - (ii) *is a dwelling house; or*

- (iii) *is a dwelling unit; or*
- (iv) *is a home based business; or*
- (v) *is rural worker's accommodation;*
- (vi) *is short-term accommodation (being a farm stay);*

There are no rural activities occurring on the subject site however the siting of the development is not considered to limit or compromise the future development of a small scale rural activity on site nor will it limit or compromise rural activities on adjoining land.

The proposal is for a Dwelling house and Short-term accommodation associated with rural living and the enjoyment of the natural features of the land and is able to be sited in a location sufficiently buffered from rural zoned land and rural activities. As such the proposal does not compromise the achievement of the overall outcomes or purpose of the Rural zone code.

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

Performance outcomes	Acceptable outcomes	Assessment response
Where located in all areas of the zone (excluding the Yaamba Historic Township Precinct)		
Land use		
If a use within the accommodation activities group		
PO1 The development of a use within the accommodation activities group: <ul style="list-style-type: none"> (a) does not limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot; (b) does not limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group; and (c) is appropriately separated and buffered from uses that are likely to result in adverse impacts on amenity. 	AO1.1 The habitable buildings of a use from within the accommodation activities group are set back from side property boundaries in accordance with the greater of the following: <ul style="list-style-type: none"> (a) fifty (50) metres; or (b) if there is an established use from within the rural activities group located on an adjoining lot, a distance from the common boundary with that lot, which complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4; or (c) if there is no established use from within the rural activities group located on an adjoining lot, a distance from the common boundary with that lot, of 0.25 of a metre per one (1) metre of the total lot width at that point on the lot. 	AO1.1 – Complies There is no known established use from within the rural activities group located on the adjoining lots on the side boundaries, therefore the Short-term accommodation and Dwelling house are required to be setback approximately 130 metres from the side boundaries in accordance with AO1.1(c). The proposed building location envelope is located approximately 205 metres from the western boundary and 175 metres from the eastern boundary.
	AO1.2 The habitable buildings of a use within the accommodation activities group are set back from rear property boundaries in accordance with the greater of the following: <ul style="list-style-type: none"> (a) fifty (50) metres; or (b) if there is an established use from within the rural activities group located on an adjoining lot, a distance from the common boundary with that 	AO1.2 - Complies There is no known established use from within the rural activities group located on the adjoining lot on the rear boundary, therefore the Short-term accommodation and Dwelling house are required to be setback approximately 114 metres from the side boundary in accordance with AO1.1(c). The proposed building location envelope is located approximately 260 metres from the rear

Performance outcomes	Acceptable outcomes	Assessment response
	lot, which complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4; or (c) if there is no established use from within the rural activities group located on an adjoining lot, a distance from the common boundary with that lot, of 0.25 of a metre per one (1) metre of the total lot depth at that point on the lot.	boundary.
	AO1.3 The habitable buildings of a use within the accommodation activities group are set back from road frontage property boundaries in accordance with the greater of the following: (a) twenty (20) metres; or (b) if there is an established use from within the rural activities group located on a lot on the opposite side of the road, a distance from the road frontage boundary, which complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4.	AO1.3 - Complies The property located on the opposite side of the road from the subject site contains cropping, therefore the Short-term accommodation and Dwelling house are required to be setback approximately 150 metres for any buildings and structures associated with the storage, handling, packaging or processing of cropping produce in accordance with AO1.1(c) and Table SC4.1.1. The proposed building location envelope is located approximately 570 metres from any building or structure on the lot opposite.
Built form		
PO4 The height of buildings and structures are consistent with the rural character of the locality and the reasonable expectations as to the operational needs of the use, and they do not adversely impact the character or amenity of the streetscape, adjoining sites or the immediate area.	AO4.1 The height of buildings does not exceed twelve (12) metres above ground level (excluding silos and similar structures that are ancillary to the operations of a use within the rural activities group). AO4.2 The height of structures does not exceed twenty-five (25) metres above ground level.	AO4.1 - Complies The maximum building height of the proposed Short-term accommodation is 5.2 metres. A maximum building height for the proposed Dwelling house will be conditioned accordingly, as per the recommendation. AO4.2 - Complies The maximum building height of the proposed Short-term accommodation is 5.2 metres. A maximum building height for the proposed Dwelling house will be conditioned accordingly, as per the recommendation.
PO5 The design and siting of buildings and structures does not adversely impact the amenity of the streetscape or adjoining sites having regard to the following: (a) minimisation of potential sources of nuisance; (b) prevention of overshadowing of habitable buildings of any sensitive land use on adjoining lots; and (c) prevention of overshadowing of public places.	AO5.1 Buildings and tall rural activity structures (such as silos and the like) are setback from side, rear and road frontage property boundaries in accordance with the following: (a) for a building or structure having a height up to and including 4.5 metres, a minimum setback of twenty (20) metres; or (b) for a building or structure having a height greater than 4.5 metres, a minimum	AO5.1 - Complies The proposed building location envelope is located approximately 205 metres from the western boundary, 175 metres from the eastern boundary, 260 metres from the rear boundary and 160 metres the road boundary.

Performance outcomes	Acceptable outcomes	Assessment response
	setback of twenty (20) metres plus 0.3 of a metre for every additional metre in height over 4.5 metres.	
Where located in all areas of the zone (excluding the Capricorn Coast Rural Precinct and excluding the Yaamba Historic Township Precinct)		
Land use		
PO11 The use contributes to the development of the rural zone which is comprised of the following: <ul style="list-style-type: none"> (a) preferred uses for the zone (as identified in the overall outcomes for the zone); or (b) uses within the accommodation activities group (where in accordance with the circumstances identified in the overall outcomes for the zone); or (c) other uses that are not within the rural activities group or accommodation activities group (where in accordance with the circumstances identified in the overall outcomes for the zone). 	No acceptable outcome is nominated.	PO11 – Justified to comply A Dwelling house is not listed as a preferred use in the Rural zone, however is a use within the accommodation activities group which can occur in limited circumstances. Short-term accommodation is not preferred or supported by the overall outcomes of the zone, with the strategic preference to be located within proximity to urban areas, where not explicitly a Host farm. However, the siting of the development is not considered to limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group. In addition, the Short-term accommodation is minor in nature, providing only two guest bedrooms, in an elevated rural landscape setting, offering an alternative tourist accommodation option. Therefore, the proposal can be supported and does not compromise the achievement of the overall outcomes or purpose.
Where located in all areas of the zone (excluding the Yaamba Historic Township Precinct)		
PO16 The development of a use within the rural activities group is designed and operated at an appropriate scale and intensity relative to the capacity of water resources and soil to sustain the development activity in an environmentally responsible manner.	No acceptable outcome is nominated.	PO16 - Not applicable The proposal is not a use within the rural activities group.
PO17 The development of a use within the rural activities group or a use being veterinary services, where involving the boarding, accommodation, care, training, holding, keeping, production, or cultivation of animals and the like, ensures that the animals are confined within the site in secure fencing or other enclosures, and these confinements are sited, designed and managed in a manner which achieves the following: <ul style="list-style-type: none"> (a) accepted best practice for the 	No acceptable outcome is nominated.	PO17 - Not applicable The proposal is not a use within the rural activities group or a veterinary service.

Performance outcomes	Acceptable outcomes	Assessment response
<p>welfare of animals;</p> <p>(b) prevention of the escape of animals;</p> <p>(c) best practice for the hygienic confinement of animals; and</p> <p>(d) minimal nuisance beyond the site boundaries by way of noise and odours produced by the animals.</p>		
<p>PO18</p> <p>The use does not result in land and water quality degradation (above ground and underground) due to the following:</p> <p>(a) movement of sediment, nutrients, pathogens, and pollutants; or</p> <p>(b) the handling, treatment and disposal of solid and liquid waste.</p>	<p>No acceptable outcome is nominated.</p>	<p>PO18 - Complies</p> <p>The proposal will not result in water quality degradation. The proposal is low intensity and small in scale. The site will be conditioned to be rehabilitated / revegetated to a state as near as is practicable to its natural state outside the development footprint, which will assist in the management of the movement of sediments, nutrients, pathogens and pollutants. The disposal of solid and domestic waste will be condition appropriately, as per the recommendation.</p>
<p>PO19</p> <p>The use:</p> <p>(a) avoids unnecessary clearing of native vegetation and habitat; and</p> <p>(b) minimises major earthworks.</p>	<p>No acceptable outcome is nominated.</p>	<p>PO19 - Justified to comply</p> <p>Significant clearing has been undertaken on the subject site within the building location envelope. The site will be required to be rehabilitated to a state as near as is practicable to its natural state, using naturally occurring local native plant species. Relevant Operational Works permits and a Rehabilitation Plan will be conditioned as part of the recommendation. In addition, an area of approximately 8,000 square metres in the north west of the site has been proposed as a vegetation covenant. This area is currently not mapped as containing any State or locally significant vegetation, however is in proximity to mapped vegetation and has been assessed by the Applicant's environmental consultant as suitable to support and enhance ecological functions and biophysical processes.</p>

As evident from the above assessment, the proposal complies with the various requirements of the Rural zone code. Suitable justification has been provided against performance outcome PO11 and PO19.

Biodiversity overlay code

The purpose of the Biodiversity overlay code is to identify, protect, enhance and rehabilitate areas containing matters of environmental significance and the ecological processes and biodiversity values of terrestrial and aquatic ecosystems.

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

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

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

Performance outcomes	Acceptable outcomes	Assessment response
Land use		
PO1 In areas identified as having matters of environmental significance, all uses are located, designed and operated to: <ol style="list-style-type: none"> (a) retain and protect significant environmental values; and (b) maintain the underlying 	No acceptable outcome is nominated	PO1 – Justified to comply The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Significant clearing has been undertaken on the subject site within the building location envelope. The site will be required to be rehabilitated to a state as

Performance outcomes	Acceptable outcomes	Assessment response
ecological functions and biophysical processes of the site and surrounds.		<p>near as is practicable to its natural state, using naturally occurring local native plant species. Relevant Operational Works permits and a Rehabilitation Plan will be conditioned as part of the recommendation. In addition, an area of approximately 8,000 square metres in the north west of the site has been proposed as a vegetation covenant. This area is currently not mapped as containing any State or locally significant vegetation, however is in proximity to mapped State regulated vegetation and has been assessed by the Applicant's environmental consultant as suitable to support and enhance ecological functions and biophysical processes.</p> <p>Given the above, despite the conflict, the development is able to achieve the overall outcomes, supporting the purpose of the code.</p>
Native vegetation and habitat		
<p>PO2</p> <p>Development retains and regenerates native vegetation in such a way as to:</p> <ul style="list-style-type: none"> (a) retain vegetation that is in patches of greatest size and smallest possible edge-to-area ratio; (b) maximise the linkages between vegetation located on the subject site; (c) maximise linkages between vegetation located on adjacent properties within the biodiversity network; allow the dispersal or movement through biodiversity corridors; and (d) protect riparian vegetation in and adjacent to watercourses. 	No acceptable outcome is nominated.	<p>PO2 - Justified to comply</p> <p>The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Significant clearing has been undertaken on the subject site within the building location envelope. The site will be required to be rehabilitated to a state as near as is practicable to its natural state, using naturally occurring local native plant species to maximise linkages between onsite and adjacent vegetation. Relevant Operational Works permits and a Rehabilitation Plan will be conditioned as part of the recommendation.</p>
<p>PO3</p> <p>Development retains, protects and enhances areas of habitat that support a critical life stage in ecological process such as feeding, breeding or roosting for the identified species.</p>	No acceptable outcome is nominated.	<p>PO3 - Justified to comply</p> <p>The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Significant clearing has been undertaken on the subject site within the building location envelope. The site will be required to be rehabilitated to a state as near as is practicable to its natural state, using naturally occurring local native plant species. Relevant Operational Works permits and a Rehabilitation Plan will be conditioned as part of the recommendation. In addition, an area of approximately 8,000 square metres in the north west of</p>

Performance outcomes	Acceptable outcomes	Assessment response
		the site has been proposed as a vegetation covenant. This area is currently not mapped as containing any State or locally significant vegetation, however is in proximity to mapped State regulated vegetation and will be required to be appropriately vegetated. The proposed area has been assessed by the Applicant's environmental consultant as suitable to support and enhance ecological functions and biophysical processes.
PO4 Development protects existing biodiversity corridors and assists in the establishment of new corridors which have adequate dimensions and characteristics to support: <ul style="list-style-type: none"> (a) unimpeded movement of terrestrial and aquatic fauna that are associated with or are likely to use the biodiversity corridor as part of their normal life cycle evolutionary and genetic processes; (b) the natural change in distributions of species and connectivity between populations of species over long periods of time; (c) ecological responses to climate change; (d) maintenance of large scale seasonal/ migratory species processes and movement of fauna; (e) connectivity between large tracts and patches of native remnant vegetation and habitat areas; and (f) effective and continuous movement of terrestrial and aquatic fauna. 	AO4.1 Development involving roads, pipelines, pedestrian access and in-stream structures: <ul style="list-style-type: none"> (a) does not create barriers to the movement of fauna (including fish passage) along or within biodiversity corridors; or (b) provides effective wildlife movement infrastructure in accordance with best practice which: <ul style="list-style-type: none"> (i) enables fauna to safely negotiate a development area; and (ii) separates fauna from potential hazards through the use of appropriate fencing. 	AO4.1 - Not applicable The development does not involve roads, pipelines, pedestrian access and in-stream structures
	AO4.2 Development ensures that biodiversity corridors have a sufficient width to protect habitat, minimise impacts from adjoining land use, and to enhance connectivity in accordance with the following: <ul style="list-style-type: none"> (a) regional corridors retain a width of at least five-hundred (500) metres; and (b) local corridors retain a width of at least fifty (50) metres. 	AO4.2 - Not applicable There are no mapped biodiversity corridors on the site. However, revegetation required under the Rehabilitation Plan will restore and possibly enhance habitat for wildlife movement across the land.
Wetlands and waterways		
PO5 Development retains waterways and wetlands and avoids impacts on: <ul style="list-style-type: none"> (a) native riparian vegetation; (b) habitat; (c) ecological functions; (d) water quality; and (e) nature conservation values. 	PO5.1 A buffer surrounding a waterway or wetland is established and maintained free of development, the width of which is supported by an evaluation of the environmental values and functions and threats to matters of State or local environmental significance.	PO5 - Not applicable The development is not within proximity to a waterway or wetland.
PO6 Development does not cause land degradation near a waterway or wetland, including: <ul style="list-style-type: none"> (a) mass movement, gully 	AO6.1 Native vegetation is retained or where retention is unavoidable, it is reinstated within riparian areas and buffer areas.	AO6.1 - Not applicable The development is not within proximity to a waterway or wetland.

Performance outcomes	Acceptable outcomes	Assessment response
erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and	AO6.2 Foreshore areas are fenced to prevent stock access.	AO6.2 - Not applicable The development is not within proximity to a waterway or wetland.
(b) loss or modification of chemical, physical or biological properties or functions of soil.	AO6.3 Riparian areas are fenced to limit stock access to a limited number of watering holes.	AO6.3 - Not applicable The development is not within proximity to a waterway or wetland.
All matters of environmental significance		
PO7 All matters of environmental significance are identified and protected from significant adverse impacts associated with development.	No acceptable outcome is nominated.	PO7 - Justified to comply The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Significant clearing has been undertaken on the subject site within the building location envelope. The site will be required to be rehabilitated to a state as near as is practicable to its natural state, using naturally occurring local native plant species. Relevant Operational Works permits and a Rehabilitation Plan will be conditioned as part of the recommendation. In addition, an area of approximately 8,000 square metres in the north west of the site has been proposed as a vegetation covenant. This area is currently not mapped as containing any State or locally significant vegetation however the proposed area has been assessed by the Applicant's environmental consultant as suitable to support and enhance ecological functions and biophysical processes.
Hydrology		
PO8 Development enhances or maintains the existing surface water hydrological regime of all areas containing matters of environmental significance.	No acceptable outcome is nominated.	PO8 - Complies The development is of a relatively minor nature and will not affect the existing surface water hydrological regime of areas containing matters of environmental significance
PO9 Development: (a) enhances or maintains the existing groundwater hydrological regime of all areas containing matters of environmental significance; (b) ensures that the water table and hydrostatic pressure in the area of environmental significance is returning to its natural state; and (c) does not result in ingress of saline water into freshwater aquifers.	No acceptable outcome is nominated	PO9 - Complies The development is of a relatively minor nature and will not affect the hydrology of the area.
Ongoing management, construction and operation		
PO10 During the construction and	No acceptable outcome is nominated.	PO10 - Complies An Environmental Management

Performance outcomes	Acceptable outcomes	Assessment response
operation of development, ongoing management, monitoring and maintenance is undertaken to ensure impacts on environmentally significant areas, biodiversity values and ecological processes, including water quality and hydrology, are avoided or minimised.		Plan will be conditioned as part of the recommendation.
PO11 Development transfers into public ownership, or incorporates within a voluntary statutory covenant registered under the <i>Land Title Act 1994</i> , any land required for public access or for some other public purpose consistent with its ecological functions, including: <ul style="list-style-type: none"> (a) access for maintenance; (b) linking core and remnant habitat areas; and (c) land protecting water quality and ecological processes. 	No acceptable outcome is nominated.	PO11 - Not applicable No land within the subject site is required for public access or for some other public purpose.
Rehabilitation		
PO12 Areas degraded as a result of development are rehabilitated by the proponent as near as is practicable to the naturally occurring local native plant species and ecological communities.	No acceptable outcome is nominated.	PO12 - Justified to comply The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Significant clearing has been undertaken on the subject site within the building location envelope. The site will be required to be rehabilitated to a state as near as is practicable to its natural state, using naturally occurring local native plant species. Relevant Operational Works permits and a Rehabilitation Plan will be conditioned as part of the recommendation.
Vegetation clearing		
PO13 Development avoids indiscriminate and unnecessary clearing of vegetation in order to protect: <ul style="list-style-type: none"> (a) the visual integrity of the natural landscape; (b) ecological features and processes that underpin biodiversity. 	AO13.1 Vegetation clearing: <ul style="list-style-type: none"> (a) does not occur; or (b) where it cannot be avoided, is carried out in accordance with the Development Works Code. 	PO13 - Justified to comply The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Significant clearing has been undertaken on the subject site within the building location envelope. The site will be required to be rehabilitated to a state as near as is practicable to its natural state, using naturally occurring local native plant species. Relevant Operational Works permits and a Rehabilitation Plan will be conditioned as part of the recommendation.
PO14 Development retains and protects locally significant species, including but not limited to the following: <ul style="list-style-type: none"> (a) <i>Cycas ophiolitica</i>; 	No acceptable outcome is nominated.	PO14 - Not applicable A preliminary assessment by Denley Environmental did not identify the listed species.

Performance outcomes	Acceptable outcomes	Assessment response
(b) <i>Byfield Fern</i> ; (c) <i>Stackhousia tryonii</i> ; and (d) <i>Koala</i> .		

As evident from the above assessment, the proposal complies with the various requirements of the Biodiversity overlay code. Suitable justification has been provided where a deviation exists and the development is able to achieve the overall outcomes of the code.

Bushfire hazard overlay code

The purpose of the Bushfire hazard overlay code is to ensure that development in bushfire prone areas does not increase risk to life, property, community, economic activity and the environment during bushfire events.

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

- (1) *development is located where bushfire hazard risk to personal safety and property is avoided or minimised and mitigated to acceptable levels;*
- (2) *highly vulnerable and community uses are not located in bushfire hazard areas;*
- (3) *vegetation which is identified as matters of State or local environmental significance is not cleared to achieve bushfire hazard minimisation;*
- (4) *natural processes and the protective function of landforms and vegetation are maintained in bushfire hazard areas;*
- (5) *access is provided for safe entry and exit requirements for residents during bushfire events;*
- (6) *development provides for the efficient operational requirements of fire fighters during bushfire events;*
- (7) *development is provided with adequate water supply and fittings for fire-fighting vehicles, and access arrangements for fire fighters;*
- (8) *emergency services facilities are located and designed to function effectively during and after a bushfire;*
- (9) *development does not create an unacceptable burden on disaster management response or recovery capacity and capabilities; and*
- (10) *development avoids the storage of hazardous materials in a bushfire hazard area.*

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

Performance outcomes	Acceptable outcomes	Assessment response
Development other than reconfiguring a lot where located in bushfire hazard areas identified as potential impact buffer, or medium potential bushfire intensity, or high potential bushfire intensity, or very high potential bushfire intensity		
Bushfire planning		
PO1 Development does not expose people and property to unacceptable risk from bushfire hazard taking into account: (a) vegetation type; (b) slope; (c) aspect; (d) bushfire history; (e) ongoing maintenance; and (f) on-site and off-site fire hazard implications.	AO1.1 Development is located within a building protection zone approved as part of a Development Permit for reconfiguration of a lot, and the building protection zone was determined in accordance with SC7.2 Bushfire hazard planning scheme policy. AO1.2 If the development is not located within an approved building protection zone for the site in accordance with AO1.1, then the	PO1- Complies The development is not within a building protection zone approved as part of a Development Permit for reconfiguration of a lot, however a Bushfire Hazard Assessment & Bushfire Management Plan has been provided as part of the application. The Bushfire Management Plan classifies the site as medium to high fire hazard and recommends fire management strategies and a fire management safety plan in order to mitigate the

Performance outcomes	Acceptable outcomes	Assessment response
	<p>development occurs only if it is located in accordance with a bushfire management plan which has been prepared in accordance with SC7.2 Bushfire hazard planning scheme policy, and the bushfire management plan demonstrates that:</p> <ul style="list-style-type: none"> (a) the development is not in a medium, high or very high bushfire hazard area; or (b) the outermost walls or living spaces of buildings on the site are separated from the edge of the bushfire hazard source, the greater of the following: <ul style="list-style-type: none"> (i) sufficient distance to achieve a bushfire attack level no greater than 29kW/m²; or (ii) a distance of twenty (20) metres; or (iii) no less than 1.5 times the mature tree canopy height in the hazard hazardous vegetation. 	<p>risks of bushfire hazard.</p> <p>The Bushfire Hazard Assessment & Bushfire Management Plan will be conditioned as part of the recommendation.</p>
	<p>AO1.3</p> <p>Buildings and structures are located within a building protection zone which achieves the following:</p> <ul style="list-style-type: none"> (a) the inner zone and outer zone of the building protection zone have slopes under thirty-three (33) per cent; and (b) the inner zone has the following characteristics: <ul style="list-style-type: none"> (i) it has a minimum distance of ten (10) metres, or a distance sufficient to achieve a bushfire attack level no greater than 29kW/m²; and (ii) tree canopy cover in the zone is less than ten (10) per cent; and (iii) three canopy is located greater than two (2) metres from any part of the roofline of a building; and (c) the outer zone has the following characteristics: <ul style="list-style-type: none"> (i) it has a minimum distance of ten (10) metres plus one (1) metre for every degree of downslope vegetation; and (ii) tree canopy cover in the zone is less than thirty (30) per cent. 	
Land use		

Performance outcomes	Acceptable outcomes	Assessment response
<p>PO2</p> <p>In areas determined to be at an unacceptable risk from bushfire hazards, development does not occur if it is for a use which:</p> <ul style="list-style-type: none"> (a) results in a significant concentration of people at any one time; or (b) results in a significant increase in people living or working in the area; or (c) involves institutional uses where evacuating people may be difficult; or (d) involves a significant number of vulnerable people; or (e) involves essential public infrastructure; or (f) involves manufacture or storage of hazardous materials. 	<p>No acceptable outcome is nominated.</p>	<p>PO2 - Complies</p> <p>The area is not considered to be at an unacceptable risk from bushfire hazard. The development is for Short-term accommodation and a Dwelling house, which will result in a small number of people either temporarily staying or permanently residing on the property, which is not a significant concentration of people. Further, the development is not for an institutional use or a use that involves vulnerable people such as a school or retirement village.</p> <p>The proposal does not involve essential public infrastructure or the manufacture or storage of hazardous materials.</p>
<p>PO3</p> <p>In areas determined to have bushfire hazard risk within tolerable levels, development occurs only if:</p> <ul style="list-style-type: none"> (a) it adequately mitigates potential adverse impacts from bushfire hazard through siting, design, and other mitigation measures; (b) it supports safe and efficient evacuation and emergency services access to the site in the event of a bushfire; and (c) essential public infrastructure is not put at significant risk from destruction or failure during and immediately after bushfire events. 	<p>No acceptable outcome is nominated.</p>	<p>PO3 - Complies</p> <p>The development is not anticipated to expose people and property to unacceptable risk from bushfire hazard. Adequate mitigation measures are established in the Bushfire Hazard Assessment & Bushfire Management Plan. Further, the development will be conditioned to be constructed in compliance with <i>Australian Standard AS3959 "Construction in Bushfire Prone Areas"</i> as per the recommendation in the Bushfire Management Plan.</p> <p>The site adjoins Kellys Landing Road. The existing access requires upgrading to and will support safe and efficient evacuation and emergency services access to the site via an existing gravel access driveway in the event of a bushfire.</p> <p>The development is not within proximity to essential public infrastructure.</p>
Vegetation protection		
<p>PO4</p> <p>Buildings, structures and their associated buffer areas, access routes and fire management trails, are located to maximise the protection of vegetation in areas of high biodiversity or scenic value.</p>	<p>AO4.1</p> <p>Buildings, structures and their associated buffer areas, access routes and fire management trails, avoid causing significant adverse impacts on the following:</p> <ul style="list-style-type: none"> (a) areas identified as containing matters of environmental significance; and (b) areas identified as: <ul style="list-style-type: none"> (i) Scenic amenity management area A; or (ii) Scenic amenity management area B; or (iii) Coastal green break; or 	<p>PO4 - Complies</p> <p>The site is mapped as containing Matters of Local Environmental Significance and is identified as Scenic Amenity Management Area A. Significant clearing has been undertaken on the subject site within the building location envelope.</p> <p>Whilst significant clearing has been undertaken on the site and additional clearing for fire breaks is required, key areas of the site will be required to be rehabilitated to a state as near as is practicable to its natural state in line with further</p>

Performance outcomes	Acceptable outcomes	Assessment response
	(iv) Coastline foreshore.	permits assessed by Council. Further, the assessment of the application against the Biodiversity code concludes that the development is able to occur on site without compromising biodiversity or scenic values.
Internal access		
PO5 Development ensures that the location, siting, and design of development and associated internal access ways: <ul style="list-style-type: none"> (a) avoid potential for entrapment during a bushfire; and (b) enable safe evacuation of the site during a bushfire for site occupants. 	AO5.1 Internal access ways have: <ul style="list-style-type: none"> (a) a minimum cleared width of six (6) metres; (b) a minimum cleared height of 4.8 metres; (c) a minimum formed width of four (4) metres; (d) a maximum gradient of twenty-five (25) per cent if sealed, or eighteen (18) per cent if unsealed; (e) where the length of the access way is greater than thirty (30) metres, an average gradient no greater than 14.4 per cent; (f) a cross fall no greater than eighteen (18) per cent if sealed, or 12.5 per cent if unsealed; (g) where there are dips or peaks, entry and exit angles no greater than 12.5 per cent; (h) adequate drainage to prevent soil erosion; (i) where the site: <ul style="list-style-type: none"> (i) is located within a reticulated municipal water supply area, a maximum length of seventy (70) metres from the development to an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of fifteen (15) tonnes; or (ii) is not located within a reticulated municipal water supply area, a maximum length of 200 metres from the development to an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of eight (8) tonnes. 	PO5 – Complies The Bushfire Management Plan provides specific recommendations in relation to internal access to the site. Obtaining relevant Operational Works permit for internal access will be conditioned as part of the recommendation.
Emergency access		
PO6 Development has adequate access to external road networks which can be utilised by emergency vehicles, and provides safe evacuation in the event of a	AO6.1 Where located on a property greater than two-thousand (2000) square metres in area, the development has direct access to a constructed all-weather public road	PO6 - Complies The development has direct access to Kellys Landing Road, a constructed (unsealed) all-weather public road which is capable of carrying emergency service

Performance outcomes	Acceptable outcomes	Assessment response
bushfire.	which is capable of carrying emergency service vehicles.	vehicles.
Water supply for firefighting purposes		
PO7 Development provides adequate water supply for firefighting purposes and the water supply is safely located and freely accessible for firefighting.	AO7.1 Development involving existing or new buildings having a gross floor area greater than fifty (50) square metres comply with the following: <ul style="list-style-type: none"> (a) the development site has access to a reliable municipal reticulated water supply with sufficient flow and pressure characteristics for fire-fighting purposes at all times (the minimum pressure and flow is 10 litres per second at 200 kPa; or (b) all buildings are located within ten (10) metres of a water tank, which: <ul style="list-style-type: none"> (i) is constructed with fire-proof materials or is located underground with above-ground access points; (ii) meets the minimum water supply requirements outlined in Table 8.2.4.4.3; (iii) is located more than nine (9) metres from any potential fire hazards (such as venting gas bottles and combustible structures); (iv) is located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance; (v) is fitted with fire brigade tank fittings consisting of: <ul style="list-style-type: none"> (A) for above ground tanks, a fifty (50) millimetre ball valve and male camlock coupling and metal pipe fittings; or (B) for underground tanks, an access hole having a minimum diameter of 200 millimetres to allow access for suction lines; and (vi) is identified by directional signage clearly provided at the street access points. 	PO7 - Complies Adequate on-site water storage for firefighting purposes, with a minimum provision of an additional 25,000 litres per dwelling (in addition to the 50,000 litres required for each residential activity), and fitted with fire brigade fittings will be conditioned as per the recommendation.
Activities involving hazardous material		
PO8 The manufacture or storage of hazardous materials does not increase the risk of fire hazard.	AO8.1 Development does not involve the manufacture or storage of hazardous materials beyond that which is commonly associated with	AO8.1 - Complies The development does not involve the manufacture or storage of hazardous materials beyond that which is commonly associated with

Performance outcomes	Acceptable outcomes	Assessment response
	domestic use.	domestic use.
Landscaping and fencing		
PO9 Landscaping does not create an unacceptable risk to people or property and provides for ongoing management of risk to the development and people from a bushfire.	AO9.1 Development complies with a landscaping plan which: <ul style="list-style-type: none"> (a) is prepared in compliance with an approved bushfire management plan; (b) preserves the requirements of any building protection zone; and (c) does not increase the exposure of a habitable building not located in a building protection zone to a bushfire hazard. 	AO9.1 - Complies The development does not propose any specific landscaping, however the Bushfire Management Plan provided with the application has provided recommendations for landscaping.
PO10 Development utilises fencing that: <ul style="list-style-type: none"> (a) does not contribute to the spread of bushfire; (b) provides access for fire-fighting purposes; (c) facilitates the safe movement of fauna in rural areas. 	AO10.1 Fences are constructed: <ul style="list-style-type: none"> (a) using non-combustible or fire retardant materials within twenty (20) metres of any building used for accommodation; (b) with gates that can be freely accessed for fire-fighting purposes (if applicable); and (c) to not impede the safe movement of fauna (where applicable). 	PO10 – Not applicable The development does not propose any fencing.

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

Landslide hazard overlay code

The purpose of the Landslide hazard overlay code is to ensure that:

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

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

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

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

Performance outcomes	Acceptable outcomes	Assessment response
Land use		
PO1 In areas determined to be at an unacceptable risk from landslide hazards, development does not occur if it is for a use which: (a) results in a significant concentration of people at any one time; or (b) results in a significant increase in people living or working in the area; or (c) involves institutional uses where evacuating people may be difficult; or (d) involves a significant number of vulnerable people; or (e) involves essential public infrastructure; or (f) involves manufacture or storage of hazardous materials.	No acceptable outcome is nominated.	PO1 - Complies The development is relatively minor in scale and is not anticipated to result in a significant: <ul style="list-style-type: none"> concentration of people at any one time on the site; or increase in people living or working in the area. The development will not involve: <ul style="list-style-type: none"> institutional uses; or a significant number of vulnerable people; or essential public infrastructure; or the manufacture or storage of hazardous materials. In addition, a Slope Stability Assessment Report (SSAR) has been provided with the application demonstrating that risk can be mitigated to an acceptable level.
All development		
PO2 Development: (a) maintains the safety of people and property on the site and neighbouring sites from landslides; and (b) ensures acceptable risk during all phases of construction and use.	AO2.1 A site-specific slope stability assessment report that has been certified by a Registered Professional Engineer of Queensland, demonstrates to the assessment manager that: (a) the site is not subject to landslide hazard; or (b) the development does not increase risks to the safety of people and property on the site and neighbouring sites from landslide hazards.	AO2.1 - Complies An RPEQ certified site-specific Slope Stability Assessment Report has been provided with the application. The Slope Stability Assessment Report demonstrates that the site is not subject to landslide hazard and the development does not increase risks to the safety of people and property on the site and neighbouring sites from landslide hazards.
	AO2.2 Development incorporates the risk of landslide relevant to the full nature and end of the development, including ancillary buildings, structures and swimming pools into the design of the developments to ensure: (a) the long-term stability of the site considering the full nature and end use of the development; (b) site stability during all phases of construction and development.	AO2.2 - Complies The Slope Stability Assessment Report considers the suitability of the site for the construction of two residences, being the Short-term accommodation and a Dwelling house, and a shed and provides recommendations to ensure the long-term stability of the site, and site stability during all phases of construction and development.
PO3 Vegetation clearing on site does not result in landslide hazard increasing.	AO3.1 Vegetation clearing which exposes the underlying soil or rock: (a) does not occur on land within	PO3 - Complies Although significant clearing has been undertaken on the site, the Slope Stability Assessment Report

Performance outcomes	Acceptable outcomes	Assessment response
	the landslide overlay; or (b) occurs only in compliance with the recommendations of a site specific slope stability assessment report that has been certified by a Registered Professional Engineer of Queensland.	was undertaken after the clearing had occurred. The Slope Stability Assessment Report includes a number of recommendations to ensure areas cleared of vegetation are not subject to instability or erosion.
PO4 Vehicle and pedestrian access to the development can be achieved in a safe and efficient manner.	AO4.1 The development: (a) has a frontage to a formed road; and (b) any section of a driveway or road internal to a site is not steeper than twenty-five (25) per cent.	PO4 - Complies The development has frontage to Kellys Landing Road, a formed road. Obtaining the relevant Operational Works permit for internal access will be conditioned as part of the recommendation.
PO5 Development involving the manufacture or storage of hazardous materials in bulk is not at risk from landslide hazard.	AO5.1 The manufacture or storage of hazardous materials in bulk does not occur within the landslide hazard area.	PO5 - Not applicable The development does not involve the manufacture or storage of hazardous materials.
PO6 Development and actions to minimise or mitigate landslide hazard do not adversely impact matters of State or local environmental significance	No acceptable outcome is nominated.	PO6 - Complies The matters of environmental significance on the premises are not compromised by the development as per the assessment in the Biodiversity code above.
Filling and excavation		
PO7 Filling and excavation: (a) maintains the safety of people and property on the site and neighbouring sites from landslides; and (b) ensures acceptable risk during all phases of construction.	AO7.1 Filling and excavation is designed in accordance to the recommendations of a site-specific slope stability assessment report that has been certified by a Registered Professional Engineer of Queensland.	PO7 - Complies Significant earthwork has been undertaken on the subject site in order to create the building pad. The Slope Stability Assessment Report addresses the matter of filling and excavation works on the premises and ensures the works are safe and appropriate for the site context.
PO8 Filling and excavation do not create or increase risk on the site or neighbouring sites by changing the hydrology of the site.	AO8.1 Filling and excavation works do not in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.	PO8 - Complies The Slope Stability Assessment Report addresses the matter of filling and excavation works on the premises and ensures in combination with conditions in the recommendation that works do not impact hydrology.

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

Scenic amenity overlay code

The purpose of the Scenic amenity overlay code is to ensure that development contributes to the protection of the significant scenic landscape features identified within the overlay area.

The purpose of the Scenic amenity overlay code is achieved through the following overall outcomes:

- (1) *development integrates all aspects of engineering, architecture, building, operational work and landscaping with the natural features and characteristics of the site, to minimise adverse effects on the environment and the landscape; and*
- (2) *areas identified as having landscape values are protected from development or the effects of development that may reduce those values in terms of:*
 - (a) *physical changes to the natural environment;*
 - (b) *damage or removal of vegetation; and*
 - (c) *prominence of development within its landscape setting and the extent of associated visual detraction.*

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

Performance outcomes	Acceptable outcomes	Assessment response
Scenic amenity management area A or B		
PO1 Development located within scenic amenity management area A or scenic amenity management area B minimises impacts on the visual amenity of the setting and: <ol style="list-style-type: none"> (a) is not visually prominent against the natural skyline when viewed from a public coastal viewer place; (b) is not visually prominent against the surrounding vegetation or other natural landscape; (c) incorporates articulation in the design of buildings to create shadows and interest in roof forms and external walls; (d) incorporates vegetation to visually screen buildings, structures, earthworks and access routes; (e) does not result in: <ol style="list-style-type: none"> (i) scarring by exposed earthwork; or (ii) canopy removal on hilltops, prominent headlands, ridges and hillslopes; or (iii) modification of the natural environment which dominates the landscape; and (f) is finished with subdued and non-reflective colours; and (g) buildings include overhangs, articulated roof and building forms. 	AO1.1 If located in a residential category zone and the lot has an area equal to or greater than 1,500 square metres, site cover does not exceed thirty (30) per cent.	AO1.1 - Not applicable The subject site is not located in a residential category zone.
	AO1.2 Buildings and structures have a height that does not exceed 8.5 metres above ground level.	AO1.2 - Complies The maximum building height of the proposed Short-term accommodation is 5.2 metres. A maximum building height for the proposed Dwelling house will be conditioned accordingly, as per the recommendation.
	AO1.3 Roof lines are broken up and no single roof plane is longer than ten (10) metres.	AO1.3 - Complies The proposed Short-term accommodation building does not contain a roof plane longer than ten (10) metres. The Dwelling house will be conditioned to provide appropriate built form, as per the recommendation.
	AO1.4 Any retaining walls having a height exceeding 1.5 metres are not visible when viewed from a location external to the site.	AO1.4 - Not applicable No retaining walls are proposed as part of the application.
	AO1.5 Buildings do not include a wall in a single plane greater than ten (10) metres unless punctuated with: <ol style="list-style-type: none"> (a) at least one window with a shading device; or (b) a recessed section of wall at least two (2) square meters in area; or (c) a balcony or deck; or (d) contrasting texture of cladding 	AO1.5 - Complies The maximum building height of the proposed Short-term accommodation does not include an unarticulated wall in a single plane greater than ten (10) metres. The Dwelling house will be conditioned to provide appropriate built form, as per the recommendation.

Performance outcomes	Acceptable outcomes	Assessment response
	material.	
	AO1.6 External wall and roof finishes have the same tonal value as the surrounding vegetation and do not include: (a) highly reflective surfaces; and (b) bright or high contrast colours including whites, yellows and reds.	AO1.6 - Complies The proposed Short-term accommodation building does not include highly reflective surfaces or bright or high contrast colours. The Dwelling house will be conditioned to provide appropriate tonal values, as per the recommendation.
	AO1.7 Buildings and structures located on ridge tops and skylines are separated by dense vegetation at least twenty (20) metres wide and five (5) metres high.	AO1.7 - Complies The building location envelope is located on a ridge top. Rehabilitation planting around the development site will be appropriately conditioned, as per the recommendation.
	AO1.8 Fences, entry structures, retaining walls and elevated swimming pools visible from coastal viewer places are either: (a) painted in muted colours to blend with the natural landscape; or (b) softened by vegetation so that straight lines and hard edges are not visible.	AO1.8 - Not applicable No fences, entry structures, retaining walls or elevated swimming pools are proposed as part of the application.
	AO1.9 Damage or clearing of vegetation is limited to the building footprint area plus five (5) metres.	AO1.9 – Justified to comply The entirety of the building location envelope has been cleared of vegetation. Rehabilitation planting around the development site will be appropriately conditioned, as per the recommendation. Despite the clearing undertaken the site context, retention of significant mature vegetation and the re-planting conditions, the development does not compromise the scenic amenity values of the area.

As evident from the above assessment, the proposal complies with the various requirements of the Scenic amenity overlay code. Suitable justification has been provided where there is deviation from the code and the development is still able to meet the overall outcomes.

Accommodation activities code

The purpose of the code is:

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

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

- (1) *the development of a use within the accommodation activities group:*

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

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

Performance outcomes	Acceptable outcomes	Assessment response
If short-term accommodation		
PO60 The short-term accommodation is located at a highly accessible site which: <ul style="list-style-type: none"> (a) is convenient for people residing at the premises; and (b) is: <ul style="list-style-type: none"> (i) within or in proximity to a high order centre of activity which contains shops, food and drink outlets, community activities, and entertainment activities; or (ii) is in proximity to a major visitor or tourist destination; or (iii) if a farm stay, is on the same site as a bona-fide rural activity operating on the site; and (c) is in proximity to public transport facilities, high order transport routes, and transport routes normally used by visitors and tourists; and (d) can minimise adverse impacts on local amenity and the local transport network. 	AO60.1 Short-term accommodation (other than a farm stay) is located at a site: <ul style="list-style-type: none"> (a) within a major centre zone, district centre zone, or the local centre zone of Emu Park; or (b) within: <ul style="list-style-type: none"> (i) four-hundred (400) metres of a major centre zone, district centre zone, or the local centre zone of Emu Park; and (ii) within one-hundred (100) metres of a collector road or higher order road in the road hierarchy; and (iii) within one-hundred (100) metres of a public transport stop; or (c) within the township zone and adjoining the highest order road of the township or a road identifiable as the main street of the township. AO60.2 Short-term accommodation for a farm stay is located at a site: <ul style="list-style-type: none"> (a) within the rural zone; and (b) which has a bona-fide rural activity operating on the site. 	PO60 - Does not comply The Short-term accommodation does not comply with all of the requirements of PO60, however, will achieve the overall outcomes of the code, as it is considered the development is suitably located in relation to the characteristics of the type of accommodation being provided, provides for the living space, recreation space, privacy and amenity needs of residents; and protects the character and amenity of the streetscape and surrounding area. These outcomes are able to be achieved as the development is very minor in scale, comprising of a single dwelling providing only two guest bedrooms, which is relative in scale to the surrounding rural locality. The development is intended to operate as an Airbnb style short-term accommodation, offering an alternative accommodation type in the hinterland/rural locality of the Shire. Due to the location of the site, it is anticipated that guests booking such accommodation would be utilising private transport to arrive at the property and to travel around the region during their stay. The site is located within proximity to a number of tourist destinations, including Cooberie Park Wildlife Sanctuary approximately three (3) kilometres to the south, thirteen (13) kilometres from the Yepoon town centre, twenty (20) kilometres from Byfield National Park and twenty-five (25) kilometres from Stony Creek. Due to the minor nature of the proposal, the development will not cause any adverse impacts on local amenity of the transport network.
PO61 The short-term accommodation is designed and developed:	No acceptable outcome is nominated.	PO61 - Complies The proposed Short-term accommodation, comprising of a

Performance outcomes	Acceptable outcomes	Assessment response
<ul style="list-style-type: none"> (a) at appropriate scale and density relative to the zone of the site and surrounding land use; (b) to ensure there is appropriate living space for guests; (c) to ensure the safety of guests; and (d) to ensure there is a high level of amenity and privacy for guests of the short-term accommodation and for residents on adjoining premises. 		single dwelling, is minor in nature providing only two guest bedrooms. The scale is relative to the Rural zone and surrounding land uses. The dwelling is fully self-contained and will ensure appropriate living space for guests. The minor nature of the development will ensure a high level of amenity and privacy for guests.
<p>PO62</p> <p>The development of short-term accommodation being for a farm stay:</p> <ul style="list-style-type: none"> (a) is appropriately integrated with the primary use of the site for rural activities and any existing dwelling house; (b) is sited in a manner that will not compromise the current or future use of potential productive rural land on the site or on adjoining rural land; (c) is sited to protect the health and safety of residents of the from any potential adverse impacts from sources of emissions or hazard; and (d) has suitable access to the local road network. 	<p>AO62.1</p> <p>The development of short term accommodation being for a farm stay is situated in an area of site that complies with the minimum separation distances specified in tables SC4.1.1, SC4.1.2, SC4.1.3, and SC4.1.4, located in Schedule 4 of the planning scheme for uses undertaken on adjoining lots.</p> <p>AO62.2</p> <p>The development of short term accommodation being for a farm stay is sited within one-hundred (100) metres of the existing primary dwelling house.</p> <p>AO62.3</p> <p>The development of short term accommodation being for a farm stay is connected to internal all-weather access roads suitable for use by two-wheel drive vehicles at all times.</p>	<p>AO62.1 - Not applicable</p> <p>The proposal is not for a farm stay.</p>
<p>PO63</p> <p>The development contains a clearly signed on-site office or reception area for management of the short-term accommodation, and the office or reception area is sited in a highly accessible manner in proximity to the entry of the premises.</p>	No acceptable outcome is nominated.	<p>PO63 - Not applicable</p> <p>The proposal does not include an on-site office or reception area for management of the short-term accommodation, as it is not considered to be required due to the small scale the use.</p>
<p>PO64</p> <p>The development is provided with sufficient living and amenities facilities relative to the needs of the residents of the short-term accommodation provided.</p>	<p>AO64.1</p> <p>The short-term accommodation has dwellings or rooms that:</p> <ul style="list-style-type: none"> (a) are fully self-contained; or (b) are partially self-contained; or (c) have access to communal cooking facilities and amenities facilities which: <ul style="list-style-type: none"> (i) are equipped with ablution, toilet, laundry and clothes drying facilities; (ii) are of a size and number sufficient for the potential number of residents staying in non-fully-self- 	<p>AO64.1 - Complies</p> <p>The proposed Short-term accommodation is fully self-contained.</p>

Performance outcomes	Acceptable outcomes	Assessment response
	contained dwelling or rooms at full occupancy; and (iii) are designed and sited for the convenience of residents.	
PO65 Any communal cooking, eating, recreation or entertainment space provided as part of the development is small-scale and ancillary to the use of the premises for short-term accommodation purposes and they service the needs of guests residing at the short-term accommodation.	No acceptable outcome is nominated.	PO65 - Not applicable There are no communal cooking, eating, recreation or entertainment spaces provided as part of the development
PO66 Any communal cooking, eating, recreation or entertainment space provided as part of the development is designed and sited so as to minimise potential noise impacts on neighbouring premises.	No acceptable outcome is nominated.	PO66 - Not applicable There are no communal cooking, eating, recreation or entertainment spaces provided as part of the development

As evident from the above assessment, the proposal complies with the various requirements of the Accommodation activities code, excluding PO60. Suitable justification has been provided where necessary to support the overall outcomes of the code.

General development code

The purpose of the general development code is to:

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

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

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

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

Performance outcomes	Acceptable outcomes	Assessment response
Flood resilience		
PO1 The development is resilient to the	AO1.1 The development is resilient to the	PO1 - Not applicable The site is not identified as being

Performance outcomes	Acceptable outcomes	Assessment response								
adverse impacts of flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	adverse impacts of a flood by locating the floor level of all building rooms used for habitation or work a minimum of 300 millimetres above the level of a flood event of at least the annual exceedance probability specified in Table SC5.1.1 located in Schedule 5 of the planning scheme.	within a Flood hazard area.								
Location, design, siting, operation										
<p>PO2</p> <p>The development is located at a site that is able to accommodate all the buildings, facilities, and operational needs of the use without increasing the likelihood of land use conflict by:</p> <p>(a) adversely affecting the amenity of adjoining land use and the surrounding area;</p> <p>(b) adversely affecting the safety, health and wellbeing of occupants of sensitive land use;</p> <p>(c) adversely affecting the operations of adjoining land use;</p> <p>(d) reducing the potential to use adjoining land for its intended purpose; and</p> <p>(e) adversely affecting the safe and effective provision of services to the development.</p>	<p>AO2.1</p> <p>The development is located at a site that does not conflict with the minimum separation distances specified in tables SC4.1.1, SC4.1.2, SC4.1.3, and SC4.1.4, located in Schedule 4 of the planning scheme.</p>	<p>PO2 - Complies</p> <p>The property located on the opposite side of the road from the subject site contains cropping.</p> <p>The proposed building location envelope is located approximately 350 metres from any cropping, and therefore complies with the minimum separation distances specified in tables SC4.1.1, SC4.1.2. Tables SC4.1.3 and SC4.1.4 are not applicable to this application.</p>								
<p>PO3</p> <p>Development maintains a high level of amenity for adjoining sensitive land use with regard to the generation of unreasonable noise.</p>	<p>AO3.1</p> <p>Where located within a residential category zone, rural residential zone, or township zone, development does not exceed noise generation levels at the property boundary, interpreted under the provisions of the current version of the <i>Environmental Protection (Noise) Policy</i> as unreasonable, or the following whichever is the lesser:</p> <table><tr><td>Period</td><td>Noise level at property boundary</td></tr><tr><td>0700 to 2000</td><td>Background noise level plus 5 dB(A)</td></tr><tr><td>2000 to 0700</td><td>Background noise level plus 3 dB(A)</td></tr><tr><td colspan="2">Measured as the adjusted maximum sound pressure level Lmax adj T.</td></tr></table>	Period	Noise level at property boundary	0700 to 2000	Background noise level plus 5 dB(A)	2000 to 0700	Background noise level plus 3 dB(A)	Measured as the adjusted maximum sound pressure level Lmax adj T.		<p>PO3 - Not applicable</p> <p>The site is not located within a residential category zone, rural residential zone or township zone.</p>
Period	Noise level at property boundary									
0700 to 2000	Background noise level plus 5 dB(A)									
2000 to 0700	Background noise level plus 3 dB(A)									
Measured as the adjusted maximum sound pressure level Lmax adj T.										
<p>PO4</p> <p>Outdoor lighting maintains the amenity of any adjoining residential zoned premises and does not</p>	<p>AO4.1</p> <p>Outdoor lighting is designed, installed and maintained in accordance with the parameters</p>	<p>PO4 - Complies</p> <p>Lighting complying with the current version of the <i>Australian Standard AS4282 — Control of the obtrusive</i></p>								

Performance outcomes	Acceptable outcomes	Assessment response
adversely impact the safety for vehicles or pedestrians on the adjoining streets as a result of light emissions, either directly or by reflection.	and requirements of the current version of the Australian Standard AS4282 — Control of the obtrusive effects of outdoor lighting.	<i>effects of outdoor lighting</i> will be conditioned, as per the recommendation.
PO5 A refuse container and container storage area is provided in a manner that: (a) maintains the amenity of the surrounding area; (b) is of adequate size to accommodate the expected amount of refuse to be generated by the use; (c) is in a position that is conveniently accessible for collection; and (d) is able to be kept in a clean state at all times.	AO5.1 The development of a use within the accommodation activities group is provided with a refuse container and container storage area that: (a) is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.5 metres; (b) is large enough to accommodate at least one (1) standard issue sized rubbish bin per dwelling.	AO5.1 - Complies The site is not serviced by Council waste collection. There is sufficient area on the site to provide adequate storage of refuse containers.
	AO5.2 The development of a use (other than an use within the accommodation activities group), is provided with a refuse container and container storage area that: (a) is screened from view from a public place by a solid screen fence, wall or dense vegetation having a minimum height of 1.8 metres; (b) has an imperviously sealed pad, on which to stand the bin(s), and which is drained to an approved waste disposal system; (c) is within proximity to a hose cock; (d) is large enough to accommodate at one (1) or more industrial bins of a size appropriate to the nature and scale of use; and (e) is not located within three (3) metres of the common property boundary where adjoining a lot within a residential category zone or township zone.	AO5.2 - Not applicable The proposal is for a use within the accommodation activities group.
Community safety		
PO6 Personal safety and property security are optimised through the design of buildings and spaces incorporating the following: (a) means of easily identifying the premises; (b) appropriate night lighting; (c) suitably designed and located building entry and exit points; (d) opportunities for surveillance; (e) appropriate plant species for	AO6.1 The development contains: (a) appropriately designed and sited numbering which clearly identifies the street address and any individual tenancies or dwelling units at the premises; and (b) appropriately designed and sited signage for way finding and premises identification.	AO6.1 - Complies The site is easily identifiable from the street.
	AO6.2 The development contains lighting	AO6.2 - Not applicable The development site is not a

Performance outcomes	Acceptable outcomes	Assessment response
landscaping; (f) clear definition of boundaries between private and public spaces; and (g) any best practice for crime prevention through environmental design.	that is designed and installed in any public places and community places in accordance with Australian Standard AS1158: Public Lighting Code. AO6.3 Other than for controlled and well lit emergency exits, the development has clearly identifiable and well lit entry and exit points which: (a) front a road, public place, or communal place; or (b) are in clear unobstructed view of a road, public place, or communal place; or (c) front a well-defined, unobstructed and appropriately lit pathway which connects to a road, public place, or communal place.	public place or community place. AO6.3 - Not applicable The development does not front a road, public place, or communal place.
	AO6.4 Building entrances facing onto roads, public places or communal places: (a) do not incorporate recesses of sufficient size to conceal a person; or (b) where the recess is of sufficient size to conceal a person it: (i) is well lit; and (ii) is: (A) gated with restricted access; or (B) has strategically placed mirrors.	AO6.4 - Not applicable The proposal does not include any building entrances facing onto roads, public places or communal places
	AO6.5 Any movement corridor (walkways, laneways, pathways, tunnels, stairways, cycleways and the like) within a site or between sites do not exceed two-hundred (200) metres in length.	AO6.5 - Not applicable The proposal does not include any movement corridors.
	AO6.6 Any movement corridor (walkways, laneways, pathways, tunnels, stairways, cycleways and the like) having blind corners involving a change in direction of seventy-five (75) degrees or more are provided with design elements that maximise the ability to sense the presence of danger around the corner such as one of or a combination of the following: (a) a mirror to allow viewing around the blind corner; or (b) use of permeable material for the building or structure at the blind corner; or (c) reduction of the height of the	AO6.6 - Not applicable The proposal does not include any movement corridors.

Performance outcomes	Acceptable outcomes	Assessment response
	<p>building or structure at the blind corner to a height allowing for an unobstructed view; or</p> <p>(d) inclusion of a barrier extending out from the blind corridor with the barrier being permeable or having a height allowing for an unobstructed view; or</p> <p>(e) use of night lighting fixed at locations which can cast shadow of persons or objects into view; or</p> <p>(f) other effective design elements.</p>	
	<p>AO6.7</p> <p>For vehicle parking areas, the planting of vegetation involves species that have clear trunks up to a height of two (2) metres or that have low ground covers less than one (1) metre in height.</p>	<p>AO6.7 - Not applicable</p> <p>The Short-term accommodation proposal is required to provide one (1) covered car park, therefore it is not considered appropriate to require vegetating the parking area.</p>
	<p>AO6.8</p> <p>The development has clearly defined boundaries between private and public space by use of one or more of the following elements:</p> <p>(a) fencing; or</p> <p>(b) changes in surface finishes; or</p> <p>landscape treatments.</p>	<p>AO6.8 - Not applicable</p> <p>The development is not within proximity to a public space.</p>
Location, design, siting, operation		
<p>PO7</p> <p>The safety, efficiency, effectiveness and operation of the transport network servicing the site and surrounding area or any identified future components of the transport network, are not compromised by the development.</p>	<p>AO7.1</p> <p>Non-residential development, which commonly generates greater than ten (10) vehicle trips per day, does not have direct access to a road that is classified in the road hierarchy as a local residential access street or a residential access place.</p>	<p>AO7.1 - Complies</p> <p>The proposal, being for Short-term accommodation and a Dwelling house is not anticipated to generate more than ten (10) vehicle trips per day, and does not have direct access to a road that is classified in the road hierarchy as a local residential access street or a residential access place.</p>
	<p>AO7.2</p> <p>A traffic impact assessment report is prepared by an engineer who qualifies as a registered professional engineer of Queensland and the traffic impact assessment report satisfies Council that the safety, efficiency, effectiveness and operation of components of the transport network servicing the site and surrounding area or any identified strategic future components of the transport network, are not compromised by the development.</p>	<p>AO7.2 - Does not comply</p> <p>PO7 - Complies</p> <p>A traffic impact assessment report has not been provided as part of the application, however the proposal, being for Short-term accommodation and a Dwelling house is not anticipated to compromise the safety, efficiency, effectiveness and operation of the transport network servicing the site and surrounding area or any identified future components of the transport network, due to the relatively minor scale of the development.</p>
<p>PO8</p> <p>Development that generates use by a high quantity of people or frequent use by people is located</p>	<p>No acceptable outcome is nominated.</p>	<p>PO8 - Not applicable</p> <p>The proposal, being for Short-term accommodation and a Dwelling house, is not anticipated to</p>

Performance outcomes	Acceptable outcomes	Assessment response
<p>at a highly accessible premises:</p> <p>(a) which is convenient for people needing to use the premises; and</p> <p>(b) which:</p> <p>(i) contains public transport facilities, or</p> <p>(ii) is in proximity to current or future public transport facilities; or</p> <p>(iii) is in proximity to current or future high order transport routes; and</p> <p>(c) which provides for the efficient travel of emergency vehicles; and</p> <p>(d) which can minimise adverse impacts on local amenity.</p>		<p>generate use by a high quantity of people or frequent use by people.</p>
<p>PO9</p> <p>Development that requires frequent use of heavy haulage vehicles, bulk freight of goods, or the transportation of dangerous or hazardous goods, liquids, materials and the like, is located at premises able to effectively utilise major transport facilities and routes, and other high order components of the transport network.</p>	No acceptable outcome is nominated.	<p>PO9 - Not applicable</p> <p>The development does not require frequent use of heavy haulage vehicles, bulk freight of goods, or the transportation of dangerous or hazardous goods, liquids, materials.</p>
<p>PO10</p> <p>Development occurs on sites that are safe from contaminants that may cause harm to people or property.</p>	No acceptable outcome is nominated.	<p>PO10 - Not applicable</p> <p>A contaminated land search has not been completed, however there is no evidence to suggest that land use activities that would warrant the subject site being included on the contaminated land register have ever occurred.</p>
<p>PO11</p> <p>The development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds including but not limited to the following:</p> <p>(a) large tracts of established native vegetation; or</p> <p>(b) inland and coastal waterways and wetlands; or</p> <p>(c) riparian vegetation; or</p> <p>(d) biodiversity corridors; or</p> <p>(e) visually prominent mainland and island mountains, hills, ridges, headlands, dunes, beaches; or</p> <p>(f) important urban green break areas; or</p> <p>(g) cultural heritage features.</p>	No acceptable outcome is nominated.	<p>PO11 - Justified to comply</p> <p>The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Significant clearing has been undertaken on the subject site within the building location envelope. The site will be required to be rehabilitated to a state as near as is practicable to its natural state, using naturally occurring local native plant species. Relevant Operational Works permits and a Rehabilitation Plan will be conditioned as part of the recommendation.</p>

As evident from the above assessment, the proposal complies with the various requirements of the General development code. Suitable justification has been provided where there is deviation from the code and the development is still able to meet the overall outcomes.

Development Works Code

The purpose of the development works code is:

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

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

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

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

Performance outcomes	Acceptable outcomes	Assessment response
Access and parking		
PO1 The development is provided with an on-site parking and movement system designed and constructed to: <ol style="list-style-type: none"> (a) be integrated with the site layout including: <ol style="list-style-type: none"> (i) direct access to a road providing an appropriate level of service required to accommodate traffic generated by the use; (ii) having appropriately designed footpath crossovers; (iii) provision for safe pedestrian movement between public footpath and facility entry points; 	AO1.1 The development is provided with sufficient on-site vehicle parking and queuing space in accordance with the standards relevant to the use in compliance with Table 9.3.2.4.3. AO1.2 For development other than a use listed in the table below, an engineer who qualifies as a registered professional engineer of Queensland certifies that all vehicles likely to use the site are able to enter and leave the site in a forward gear, and that the on-site vehicle parking spaces, pick-up areas, loading and unloading areas, queuing areas, circulation and	PO1 - Complies The development site is of a sufficient size to be able to provide an appropriately designed and constructed on-site parking and movement system.

Performance outcomes	Acceptable outcomes	Assessment response																				
<p>(b) accommodate sufficient manoeuvring room for the safe entry and exit of all modes of transport generated by the use (including refuse collection vehicles, trucks, buses and the like as relevant to the development);</p> <p>(c) accommodate sufficient parking for the expected number and type of vehicles generated by the use;</p> <p>(d) facilitate non-discriminatory accessibility;</p> <p>(e) provide for safe and efficient loading and unloading of goods;</p> <p>(f) allow for vehicle queuing necessary for the use;</p> <p>(g) provide for passenger set down and pick up necessary for the use (including public transport needs);</p> <p>(h) facilitate public access to the foreshore and public open space networks;</p> <p>(i) provide a safe environment;</p> <p>(j) be compatible with the character and amenity of the area; and</p> <p>(k) make a positive aesthetic contribution to the streetscape character of the setting, particularly if involving multi-level parking.</p>	<p>manoeuvring areas for the development are designed and constructed in accordance with the most up to date version of the Australian Standards as relevant to the development, including but not limited to the following:</p> <p>(a) <i>Australian Standard AS2890.1-1993: Parking Facilities –Off-street Car parking</i>;</p> <p>(b) <i>Australian Standard AS1428.1-2001: Design for access and mobility – General requirements for access – New building work</i>;</p> <p>(c) <i>Australian Standard AS2890.2-1993: Off-street parking – Commercial vehicle facilities</i>.</p> <table><tr><td>Accommodation activities</td></tr><tr><td>Caretaker's accommodation</td></tr><tr><td>Community residence</td></tr><tr><td>Dual occupancy</td></tr><tr><td>Dwelling house</td></tr><tr><td>Dwelling unit</td></tr><tr><td>Home based business</td></tr><tr><td>Recreation activities</td></tr><tr><td>Environment facility</td></tr><tr><td>Park</td></tr><tr><td>Rural activities</td></tr><tr><td>Animal husbandry</td></tr><tr><td>Cropping</td></tr><tr><td>Permanent plantation</td></tr><tr><td>Roadside stall</td></tr><tr><td>Special activities</td></tr><tr><td>Landing</td></tr><tr><td>Major electricity infrastructure</td></tr><tr><td>Substation</td></tr><tr><td>Telecommunications facility</td></tr></table>	Accommodation activities	Caretaker's accommodation	Community residence	Dual occupancy	Dwelling house	Dwelling unit	Home based business	Recreation activities	Environment facility	Park	Rural activities	Animal husbandry	Cropping	Permanent plantation	Roadside stall	Special activities	Landing	Major electricity infrastructure	Substation	Telecommunications facility	
Accommodation activities																						
Caretaker's accommodation																						
Community residence																						
Dual occupancy																						
Dwelling house																						
Dwelling unit																						
Home based business																						
Recreation activities																						
Environment facility																						
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Animal husbandry																						
Cropping																						
Permanent plantation																						
Roadside stall																						
Special activities																						
Landing																						
Major electricity infrastructure																						
Substation																						
Telecommunications facility																						
	<p>AO1.3</p> <p>A solid, good quality brick, timber or masonry screen fence having a minimum height of 1.8 metres is provided between the car parking area of development (other than a use within the accommodation activities group being for long-term accommodation) where adjoining a sensitive land use located within the residential category zone or the township zone.</p>																					
<p>PO2</p> <p>Access driveways are designed and sited:</p> <p>(a) to minimise disruption to public infrastructure;</p> <p>(b) to operate safely and efficiently</p>	<p>AO2.1</p> <p>The access driveway of the development does not require the modification, relocation or removal of any street tree or public infrastructure including a fire hydrant, water meter, street sign,</p>	<p>AO2.1 - Complies</p> <p>The access driveway does not require the modification, relocation or removal of any street tree or public infrastructure including a fire hydrant, water meter, street sign, manhole, stormwater gully pit or</p>																				

Performance outcomes	Acceptable outcomes	Assessment response
taking into account the volume, frequency and type of vehicle traffic expected to be generated by the development; (c) to operate safely and efficiently taking into account the function of the adjoining road; and (d) to minimise impacts on the safety, efficiency, or function of the road network.	manhole, stormwater gully pit or other Council asset. AO2.2 The access driveway of the development is not constructed over an access point to infrastructure under the control of a regulatory authority, including storm water pits, water meters, water hydrants and telephone pits. AO2.3 The access driveway of the development does not enter the road carriageway at the location of an existing traffic island, speed control device, car parking bay, pedestrian crossing, bus stop or other infrastructure within the road carriageway.	other Council asset. AO2.2 - Complies The access driveway of the development is not constructed over an access point to infrastructure under the control of a regulatory authority, including storm water pits, water meters, water hydrants and telephone pits. AO2.3 - Complies The access driveway of the development does not enter the road carriageway at the location of an existing traffic island, speed control device, car parking bay, pedestrian crossing, bus stop or other infrastructure within the road carriageway.
	AO2.4 The access driveway of the development is not located within: (a) two (2) metres of any adjoining property access driveway (excluding shared property accesses at the property line); and (b) one (1) metre of any public infrastructure such as a street sign, power pole, street light, manhole, stormwater gully pit or other Council asset; (c) the closest half of the road frontage to a road intersection for any corner lot.	AO2.4 - Complies The access driveway of the development is not located within: (a) two (2) metres of any adjoining property access driveway; and (b) one (1) metre of any public infrastructure such as a street sign, power pole, street light, manhole, stormwater gully pit or other Council asset; (c) the closest half of the road frontage to a road intersection.
	AO2.5 The access driveway of the development is designed and constructed in accordance with the Capricorn Municipal Development Guidelines Standard Drawing relevant to the development including but not limited to the following: (a) <i>Standard Drawing CMDG-R-040 Rural Road Access and Property Access over Table Drains;</i> (b) <i>Standard Drawing CMDG-R-041 Residential Driveway Slab and Tracks;</i> (c) <i>Standard Drawing CMDG-R-042 Commercial Driveway Slab (Type A) Two Way Access;</i> (d) <i>Standard Drawing CMDG-R-043 Commercial Driveway Slab (Type B) Two Way Access.</i>	AO2.5 - Complies The access driveway of the development will be appropriately conditioned to be designed and constructed in accordance with the relevant Capricorn Municipal Development Guidelines Standard Drawing.
	AO2.6 Where adjoining a state-controlled road or Key Resource Area	AO2.6 - Complies The site does not adjoin a state-controlled road or Key Resource

Performance outcomes	Acceptable outcomes	Assessment response
	<p>transport route, the development provides:</p> <ul style="list-style-type: none"> (a) a single site access driveway; (b) the access driveway to the lowest order road to which the site has frontage; (c) an access driveway which enables vehicles to enter and exit the site in a forward direction. 	Area transport route.
Clearing of native vegetation		
<p>PO6</p> <p>Clearing does not result in any significant adverse impacts on the following:</p> <ul style="list-style-type: none"> (a) scenic landscape values; or (b) values associated with large tracts of native vegetation which serve as habitat or viable biodiversity corridors; or (c) the quality of land and water resources (including underground water). 	<p>AO6.1</p> <p>If the development involves clearing of native vegetation which is not identified on an overlay map as a biodiversity matter of local environmental significance or matter of state environmental significance, the clearing does not result in damage, removal or destruction of the native vegetation, unless the clearing satisfies the following circumstances:</p> <ul style="list-style-type: none"> (a) the clearing is for a purpose, vegetation type and circumstance that is identified under the <i>Vegetation Management Act 1999</i> as exempt; or (b) the clearing is for the purpose of: <ul style="list-style-type: none"> (i) lawful development for forestry; or (ii) managing declared weeds; or (iii) establishing or maintaining a necessary firebreak to protect sensitive land use and infrastructure (other than fences, roads and tracks) to a maximum width of twenty (20) metres or 1.5 times the height of the tallest adjacent tree, whichever is the greater; or (iv) maintaining existing infrastructure, including buildings, fences, roads and watering points; or (v) a necessary fire management line to a maximum width of ten (10) metres; or (vi) establishing a necessary road or vehicular track to a maximum width of ten (10) metres; or (vii) landscape gardening purposes; (viii) clearing of plants or plant material that has been 	<p>PO6 - Justified to comply</p> <p>The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Significant clearing has been undertaken on the subject site within the building location envelope. The site will be required to be rehabilitated to a state as near as is practicable to its natural state, using naturally occurring local native plant species. Relevant Operational Works permits and a Rehabilitation Plan will be conditioned as part of the recommendation.</p>

Performance outcomes	Acceptable outcomes	Assessment response								
	<p>planted for a 'cropping' use; or</p> <p>(c) the clearing is within a building location envelope or outside an environmental covenant area, which forms part of a prior approved development permit for material change of premises or a development permit for a reconfiguration of a lot.</p>									
	<p>AO6.2</p> <p>If the development involves clearing of native vegetation the clearing does not result in damage, removal or destruction of native vegetation located above the fifty (50) metres Australian Height Datum contour level, unless the clearing is for a purpose specified in AO6.1.</p>									
	<p>AO6.3</p> <p>If the development involves clearing of native vegetation the clearing does not result in damage, removal or destruction of native vegetation located within a biodiversity corridor identified in the planning scheme, unless the clearing is for a purpose specified in AO6.1.</p>									
	<p>AO6.4</p> <p>If the development involves clearing of native vegetation the clearing does not result in damage, removal or destruction of any native vegetation located on land within the buffer distances from a waterway or wetland identified in the following table, unless the clearing is for a purpose specified in AO6.1:</p> <table><tr><th>Location</th><th>Buffer distance</th></tr><tr><td>Top of the bank of a waterway classified as stream order one or stream order two</td><td>10 metres</td></tr><tr><td>Top of the bank of a waterway classified as stream order three or stream order four</td><td>25 metres</td></tr><tr><td>Top of the bank of a waterway classified as stream order five or higher order</td><td>50 metres</td></tr></table>		Location	Buffer distance	Top of the bank of a waterway classified as stream order one or stream order two	10 metres	Top of the bank of a waterway classified as stream order three or stream order four	25 metres	Top of the bank of a waterway classified as stream order five or higher order	50 metres
Location	Buffer distance									
Top of the bank of a waterway classified as stream order one or stream order two	10 metres									
Top of the bank of a waterway classified as stream order three or stream order four	25 metres									
Top of the bank of a waterway classified as stream order five or higher order	50 metres									

Performance outcomes		Acceptable outcomes		Assessment response
		Wetland	100 metres	
PO7 Clearing does not result in land degradation due to soil erosion.	AO7.1 If the development involves clearing of native vegetation which is likely to result in the removal of ground cover and the exposure of soil to weather, clearing only occurs if it is undertaken in accordance with an erosion and sediment control plan which has been prepared and endorsed by a suitably qualified person, and the plan ensures that erosion and sediment control measures are implemented in accordance with best practice.			PO7 - Complies Significant earthwork has been undertaken on the subject site in order to create the building pad and a supporting Slope Stability Assessment Report has been prepared with appropriate recommendations for management of soil erosion.
Earthwork				
PO8 Earthwork is undertaken in a manner that achieves the following: (a) stable and safe development sites; (b) no worsening of stormwater flows to or from adjoining land; (c) best practice erosion and sediment control so as to minimise adverse impacts on adjoining property and the natural environment; and (d) no unsightly scarring of the landscape.	AO8.1 The development does not require earthwork that result in batter slopes which exceed twenty-five (25) per cent.			PO8 - Complies Significant earthwork has been undertaken on the subject site in order to create the building pad and a supporting Slope Stability Assessment Report has been prepared with appropriate recommendations slope stability, erosion and sediment control on hillsides and stormwater management. Further conditions in the recommendation require rehabilitation planting to reduce the scarring caused by earthworks.
	AO8.2 If the development involves a retaining wall having a height exceeding one (1) metre, the retaining wall is certified by an engineer who qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and that it is structurally stable and safe.			
	AO8.3 If the development involves a retaining wall, sub-soil drainage is installed behind all retaining walls to maximise stability and to help prevent excess run-off onto neighbouring properties.			
	AO8.4 The development: (a) does not require earthwork that results in the interference with or redirection of a natural drainage line; or (b) if it does require the redirection of a natural drainage line, ensures that surface water is conveyed to the kerb and channel or an approved inter-allotment drainage system.			
	AO8.5 If the development involves earthwork for the purpose of constructing a dam or detention basin and it involves a retaining wall having a height exceeding one (1) metre or results in batter slopes which exceed twenty-five (25) per cent, the design and construction of the dam or detention basin is certified by an engineer who			

Performance outcomes	Acceptable outcomes	Assessment response
	qualifies as a registered professional engineer of Queensland as having been designed and constructed in accordance with best practice and that it is structurally stable and safe.	
	AO8.6 If the development involves earthwork, the earthwork occurs in accordance with an erosion and sediment control plan which has been prepared and endorsed by a suitably qualified person and the plan ensures that erosion and sediment control measures are implemented in accordance with best practice.	
	AO8.7 If the development requires earthwork resulting in the need for a retaining wall having a height exceeding two (2) metres or for terraced retaining walls having a combined height exceeding two (2) metres, the following are complied with: <ul style="list-style-type: none"> (a) the retaining wall or terraced retaining walls are located behind buildings and are not visible from the road frontage property boundary; or (b) the bulk of the single retaining wall or terraced retaining walls is broken up by the planting of vegetation (trees or shrubs) capable of screening at least fifty (50) per centum of the face of the walls as viewed from the road frontage boundary, in front of the wall at base level and within in each tier of the terrace. 	
Energy supply		
PO9 An energy supply is provided in a manner which: <ul style="list-style-type: none"> (a) is safe; and (b) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location; and (c) does not compromise other infrastructure. 	AO9.1 The development is provided with an energy supply in accordance with the requirements of Table 9.3.2.4.7.	AO9.1 - Complies The development will be conditioned to provide on-site energy, in accordance with the requirements of Table 9.3.2.4.7.
	AO9.2 If the development requires the provision of reticulated grid electricity supply in accordance with Table 9.3.2.4.7 or if the development is to be provided with a reticulated grid electricity supply, the reticulated grid electricity supply infrastructure is provided in accordance with the requirements of the relevant energy supply authority.	AO9.2 - Not applicable The development does not require the provision of reticulated grid electricity supply
	AO9.3 If the development requires an on-site energy supply in accordance	AO9.3 - Complies The development will be conditioned to provide on-site

Performance outcomes	Acceptable outcomes	Assessment response
	with Table 9.3.2.4.7 (and the development is not to be provided with a reticulated energy supply in accordance with AO9.2 above), the on-site energy supply is installed in accordance with all laws and regulations and current best practice.	energy, in accordance with the requirements of Table 9.3.2.4.7.
Sewage and waste water treatment and disposal		
PO10 The development is provided with sewage and wastewater treatment and disposal infrastructure which: <ul style="list-style-type: none"> (a) treats and disposes all generated sewage and waste water in a manner that protects public health and avoids environmental harm; (b) where practicable, is integrated with the existing public sewerage networks; (c) where practicable, facilitates the orderly provision of future public sewerage networks; and (d) is designed and constructed to be safe, operationally reliable and easily maintained. 	AO10.1 The development is provided with sewage and waste water treatment and disposal infrastructure in accordance with the requirements of Table 9.3.2.4.6.	AO10.1 - Complies The development will be conditioned to provide sewage and waste water treatment and disposal infrastructure in accordance with the requirements of Table 9.3.2.4.6
	AO10.2 If the development requires the provision of reticulated sewerage in accordance with Table 9.3.2.4.6 or if the development is to be provided with reticulated sewerage, the reticulated sewerage is provided in accordance with the current version of the Capricorn Municipal Development Guidelines.	AO10.2 - Not applicable The development does not require the provision of reticulated sewerage
	AO10.3 If the development requires on-site sewerage infrastructure in accordance with Table 9.3.2.4.6 (and the development is not to be provided with reticulated sewerage in accordance with AO10.2 above), the on-site sewerage infrastructure is provided in accordance with the current version of the Queensland Plumbing and Wastewater Code.	AO10.3 - Complies On-site sewerage infrastructure will be conditioned as per the recommendation.
Roof and allotment drainage		
PO11 Roof and allotment drainage is able to be collected and discharged from the development in a manner that does not adversely affect the stability of buildings, structures, or land on the site or on adjoining land.	AO11.1 Roof and allotment drainage is conveyed to the kerb and channel or an inter-allotment drainage system in accordance with the most current version of the Australian Standard AS3500.3 (stormwater drainage).	PO11 – Complies Appropriate roof and allotment drainage will be conditioned, as per the recommendation.
Telecommunications		
PO12 The development is provided with telecommunications infrastructure or equipment which: <ul style="list-style-type: none"> (a) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location; (b) where practicable, is integrated with the existing public telecommunication networks; and (c) is designed and constructed to be safe, operationally reliable 	AO12.1 The development is provided with telecommunications infrastructure or equipment in accordance with the requirements of Table 9.3.2.4.7.	AO12.1 – Complies The development will be conditioned to provide telecommunications infrastructure or equipment in accordance with the requirements of Table 9.3.2.4.7.
	AO12.2 If the development requires the provision of reticulated telecommunications infrastructure in accordance with Table 9.3.2.4.7 or if the development is to be provided with a reticulated telecommunications infrastructure, the reticulated telecommunications	AO12.2 - Not applicable The development does not require the provision of reticulated telecommunications infrastructure.

Performance outcomes	Acceptable outcomes	Assessment response
and easily maintained.	infrastructure is provided in accordance with the requirements of the relevant telecommunications supply authority.	
	AO12.3 If the development requires on-site telecommunications equipment in accordance with Table 9.3.2.4.7, the telecommunications equipment is sufficient to enable contact in normal circumstances with the each of the following nearest emergency services: (a) ambulance station; (b) police station; (c) fire brigade; and (d) state emergency service facility.	AO12.3 - Complies On-site telecommunications equipment will be conditioned as per the recommendation.
Water supply		
PO13 The development is provided with water supply infrastructure which: (a) is sufficient to support the consumption and emergency needs of the development and the reasonable expectations for the development based on its location; (b) where practicable, is integrated with the existing public water supply networks; (c) where practicable, facilitates the orderly provision of future public water supply networks; and (d) is designed and constructed to be safe, operationally reliable and easily maintained.	AO13.1 The development is provided with a water supply in accordance with the requirements of Table 9.3.2.4.6.	AO13.1 - Complies The development will be conditioned to provide water supply in accordance with the requirements of Table 9.3.2.4.6.
	AO13.2 If the development requires the provision of reticulated municipal water supply in accordance with Table 9.3.2.4.6 or if the development is to be provided with a reticulated municipal water supply, the reticulated municipal water supply is provided in accordance with the current version of the Capricorn Municipal Development Guidelines.	AO13.2 - Not applicable The development does not require the provision of reticulated municipal water supply
	AO13.3 If the development requires an on-site water supply in accordance with Table 9.3.2.4.6 (and the development is not to be provided with a reticulated municipal water supply in accordance with AO13.2 above), the development is provided with an on-site water tank or multiple tanks for domestic water supply purposes, which have a minimum combined capacity of 50,000 litres.	AO13.3 - Complies On-site water supply will be conditioned as per the recommendation.
Roadwork		
PO16 All roadwork is designed and constructed in an economically cost-effective manner and ensures that the pedestrian, cycle and vehicle movement network: (a) is safe; (b) is efficient; (c) is orderly; and (d) does not significantly adversely	AO16.1 If the development involves roadwork, an engineer who qualifies as a registered professional engineer of Queensland certifies that all roadwork is designed and constructed in accordance with the Capricorn Municipal Development Guidelines.	PO16 - Not applicable No roadworks are proposed or required as part of this development.

Performance outcomes	Acceptable outcomes	Assessment response
affect amenity.		
Stormwater management		
<p>PO17</p> <p>The development:</p> <ul style="list-style-type: none"> (a) collects and discharges stormwater in a manner that does not adversely affect the stability of buildings, structures, infrastructure or land, located on the site or off the site; (b) has a stormwater management system that is designed and constructed to be safe, operationally reliable, and easily maintained; (c) ensures that the stormwater management system and site work does not adversely impact flooding or drainage characteristics of premises which are located up-slope, down-slope, or adjacent to the site; (d) ensures that the stormwater management system and site work does not result in ponding or retention of water in a manner that is likely to result in loss of amenity for sensitive land use, or result in adverse impacts on public health and safety; (e) where practicable, is integrated with existing public stormwater management networks and planned future stormwater management networks; and (f) does not compromise the ability of the stormwater management system for the catchment to ensure that stormwater causes minimal nuisance, danger, and damage to people, property, infrastructure and the environment due to the quantity of stormwater discharge. 	<p>AO17.1</p> <p>An engineer who qualifies as a registered professional engineer of Queensland certifies that the development has a stormwater management system which:</p> <ul style="list-style-type: none"> (a) collects and discharges stormwater to a lawful point of discharge; (b) is compatible with and does not compromise the stormwater management system for the catchment; and (c) is designed and constructed in accordance with the Capricorn Municipal Development Guidelines and any requirements of the stormwater management planning scheme policy contained in schedule 7.13 of the planning scheme. 	<p>PO17 - Complies</p> <p>Appropriate stormwater management will be conditioned, as per the recommendation.</p>
<p>PO18</p> <p>The development is planned, designed and constructed, and managed to avoid or minimise adverse impacts on environmental values associated with water quality in natural and developed catchments by achieving:</p> <ul style="list-style-type: none"> (a) identified stormwater quality design objectives for the location; or (b) current best practice environmental management. 	<p>AO18.1</p> <p>A site stormwater quality management plan has been prepared by a suitably qualified person and the plan:</p> <ul style="list-style-type: none"> (a) is consistent with any local area stormwater management planning; and (b) provides for achievable stormwater quality treatment measures which meet the construction phase design objectives identified in Table 9.3.2.4.8 and the post-construction phase design objectives identified in Table 	<p>AO18.1 - Complies</p> <p>Appropriate stormwater management will be conditioned, as per the recommendation.</p>

Performance outcomes	Acceptable outcomes	Assessment response
	<p>9.3.2.4.9, or current best practice environmental management, reflecting land use constraints, such as:</p> <ul style="list-style-type: none"> (i) erosive, dispersive, sodic and/or saline soil types; (ii) landscape features (including landform); (iii) acid sulfate soil and management of nutrient of concern; (iv) rainfall erosivity. 	
	<p>AO18.2</p> <p>An erosion and sediment control plan is prepared by a suitably qualified person, and the plan ensures that the release of sediment-laden stormwater:</p> <ul style="list-style-type: none"> (a) is avoided for the nominated design storm; and (b) is minimised when the nominated design storm is exceeded by addressing the construction phase design objectives for drainage control, erosion control, sediment control and water quality identified in Table 9.3.2.4.8. 	<p>AO18.2 - Complies</p> <p>An Erosion and Sediment Control Plan will be conditioned, as per the recommendation.</p>
	<p>AO18.3</p> <p>Erosion and sediment control practices (including any proprietary erosion and sediment control products) are designed, installed, constructed, operated, monitored and maintained in accordance with the erosion and sediment control plan required by AO18.2.</p>	<p>AO18.3 - Complies</p> <p>An Erosion and Sediment Control Plan will be conditioned, as per the recommendation.</p>
	<p>AO18.4</p> <p>Development incorporates stormwater flow control measures to achieve the design objectives identified in Table 9.3.2.4.8 and identified in Table 9.3.2.4.9, or current best practice environmental management, including management of frequent flows and peak flows.</p>	<p>AO18.4 - Complies</p> <p>Appropriate stormwater management will be conditioned, as per the recommendation.</p>
Waste water treatment and disposal (where discharging to a waterway or off-site)		
<p>PO19</p> <p>The development does not discharge wastewater to a waterway or off-site unless it is treated and discharged in a manner which:</p> <ul style="list-style-type: none"> (a) is in accordance with current best practice environmental management; (b) meets the water quality objectives for the receiving water; (c) maintains ecological processes, riparian vegetation, 	<p>AO19.1</p> <p>If the development involves the treatment and discharge of wastewater to a waterway or off-site, a wastewater management plan is prepared by a suitably qualified person, and the plan addresses the following:</p> <ul style="list-style-type: none"> (a) wastewater type; (b) climatic conditions; (c) water quality objectives; and (d) best environmental practice. <p>AO19.2</p>	<p>PO19 - Not applicable</p> <p>The development will not discharge wastewater to a waterway or off-site.</p>

Performance outcomes	Acceptable outcomes	Assessment response
<p>waterway integrity and downstream ecosystem health; and</p> <p>(d) avoid causing adverse impacts on ecosystem health and waterway health.</p>	<p>The wastewater management plan required by AO19.1 provides for the management of wastewater in accordance with a waste management hierarchy that:</p> <p>(a) avoids wastewater discharge to waterways; or</p> <p>(b) if wastewater discharge to waterways cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal for sewer, surface water and groundwater.</p> <p>AO19.3</p> <p>Wastewater discharge is managed in manner which avoids or minimises the release of nutrients that are likely to increase the occurrence, frequency or intensity of algal blooms.</p> <p>AO19.4</p> <p>Development in coastal catchments:</p> <p>(a) avoids lowering groundwater levels where potential or actual acid sulfate soils are present; and</p> <p>(b) manages wastewater so that:</p> <p>(i) the pH of any wastewater discharged is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium, and metals;</p> <p>(ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release;</p> <p>(iii) visible iron floc is not present in any discharge;</p> <p>(iv) precipitated iron floc is contained and disposed of; and</p> <p>(v) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.</p>	

As evident from the above assessment, the proposal complies with the various requirements of the Development works code. Suitable justification has been provided against the relevant criteria where deviation exists.

PUBLIC NOTIFICATION

The proposal was the subject of public notification between 11 October 2018 and 1 November 2018, as per the requirements of the *Planning Act 2016*, and no submissions were received.

INFRASTRUCTURE CHARGES

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

Charge area:	The subject site is located outside the priority infrastructure area
Calculation:	<p>The charge is calculated in accordance with section 3.4.2 - Development located partly outside or entirely outside the priority infrastructure area, Table 4 - Adopted charge for development Uses within the Priority Infrastructure Area and Table 6 – Proportional Split of adopted infrastructure charge for trunk infrastructure networks within the priority infrastructure area for Reconfiguring a Lot and development Uses, as follows:</p> <ol style="list-style-type: none"> 1. Dwelling house at \$14,750.00 per dwelling; 2. plus Short-term accommodation at \$5,900.00 per dwelling; and 3. less a credit of \$14,750.00.
Credit:	<p>The above calculation takes into account a credit of \$14,750.00 pursuant to Part 4.0 of Council's <i>Adopted Infrastructure Charges Resolution (No. 3) LSC 2018</i>. It is noted that the existing Dwelling house will be used as a Secondary dwelling. Infrastructure charges are not applicable to a Secondary dwelling under <i>Adopted Infrastructure Charges Resolution (No. 3) LSC 2018</i>. Thus, the infrastructure charges associated with the existing Dwelling house is credited to the proposed new Dwelling house. The credit is calculated as follows:</p> <ol style="list-style-type: none"> 1. one existing lot at \$14,750.00.

A total contribution of \$5,900.00 is payable and will be reflected in an Infrastructure Charges Notice for the development including a breakdown of the charge.

SUMMARY OF ASSESSMENT

Pursuant to Section 45(5)(a) of the *Planning Act 2016*, the assessment manager must carry out an assessment against the assessment benchmarks and have regard to matters prescribed by the regulation. In addition, 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.

The assessment benchmarks have been assessed earlier in this report and the development generally complies with the benchmarks or where there is deviation from the benchmark suitable alternative compliance has been achieved. Further, the grounds in support of the development are based on finding on material questions of fact and are outlined below:

- The proposal is not for development specifically identified as being preferred uses in the Rural zone. Despite being accommodation activities, not expressly anticipated for the zone, both uses can occur without compromising the purpose and overall outcomes of the Rural zone.

- (ii) The development does not compromise the strategic framework themes, outcomes and strategies specific to the proposal.
- (iii) The proposal is for a Dwelling house and Short-term accommodation associated with rural living and the enjoyment of the natural features of the landscape setting and is able to be sited in a location sufficiently buffered from rural zoned land and rural activities and in a manner that manages the natural features and natural hazards on the site.
- (iv) The development does not compromise the achievement of regional outcomes outlined in the *Central Queensland Regional Plan*.
- (v) The development does not compromise the achievement of the state interest – natural hazards, risk and resilience outlined in the *State Planning Policy*.
- (vi) 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.

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

PREVIOUS DECISIONS

Council has previously approved accommodation uses in rural settings in the Byfield locality.

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

BUDGET IMPLICATIONS

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

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

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

STAFFING IMPLICATIONS

No staffing implications have been identified in the assessment.

RISK ASSESSMENT

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

CORPORATE/OPERATIONAL PLAN

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

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) Transparent and effective processes, and decision-making in the public interest; and

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

CONCLUSION

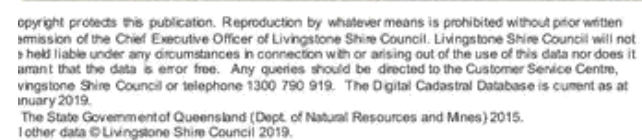
The proposal is not for development specifically identified as being preferred uses in the Rural zone. Despite being accommodation activities, not expressly anticipated for the zone, both uses can occur without compromising the purpose and overall outcomes of the Rural zone. Having regard to the above assessment, it is recommended Council, from a land use perspective, consider the proposed development favourably as there are considered to be relevant matters that favour Council exercising its discretion to approve the alternative land uses proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's strategic framework. As such, the proposal is recommended for approval, subject to reasonable and relevant conditions outlined in the recommendation.

**12.7 - DEVELOPMENT APPLICATION
FOR A DEVELOPMENT PERMIT FOR A
MATERIAL CHANGE OF USE FOR
SHORT-TERM ACCOMMODATION AND
A DWELLING HOUSE AT 15 KELLYS
LANDING ROAD, WOODBURY**

Locality Plan

Meeting Date: 22 January 2019

Attachment No: 1



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12.7 - DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR SHORT-TERM ACCOMMODATION AND A DWELLING HOUSE AT 15 KELLYS LANDING ROAD, WOODBURY

Proposal Plans

Meeting Date: 22 January 2019

Attachment No: 2



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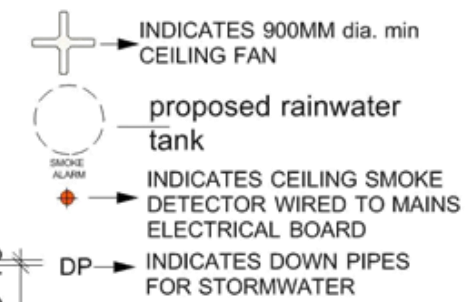
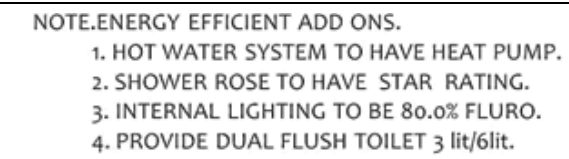
Proposed Site Plan: Lot 3 on RP608150

15 Kellys Landing Road, Woodbury, Queensland, 4703

Printed
15 Aug 2018

Denley
Environmental
Eco-Design & Construction

Drawing: 40851-1 Version A



EXISTING HW TIMBER BUILDING
LOW SET CONSTRUCTION
EXISTING STEEL CURRAGATED
ROOF HIP CONST.

NOTE. TIMBER STRUCTURE AND
WEATHERBOARD EXT. LINED
DWELLING LOW SET STEEL STUMPS
600MM FROM FINISHED GROUND
LINE TO UNDER SIDE OF BEARER.

-:NOTES:-

THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE ENGINEERS AND OTHER CONSULTANTS' DRAWINGS OR REPORTS. ALL DIMENSIONS AND DETAILS SHALL BE CHECKED WITH THE DRAWINGS AND ON SITE PRIOR ANY CONSTRUCTION MADE ON SITE. BUILDER TO CHECK AND COMPLY WITH EARTHQUAKE REQUIREMENTS. DO NOT SCALE OFF PLAN WITH RULER.

C3-
Ultimate Limit State
Wind Speed 130 km/h.

SCALE: 1:100

PAGE NO: 2 of 10

PROPOSED REMOVAL
RESIDENCE

for Kris & Alicia THORPE

at. No15
Kelly Landing,
Yeppoon



No 46 WYLIE ST
BUNDABERG QLD 4670

P: 07 4151 2277
F: 07 4152 5166
E: cqbuildingworx@iprimus.com.au

SHEET DESCRIPTION

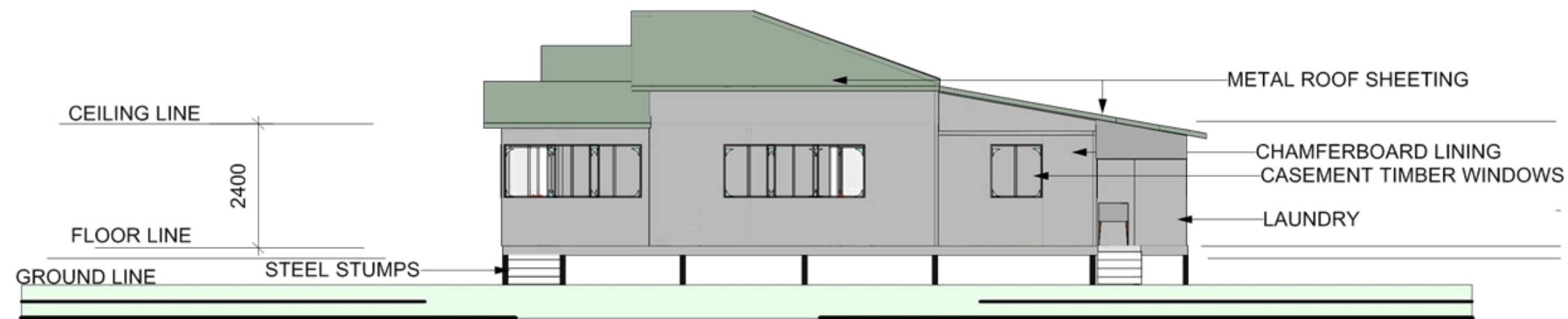
FLOORPLAN

AMMENDMENTS

DATE DRAWN: APRIL 2018



ELEVATION EAST VIEW



ELEVATION NORTH VIEW

-NOTES:-

THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE ENGINEERS AND OTHER CONSULTANTS' DRAWINGS OR REPORTS. ALL DIMENSIONS AND DETAILS SHALL BE CHECKED WITH THE DRAWINGS AND ON SITE PRIOR ANY CONSTRUCTION MADE ON SITE. BUILDER TO CHECK AND COMPLY WITH EARTHQUAKE REQUIREMENTS. DO NOT SCALE OFF PLAN WITH RULER.

C3-
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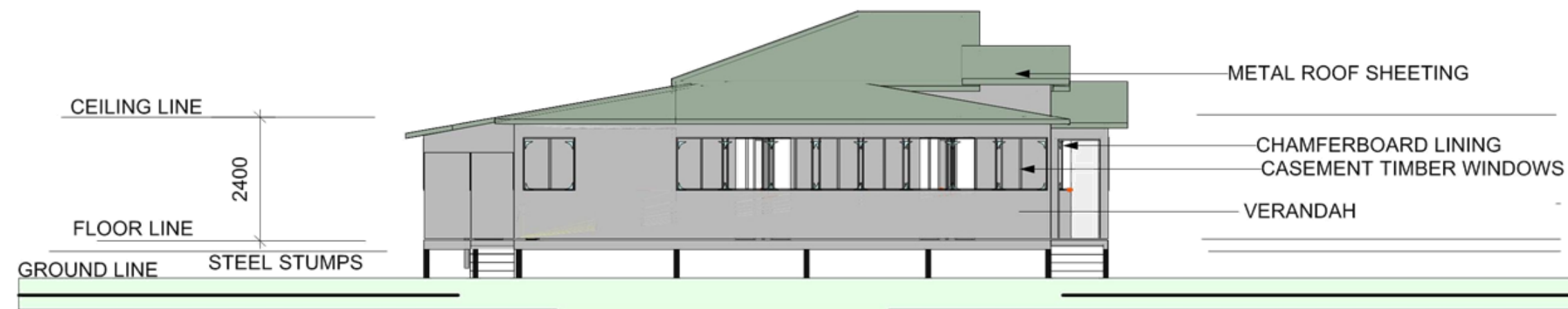
ELEVATIONS

AMMENDMENTS

DATE DRAWN: APRIL 2018



ELEVATION WEST VIEW



ELEVATION SOUTH VIEW

-NOTES:-

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C3-
Ultimate Limit State
Wind Speed 130 km/h.

SCALE: 1:100

PAGE NO: 5 of 10

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SHEET DESCRIPTION

ELEVATIONS

AMMENDMENTS

DATE DRAWN: APRIL 2018

12.8 PROPOSED PERMANANT ROAD CLOSURE ADJOINING LOT 1 ON RP605702**File No:** GR14.4.2**Attachments:**

1. Mayoral Minute 20 November 2018 [↓](#)
2. Alternative Road Closure Areas [↓](#)

Responsible Officer: Mark McLean - Principal Property Officer
David Mazzaferri - Manager Disaster Management,
Recovery and Resilience
Brett Bacon - Executive Director Liveability and
Wellbeing**Author:** Maddie Crigan - Property Officer

SUMMARY

This purpose of this report is to provide information relating to alternative options for the proposed road closure adjoining Lot 1 on RP605702 for Council's consideration.

OFFICER'S RECOMMENDATION

THAT Council give further consideration to a request for the closure of a section of road adjoining Lot 1 on RP605702, known as 47 Cliff Street, Yeppoon, subject to the following conditions:

- 1) the area of closed road must not exceed 10 metres from the western boundary of Lot 1 RP 605702 (note: this provides sufficient area to contain the existing concrete access),
- 2) a public utility easement for sewerage purposes must be registered in favour of Livingstone Shire Council over any part of the sewerage infrastructure which is within the area of closed road. The easement must be a minimum of four (4) metres wide and Council's new Standard Easement Terms dealing number 718630483 must be used; and
- 3) the area of closed road must be amalgamated with Lot 1 RP605702.

BACKGROUND

At the Ordinary Meeting of 20 November 2018, Council discussed a Mayoral Minute relating to an application received by the Department of Natural Resources, Mines and Energy to permanently close part of the road reserve adjoining Lot 1 on RP605702, known as 47 Cliff Street, Yeppoon (a copy of the Mayoral Minute is included as Attachment One).

At the Ordinary Meeting of 20 November 2018, Council resolved to lodge a further formal objection to the Department of Natural Resources, Mines and Energy for the proposed road closure stating that Council would prefer that the current road reserve remain intact and available for community access and use.

COMMENTARY

Prior to endorsing its final decision on the matter, and with consideration to the principles of natural justice, the Department of Natural Resources, Mines and Energy has extended the applicant an opportunity to undertake further consultation with Council in relation to the appropriateness of an amended road closure area.

On 17 December 2018, Council received correspondence from the applicant containing two alternative options for consideration, both of which reduce the area of the proposed closure significantly (details of the alternatives are included in Attachment Two). The applicant has advised that Option A is his preference.

The applicant has continued with the application, as he would like to fence the property, including the driveway currently located in the road reserve, to make the area safer for his young child and dog. The requirements previously specified by Council's Infrastructure Portfolio for any road closure were:

- 1) the area of closed road must not exceed 18 metres from the western boundary of Lot 1 RP 605702,
- 2) a public utility easement for sewerage purposes must be registered in favour of Livingstone Shire Council over any part of the sewerage infrastructure which is in the area of closed road. The easement must be a minimum of four (4) metres wide and Council's new Standard Easement Terms dealing number 718630483 must be used;
- 3) the north-west and south-west corners of the proposed road closure must have a five (5) metre by five (5) metre single chord truncation;
- 4) the remaining Mount Street road reserve must not be less than twenty-two (22) metres wide.
- 5) the area of closed road must be amalgamated with Lot 1 RP605702.

After consideration of the alternatives included in Attachment Two, the following conditions would be required to accompany any road closure:

- 1) the area of closed road must not exceed 10 metres from the western boundary of Lot 1 RP 605702 (note: this provides sufficient area to contain the existing concrete access),
- 2) a public utility easement for sewerage purposes must be registered in favour of Livingstone Shire Council over any part of the sewerage infrastructure which is within the area of closed road. The easement must be a minimum of four (4) metres wide and Council's new Standard Easement Terms dealing number 718630483 must be used; and
- 3) the area of closed road must be amalgamated with Lot 1 RP605702.

The previous requirement for a truncation is not required, as the area identified in the two alternatives leaves sufficient capacity with the remaining road reserve to accommodate turning area associated with any road upgrades. Likewise, the requirement for a minimum width for the Mount Street road reserve is not required as the distance reference in point one immediately above will leave a road reserve width of approximately thirty (30) metres which is in excess of the minimum stipulated by the original response.

Council had previously objected to the proposed road closure on the basis that it preferred the existing road reserve to remain intact. The original application proposed to close the majority of the road reserve on the eastern side of the road. The two alternatives, subsequently lodged in response to Council's objection, represent less than half the original claim.

Council could still maintain its position of objection, however it is suggested that many of the concerns can be addressed by either of the two alternatives proposed. Both leave sufficient room for pedestrian access (the proposed boundary would be approximately fourteen metres from the edge of the road) and there is still space for informal recreation.

PREVIOUS DECISIONS

On 20 November 2018, Council resolved to lodge a further formal objection to the Department of Natural Resources, Mines and Energy for the proposed road closure stating that Council would prefer that the current road reserve remain intact and available for community access and use.

BUDGET IMPLICATIONS

There are no known budget implications relating to this matter.

LEGISLATIVE CONTEXT

The disposal of public land is undertaken in accordance with the provisions of the *Land Act 1994*.

LEGAL IMPLICATIONS

There are no known legal implications relating to this matter.

STAFFING IMPLICATIONS

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

RISK ASSESSMENT

There are no identifiable risks if Council were to approve the closure as proposed and the same was undertaken in accordance with the requirements specified by Council's Infrastructure Portfolio.

CORPORATE/OPERATIONAL PLAN

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

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

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

CONCLUSION

Alternative options relating to the proposed road closure adjoining Lot 1 on RP605702, known as 47 Cliff Street, Yeppoon, have been provided to Council for its consideration.

12.8 - PROPOSED PERMANANT ROAD CLOSURE ADJOINING LOT 1 ON RP605702

Mayoral Minute 20 November 2018

Meeting Date: 22 January 2019

Attachment No: 1

CONFIDENTIAL ORDINARY MEETING

20 NOVEMBER 2018

0.0 MAYORAL MINUTE - DNR APPLICATION FOR CLOSURE OF ROAD

File No: 13.4.1

Attachments: 1. Letter of objection from residents

Responsible Officer: Bill Ludwig - Mayor

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

SUMMARY

Council was recently approached by a number of residents of Mount, Beak and Cliff Streets to lodge their objection to the proposed closure of a road reserve as it serves as a community green space.

Previously, through operational processes, Council advised the Department of Natural Resources and the applicant of its objection along with conditions required should the application be successful and the road reserve be closed and made available for purchase.

RECOMMENDATION

THAT Council resolve to support a formal objection to the Department of Natural Resources for the proposed road closure adjacent to Lot 1 RP605702 Ref 2018/000277 stating that Council would prefer that the current road reserve remain intact.

Roslyn Daniels
4 Mount Street
YEPPOON QLD 4703

14 November 2018

Cr W Ludwig
Mayor of Livingstone Shire

RE: Objections to the road closure adjacent to Lot1 on RP605702

Dear Cr Ludwig

As discussed yesterday in your office, please note the following objections to the road closure adjacent to Lot1 on RP 605702 which is currently under consideration to be purchased by the adjoining owner.

- The land is currently being used by the local residents as a safe pedestrian thoroughfare particularly due to the existing blind spots associated with the narrow streets and hilly nature of the area and that there is no footpath on that side of Mount Street.
- The land has been used for decades by local families and children as a community space and for the off street parking of vehicles etc.
- The residents are concerned that the size of the new combined block will allow developers to construct high density accommodations that would alter the current living environment, increasing traffic in the area causing a further safety risk to pedestrians.
- The residents would prefer the land be converted into parkland with consideration to naming the park after the Hutton family.

A number of the residents have recently canvassed the local area and obtained signatures to support our objection. *(see attached)*

We will be presenting our objections to the DNRME prior to the date 22 November 2018.

I hope that you and your councilors consider our objections and support us to prevent this closure.

Kind Regards

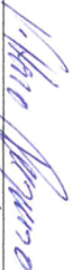






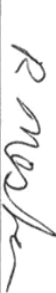
A handwritten signature in black ink, appearing to read 'Roslyn Daniels', with a stylized flourish at the end.

Roslyn Daniels

7 November 2018

The following local residents of the area surrounding the road adjacent to Lot1 on RP605702 object to the road closure for the following reasons:

1. The land is currently used by the local residents for safe pedestrian access.
2. The residents would prefer the land be used for parkland purposes.
3. The residents are concerned that the size of the new combined blocks will allow developers to construct units and change the living environment of the area and de-value the existing dwellings.

Name	Address	Signature
VICTORIO FREZUSO	11 BEAK ST	
GARY EDWARDS	9 BEAK ST	
Lecky Baldwin	9 Beak st	
David Baldwin	9 Beak St	
Ms Daniels	4 mount st	
ST PAVERTER	5 BEAK ST	
Naomi Pelleher	5 Beak St	
Rick Nester	6 mount St	

7 November 2018

The following local residents of the area surrounding the road adjacent to Lot1 on RP605702 object to the road closure for the following reasons:







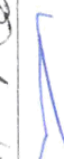



1. The land is currently used by the local residents for safe pedestrian access.
2. The residents would prefer the land be used for parkland purposes.
3. The residents are concerned that the size of the new combined blocks will allow developers to construct units and change the living environment of the area and de-value the existing dwellings.

TRISH BOWMAN	8 MOUNT ST	<i>Pa Bowman</i>
D WILTSCHIRIO	1 Hutton St	<i>D Wiltshirio</i>
Peter Dixon	5 HUTTON	<i>P Dixon</i>
MARTHA DIXON	"	<i>M Dixon</i>
GRIN DIXON	"	
CARLYN DIXON	"	
Bridget Daykin	7 Hutton Street	<i>B Daykin</i>
JASON INGRAM	10 MOUNT STREET	<i>J Ingram</i>
NEISSA MINER	10 Mount Street	<i>N Miner</i>
JASON ATKINS	11 Hutton Street	<i>J Atkins</i>

7 November 2018

The following local residents of the area surrounding the road adjacent to Lot1 on RP605702 object to the road closure for the following reasons:

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3. The residents are concerned that the size of the new combined blocks will allow developers to construct units and change the living environment of the area and de-value the existing dwellings.

S. HIRSTENBLOTH	22 ADRIAN RD	
S. Mueller	24 Adelaide PK Rd	
S. MORRIS	9 SPRING ST	
S. WICKHAM	10 ALLENBY DRIVE	
R. WALKER	13 APPLE CRT	
T. Brown	4 LEVINSON RD, OLIS	
Des House	Bayview TERR	
Sean Lightman	46 TOM ST	
Heese Pickers	16 Spring St - Yeppoon	
Grady Peatley	16 Spring St - Yeppoon	

7 November 2018

The following local residents of the area surrounding the road adjacent to Lot1 on RP605702 object to the road closure for the following reasons:

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m	Brown	4 Peninsula Place	m	Brown
J. MURRAY		1107 MATTHEW THOMPSON DR		J. MURRAY
L. HURST		4 ADELIADE ST YEPPOON		L. HURST
V. LUCAS		152 STONES ROAD YEPPOON		V. LUCAS
S. JENKINS		1 WARD ST YEPPOON		S. JENKINS
PAUL MEYER		10 PATRICIA ST YEPPOON		PAUL MEYER
Amanda Thomson		16 MELLAND STREET		Amanda Thomson
Mandy Deane		4 Mount St Yea		Mandy Deane

7 November 2018

The following local residents of the area surrounding the road adjacent to Lot 1 on RP605702 object to the road closure for the following reasons:

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2. The residents would prefer the land be used for parkland purposes.
3. The residents are concerned that the size of the new combined blocks will allow developers to construct units and change the living environment of the area and de-value the existing dwellings.

Kris McINTOCK	5 Bayliss St Yepoon	[Signature]
Dalea Rogers	33 Melville St Yepoon	[Signature]
N Morris	7 Skelton Dr Ypn	[Signature]
Leanne WOLT.	3 Brook Street	Ally Helt
LYNNE BARRETT	18 Mount St Yepoon	L. Barrett
Rosa Katoschuk	18 Mount St Yepoon	[Signature]

12.8 - PROPOSED PERMANANT ROAD CLOSURE ADJOINING LOT 1 ON RP605702

Alternative Road Closure Areas

Meeting Date: 22 January 2019

Attachment No: 2

Option A



Option B



Original Proposal



Includes material © The State of Queensland, © CNES reproduced under licence from Airbus OS, all rights reserved.

0 2.5 5 10 15 20 25 Metres


REGION: CENTRAL

LOCAL AUTHORITY OF LIVINGSTONE SC

LOCALITY OF YEPPON

Compiled from DCDB & sketch in eLVAS

Plan of Proposed Road to be Permanently Closed

About 0.07 ha shown as 

Scale 1:500
at original size (A3)

Drawing No:
18/006/CEN



Queensland
Government

PARISH OF No Longer Used

Map Reference: 9051-42111

COUNTY OF No Longer Used

eLVAS Reference: 2018/123456



Prepared by: SLJ

Date: 20 March 2018

12.9 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 DECEMBER 2018

File No: FM12.14.1

Attachments: 1. Monthly Financial Report - December 2018 [↓](#)

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Damien Cross - Coordinator Accounting Services

SUMMARY

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

OFFICER'S RECOMMENDATION

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 December 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 (December) and year-to-date position of Council's financial performance for the 2018-19 financial year.

Commitments are excluded from the reported operating & capital expenditures.

All variances are reported against the 19Q1 Revised Budget as adopted by Council on 6 November 2018. All budgets have been developed on a monthly basis. The attached reports show the business units segregated revenue and expenditure statements and balance sheets.

COMMENTARY

The Financial Report compares actual performance to date with Council's 19Q1 revised budget and identifies significant variances or areas of concern. It also provides information about additional areas of financial interest to Council and reinforces sound financial management practices throughout the organisation. This information is provided through the attached monthly financial report.

Financial Performance

The operating performance for the financial year to 31 December 2018 shows an operating surplus of approximately \$1.2 million compared to a budgeted operating deficit of approximately \$3.6 million.

Financial Performance Summary to 31 December 2018					
	YTD 19Q1 Revised Budget (\$m)	YTD Actual (\$m)	Variance (\$m)	Variance YTD %	Status
Operating Revenue	\$41.0	\$ 41.1	(\$0.1)	(0%)	✓
Operating Expense	(\$44.6)	(\$39.9)	\$4.7	(11%)	✓

<i>Operating Surplus</i>	(\$3.6)	\$1.2	\$4.8	132%	✓
Capital Revenue	\$3.9	\$6.1	\$2.2	57%	✓
Capital Expenditure	(\$32.1)	(\$17.0)	(\$15.1)	(47%)	✓

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 is only slightly below the year-to-date budget. The half-yearly rates & utility charges were generated in the revenue system in July, with an issue date of 1 August 2018 and a due date of 5 September. First quarter water consumption notices were issued in late October and were due in late November.

The second instalment of the Financial Assistance Grants was received in mid-November.

Table A.1 in the Monthly Financial Report (Attachment 1) shows operating revenue by major category of actuals to budget variances by line item. The 19Q1 revised budget has adjusted the budget phasing for Rates & Utility Charges and Operating Grants and is reflected in this monthly report.

Operating Expenses

Year to date operating expenditure is below budget by \$4.7 million which excludes \$0.8 million 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.

Total operating expenses are under budget mostly due to an underspend of \$3.2M in materials & services and \$1.3million in employees benefits with a number of vacant positions currently being at various stages of recruitment.

A snapshot of the expenditure on the rural and urban roads maintenance programs in comparison to both the 19Q1 year to date revised budget and the full year 19Q1 revised budget is outlined below:

	YTD Actual (\$000's)	YTD Revised Budget (\$000's)	Full Revised Budget (\$000's)	% Full Year Revised Budget Spent
Rural Maintenance	\$1,785	\$2,047	\$4,351	41.0%
Urban Maintenance	\$809	\$1,089	\$2,206	36.7%

Note: Actual results exclude purchase order commitments.

Capital Revenue

Total capital revenue is ahead of budget by approximately \$2.2 million. This is mostly due to the early receipt of several capital grants including a \$1 million payment from the Queensland Reconstruction Authority for the Statue Bay Reconstruction Project during July.

The 19Q1 capital revenue budget for developer contributions is \$1.82 million and the trend to the end of December is strongly indicating that this budget item will finish the financial year under budget. This budget variance will need to be assessed in terms of the impact on capital project funding as part of the 19Q2 revised budget process. Year to date developer's contributions are \$269,000.

Capital Expenditure

Capital expenditure incurred as at 31 December 2018 is summarized in Table D.1 and D.2 in Attachment 1. The 19Q1 revised budget total capital expenditure is approximately \$48.7 million with YTD actuals of \$17.0 million with a further \$20.8 million in committed expenditure.

Table D.3 highlights the significant capital works projects with a revised expenditure budget greater than \$1 million and includes the YTD actuals and project life-to-date costs in comparison to budget.

Total capital expenditure incurred to 31 December 2018 on a project-by-project basis is outlined in Attachment 2.

Statement of Financial Position as at 31 December 2018

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

The balance sheet shows a low level of total liabilities in comparison to total assets and consists predominantly of trade & other payables, other provisions and loan borrowings.

Council's total loan balances are approximately \$83.0 million following the first and second quarterly repayments made to the Queensland Treasury Corporation (QTC) during September and December. Council has not accessed the approved working capital facility.

Interest on long term borrowings range from 3.123% to 5.554% with the average cost of capital being 4.35%.

Statement of Cash Flows

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 flows. The cash position remains sound with cash totaling approximately \$33.3 million at 31 December 2018.

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 Capital Guaranteed Cash Fund at 31 December 2018 was 2.42% p.a. Interest rates for Council's current term deposit is 2.70% and reflects the fixed interest rate for the term of the investment.

Interest earned on cash and investments for the month of December was \$73K.

Outstanding Sundry Debtors

At 31 December 2018, outstanding sundry debtors stand at \$3,066,016 and of this balance \$1,752,508 is current.

There are 25 accounts which are over 60 days totaling \$158,673 which represents approximately 38% of total outstanding sundry debtors.

Outstanding and Overdue Rates and Charges

The total rates debtor balance at 31 December 2018 stands at \$3,800,869. There is \$3,058,512 in prepaid rates as at the 31 December, with net rates outstanding being \$742,358 as at 31 December. The 2nd half year Rates and the 2nd quarter Water Consumption notices are set to issue on the 30th January this is illustrated by the high value of prepaid rates and all balances as at the 31 December are identified as carried forward arrears (\$0 not yet due).

The KPI target for outstanding rates is to reduce rates receivables to less than 5% of total rates outstanding prior to the next six monthly billing cycle. Whilst the collection process of overdue rates receivables is proceeding, total rates receivables as at 31 December 2018 eligible for collection (excluding the current levy) is \$3,800,869 which is 11% of rates levied.

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

Aging Period	Arrears balance (before deducting prepaid rates)	% of eligible total for collection
Current	\$1,715,554	45.14%
1 years	\$1,004,903	26.44%
2 years	\$565,160	14.87%
3 years	\$239,480	6.30%
4 years	\$157,248	4.14%
5 years	\$118,524	3.12%
TOTAL	\$3,800,869	100%

Council offers a direct debit facility with 2,516 direct debits totaling \$190,994.20 processed in December.

Debt Management

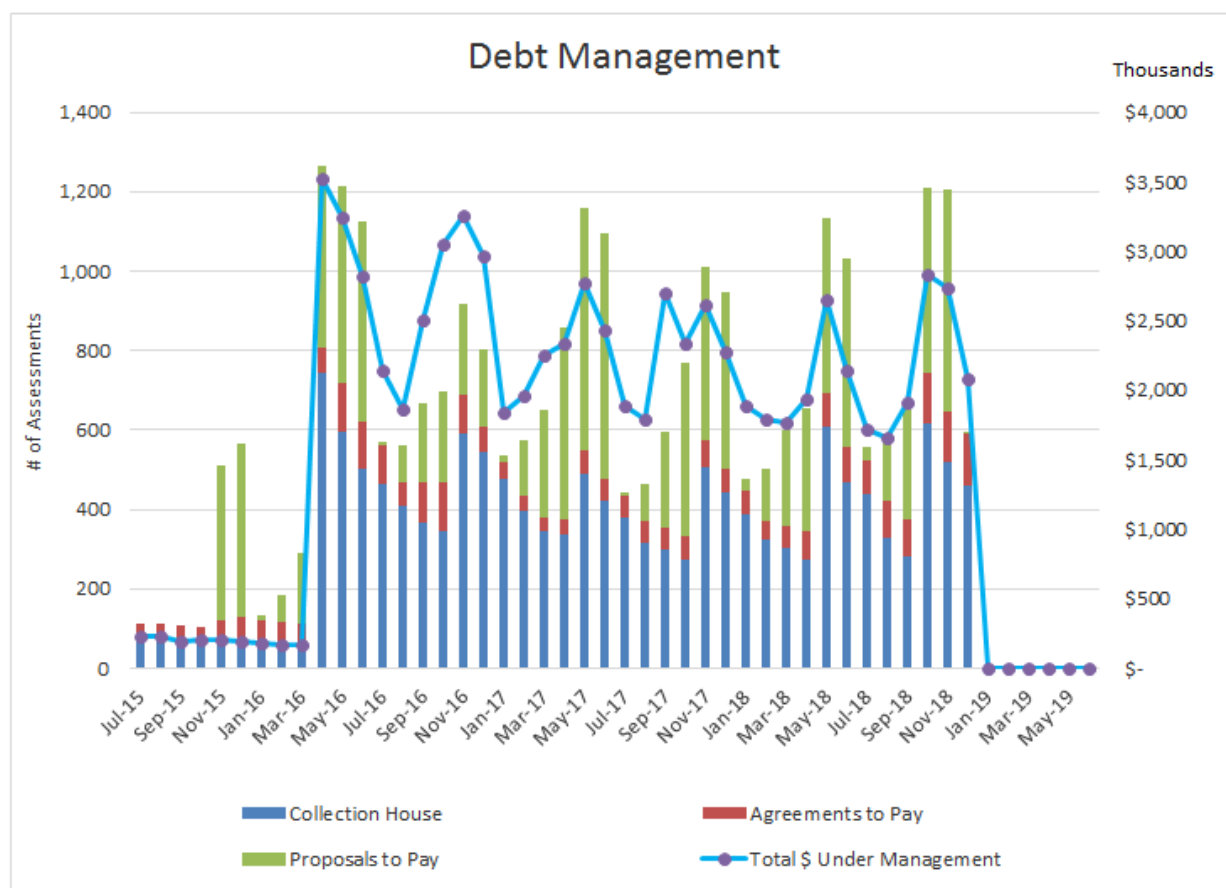
Ratepayers always have the option to enter into formal payment arrangements, which prevents legal action being progressed by Council's debt collection agency. Council resolved to reduce the overdue interest from 10% to 7% per annum in 2018-19, applied monthly, on all overdue balances, including those under a formal payment agreement.

In total, 55% of the overdue balances are under management, this reflects 595 assessments out of all (17,518) rateable assessments (3.4%).

Proposals to pay require all current arrears to be paid in full prior to the next rating period. Therefore, proposals to pay made prior to December 2018 have been cancelled and only 2 new proposals remain for the 1 January 2019 – 30 June 2019 rating period, representing a total of \$3,918.

There are 132 (November: 128) assessments under long term arrangements (agreements to pay) with a total of \$359,806 with varying settlement periods.

A total of 461 (November: 517) assessments, representing \$1,712,989 (November: \$1,963,355) are currently being managed by Council's debt collection agency. Compared to December 2017, there are 19 more assessments under a debt management arrangement and a decrease in the total value under management by \$661.



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 purchase cards and does not make any consideration for other economic impacts.

LSC = Businesses located within the shire boundaries.

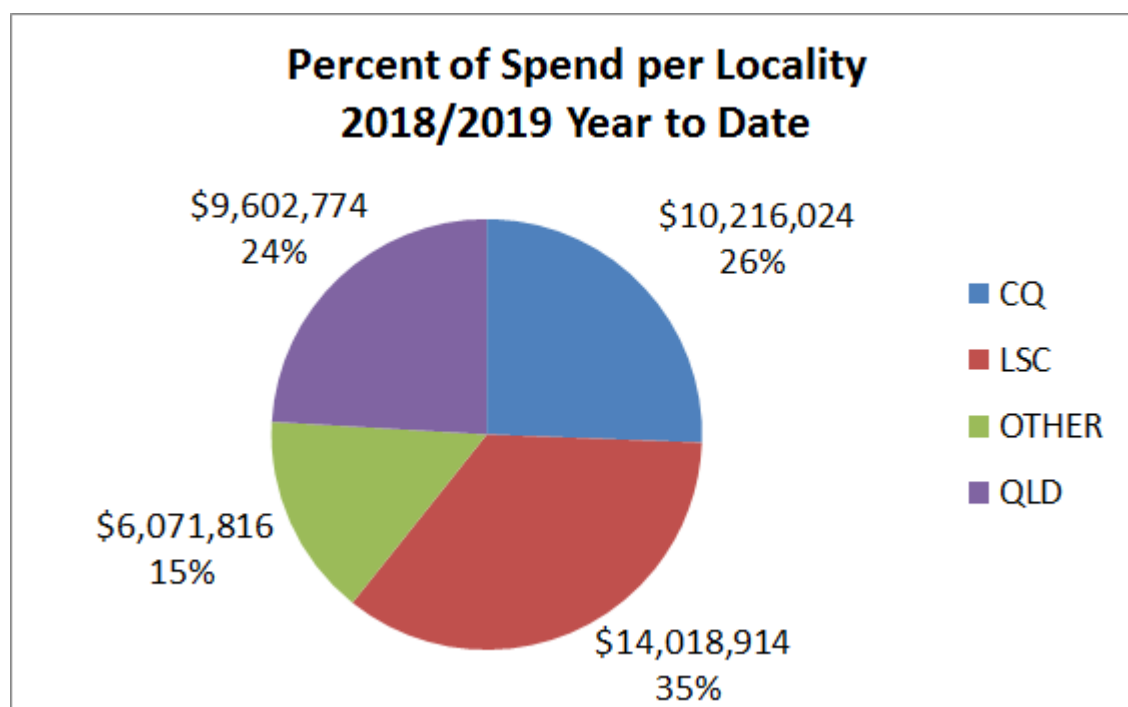
CQ = Business completely set up and run outside of LSC boundaries but within the Central Queensland.

QLD = Business based outside of Central Queensland but within Queensland

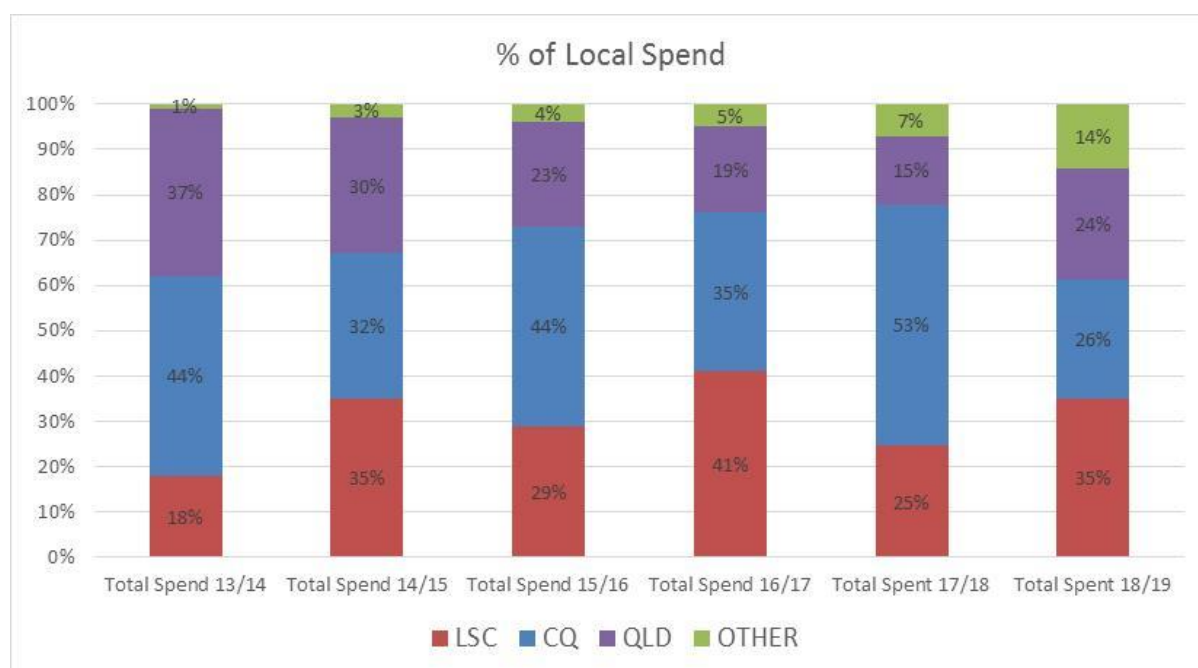
OTHER = Business based outside of Queensland.

The following pie chart illustrates the total dollars spent this financial year by geographical categories.

The total spend on businesses located within the Shire boundaries was 35% or \$11.6 million. For the financial year to 30 November 2018, Council has purchased more of its materials and services from businesses and industries that are located within the Shire boundaries.



The bar graph below summarises the allocation by local spend categories per financial year since 2013-14. Council procures, on average, 70% of materials & services from within the greater Central Queensland area, which includes Livingstone Shire Council.



PREVIOUS DECISIONS

Council adopted the 2018-19 Budget on 24 July 2018. The 19Q1 Revised Budget was adopted by Council on 6 November 2018.

BUDGET IMPLICATIONS

The Monthly Financial Report shows Council's financial position in relation to the 19Q1 revised budget.

LEGISLATIVE CONTEXT

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

LEGAL IMPLICATIONS

There are no legal implications as a result of this report.

STAFFING IMPLICATIONS

There are no staffing implications as a result of this report.

RISK ASSESSMENT

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

CORPORATE/OPERATIONAL PLAN

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

CONCLUSION

The Financial Report provides information about Council's financial performance and position for the month ending 31 December 2018. The attached financial results are indication of Council's financial results in 2018-19 in comparison to the 19Q1 Revised Budget.

**12.9 - MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDING 31
DECEMBER 2018**

**Monthly Financial Report - December
2018**

Meeting Date: 22 January 2019

Attachment No: 1



Livingstone
SHIRE COUNCIL

**Monthly Financial Report
for period ending
31/12/2018**

Contents

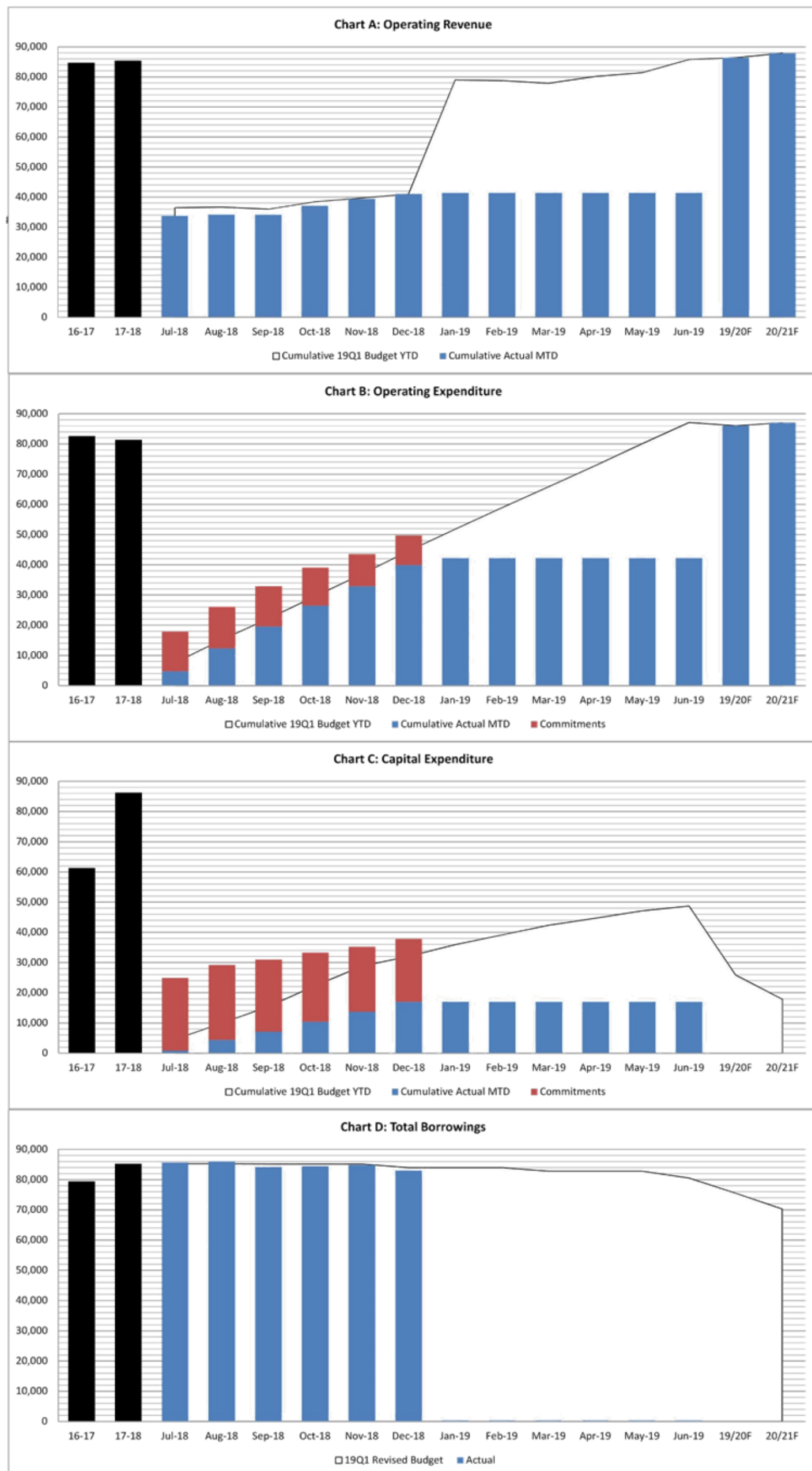
Financial Health Indicators

- Key strategic financial indicators
- Summary financial statements

Attachments: Detailed financial statements

Financial Health Indicators

Key strategic financial indicators: trend analysis



Key strategic financial indicators as at: 31/12/2018

Operating performance

	Target Benchmark	19Q1 Revised Budget	YTD Actual	Status	Commentary
Operating surplus ratio					
Operating surplus/operating revenue	10%	-1.6%	2.8%	✓	Whilst both of these ratios have decreased from the end of November, both ratios remain favourable due to the levy of the first half-yearly rates & utility charges. 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%	98%	103%	✓	

Fiscal flexibility

	Target Benchmark	19Q1 Revised Budget	YTD Actual	Status	Commentary
Net financial liabilities ratio					
Total liabilities - current assets / operating revenue	<60%	70%	135%	✗	The Net Financial Liabilities ratio is above the target benchmark of 60% as at the end of December.
Own-source operating revenue ratio					
Own source/operating revenue	>60%	87.7%	91%	✓	The own-source operating revenue ratio is above the target benchmark as General Rates and Utility Charges for the half year ending 31 December 2018 were levied in July and first quarter water consumption notices were issued during during October.
Interest cover ratio					
Net Interest Expense / Total Operating Revenue	0% - 5%	6.2%	5.2%	✓	The interest cover ratio is outside the target range but within budgeted %.

Liquidity

	Target Benchmark	19Q1 Revised Budget	YTD Actual	Status	Commentary
Cash balances - Cash capacity in months					
Cash at bank/cash operating expense	3.0	3.0	7.6	✓	The YTD cash expense cover indicates that Council has sufficient cash to meet current cash operating expenses for 7.6 months.
Ability to pay our bills - Current Ratio (times)					
Current assets/current liabilities	2.0	3.2	4.7	✓	The current ratio is well above the target benchmark of 2.0 due to cash balances being well ahead of the budgeted position at 31 December 2018.

Asset sustainability

	Target Benchmark	19Q1 Revised Budget	YTD Actual	Status	Commentary
Asset Sustainability Ratio					
Renewal expenditure/depreciation	90%	51.5%	17%	✗	Asset sustainability ratio will remain lower than the 90% target benchmark due to the large proportion of new assets not requiring renewal at this stage. Approximately only 17% of the capital renewal budget undertaken as at 31 December.

Stauts Legend

KPI target (budget) achieved or exceeded	✓	KPI target (budget) not achieved	✗
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Summary financial statements for the year to date ending
31/12/2018

A. Summary of financial results

A. Income Statements					
	Year-to-date 19Q1 Revised Budget Actual		Variance		Status
	(\$m)	(\$m)	\$	%	
Own-source Revenues	36.50	37.57	1.08	3%	✓
Total Revenues	40.97	41.08	0.11	0%	✓
Employee Expenses	(16.12)	(14.86)	1.26	-8%	✓
Total Expenses	(44.62)	(39.92)	4.70	-11%	✓
Operating Result	(3.65)	1.16	4.81	-132%	
Own source revenue is slightly ahead of the YTD 19Q1 revised budget with half-year rates & utility notices, first quarter water consumption notices levied in October and annual animal registrations being generated & issued in July. Employee expenses are below YTD budget due to a number of vacant positions currently being recruited. A YTD underspend in materials & services expenditure of approximately \$3.1m is contributing to the favourable variance in total expenses.					

B. Balance Sheet					
	Year-to-date 19Q1 Revised Budget Actual		Variance		Status
	(\$m)	(\$m)	\$	%	
Cash and Cash Equivalents	28.75	33.33	4.57	16%	✓
Current Assets	36.70	45.53	8.83	24%	✓
Current Liabilities	9.98	9.68	(0.29)	-3%	✓
Non-Current assets	963.82	964.95	1.13	0%	✓
Borrowings	83.99	82.96	(1.03)	-1%	✓
Non-Current Liabilities	89.19	91.15	1.96	2%	✗
Net Assets	901.36	909.65	8.29	1%	
Cash balances and total current assets are well ahead of the budgeted position at 31 December 2018 due to the drawdown of loans funds in June 2018 for the Yeppoon Sewerage Treatment Plant Augmentation Project and also due to YTD underspends in both total operational expenditure & and total capital expenditure. Borrowings are reported as slightly below budget following with the first two quarter repayments of Council's loan portfolio with the Queensland Treasury Corporation during September and December.					

C. Cash flows					
	Year-to-date 19Q1 Revised Budget Actual		Variance		Status
	(\$m)	(\$m)	\$	%	
Net Operating	14.47	8.82	(5.65)	-39%	✗
Net Investing	(26.53)	(16.37)	10.16	-38%	✓
Net Financing	(2.38)	(2.31)	0.06	-3%	✓
Closing Cash Balance	28.75	33.33	4.57	16%	
Net Operating Cash flows are under budget for the six months ending 31 December. There are a number of timing variances which are contributing to this variance with the timing of the budgeted proceeds from the sale of land development being a contributing factor. Net Investing Cash Flows are under budget for the six months ending 31 December mostly due to total capital expenditure being behind the YTD budget.					

D. Capital program					
	Year-to-date 19Q1 Revised Budget Actual		Variance		Status
	(\$m)	(\$m)	\$	%	
Renewal	6.54	1.89	(4.64)	-71%	✗
New/Upgrade	25.54	15.10	(10.44)	-41%	✗
Total Capital Program	32.08	17.00	(15.09)	-47%	
Whilst the capital program costs are significantly lower than the YTD budget it needs to be recognised that a further \$20.83m in capital expenditure commitments have been raised relating to the 2018-19 capital program. The capital budget has been aligned to the delivery program prepared as part of budget, however this is subject to change during the year and will be reviewed in detail as part of the upcoming 19Q2 revised budget.					

Status Legend:

Above budgeted revenue or under budgeted expenditure



Below budgeted revenue or over budgeted expenditure <10%



Below budgeted revenue or over budgeted expenditure >10%



Attachments

A.1: Monthly Summary revenue and expenditure report (by line item) YTD 50%

	This period				Year-to-date				Adopted Budget	Full year 19Q1	
	19Q1 Revised Budget	Actual	Variance	Variance	19Q1 Revised Budget	Actual	Variance	Variance		19Q1 Revised Budget	Variance
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)
Revenues											
Rates & Utility Charges	(66)	925	991	-1506%	34,239	35,271	1,032	3%	71,498	71,498	0
User fees & charges	294	167	(127)	-43%	1,882	1,768	(114)	-6%	3,714	3,714	(0)
Operating grants	330	42	(289)	-87%	2,160	2,072	(88)	-4%	6,009	6,009	0
Interest	102	73	(29)	-29%	690	541	(149)	-22%	1,347	1,347	0
Sales revenue	566	443	(123)	-22%	1,628	895	(733)	-45%	2,448	2,448	0
Other	53	62	9	17%	375	534	158	42%	747	747	0
Total operating revenues	1,280	1,712	432	34%	40,975	41,081	107	0%	85,765	85,765	0
Expenses											
Employee benefits	(2,446)	(3,068)	(622)	25%	(16,122)	(14,860)	1,262	-8%	(31,729)	(31,715)	15
Materials & Services	(2,935)	(1,727)	1,208	-41%	(14,257)	(11,079)	3,178	-22%	(27,075)	(27,089)	(15)
Depreciation	(1,898)	(1,898)	0	0%	(11,389)	(11,389)	0	0%	(22,777)	(22,777)	0
Interest	(355)	(359)	(4)	1%	(2,139)	(2,155)	(16)	1%	(4,275)	(4,275)	0
Other	(54)	(17)	38	-70%	(715)	(439)	276	-39%	(1,264)	(1,264)	0
Less: Total operating expenses	(7,689)	(7,069)	620	-8%	(44,622)	(39,923)	4,699	-11%	(87,120)	(87,120)	(0)
Net operating result	(6,409)	(5,357)	1,052		(3,647)	1,158	4,806	-132%	(1,355)	(1,355)	0
Capital Income											
Capital Grants	20	1,448	1,428	7140%	2,963	4,777	1,814	61%	10,335	12,376	2,041
Developer Contributions	152	(128)	(280)	-184%	911	141	(771)	-85%	1,823	1,823	0
Other capital income	0	896	896	0%	(37)	1,228	1,265	-3418%	(37)	(37)	-
Less: capital expenses	12	0	(12)	-100%	72	0	(72)	-100%	(143)	(143)	-
Net Capital Income	184	2,216	2,032	1105%	3,909	6,145	2,236	57%	11,978	14,019	2,041
Total comprehensive income	(6,225)	(3,141)	3,084		262	7,304	7,042	2689%	10,623	12,664	2,041

A.2: Monthly Summary revenue and expenditure report (by program) YTD 50%

	This period				Year-to-date				Adopted Budget	Full year 19Q1	
	19Q1 Revised Budget	Actual	Variance	Variance	19Q1 Revised Budget	Actual	Variance	Variance		19Q1 Revised Budget	Variance
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)
Office of the CEO											
Revenue	13	4	(9)	-68%	96	187	91	95%	188	188	0
Expenses	(1,678)	(959)	719	-43%	(6,807)	(5,711)	1,096	-16%	(12,275)	(12,275)	0
Liveability and Wellbeing											
Revenue	274	183	(91)	-33%	1,601	2,090	488	30%	3,627	3,627	0
Expenses	(1,358)	(1,519)	(161)	12%	(8,876)	(8,130)	746	-8%	(17,332)	(17,332)	0
Infrastructure											
Revenue	596	530	(66)	-11%	16,783	16,353	(430)	-3%	36,834	36,834	0
Expenses	(4,610)	(4,572)	38	-1%	(28,554)	(25,847)	2,707	-9%	(56,566)	(56,566)	0
Central Funds											
Revenue	396	995	599	151%	22,494	22,451	(43)	0%	45,116	45,116	0
Expenses	(42)	(19)	23	-56%	(386)	(235)	151	-39%	(946)	(946)	0

B: Monthly summary of assets and liabilities report

YTD

50%

		Year-to-date				Adopted Budget	Full year 19Q1	
		19Q1 Revised Budget	Actual	Variance	Variance		19Q1 Revised Budget	Variance
		(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)
Assets								
Cash and cash equivalents		27,752	32,327	4,575	16%	13,945	21,984	8,039
Investments		1,000	1,000	0	0%	1,000	1,000	0
Inventory		818	440	(378)	-46%	1,511	2,855	1,344
Trade & Other Receivables		7,130	3,622	(3,508)	-49%	8,069	8,069	0
Land - for resale		6,514	13,788	7,274	112%	6,967	6,514	(453)
Infrastructure:								
PPE		957,307	906,916	(50,391)	-5%	1,026,838	974,063	(52,775)
Capital WIP		-	48,716	48,716	0%	-	-	0
Other assets		-	3,667	3,667	0%	1,374	930	(444)
Total Assets		1,000,522	1,010,476	9,955	1%	1,059,704	1,015,415	(44,289)
Liabilities								
Employee benefits		4,777	7,861	3,084	65%	4,810	4,777	(33)
Trade creditors and accruals		504	88	(416)	-83%	4,116	4,181	65
Borrowings:								
Short-term		4,695	2,587	(2,108)	-45%	4,989	4,989	0
Long-term		79,290	80,370	1,080	1%	75,527	75,541	14
Other liabilities		9,898	9,925	27	0%	10,606	9,898	(708)
Total Liabilities		99,164	100,830	1,666	2%	100,048	99,386	(662)
Current assets		36,701	45,530	8,829	24%	32,610	39,590	6,980
Current liabilities		9,976	9,681	(295)	-3%	12,125	12,191	66
Non-current assets		963,821	964,947	1,126	0%	1,027,094	975,825	51,269
Non-current liabilities		89,188	91,149	1,961	2%	87,923	87,195	728
Net community assets		901,358	909,647	8,289	1%	959,656	916,029	43,627

C: Monthly summary cash flow report

YTD

50%

	This period				Year-to-date				Adopted Budget	Full year 19Q1	
	19Q1 Revised Budget	Actual	Variance	Variance	19Q1 Revised Budget	Actual	Variance	Variance		19Q1 Revised Budget	Variance
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)
Cash inflows from operations -											
Rates & utility charges	(458)	1,271	1,729	0%	35,974	36,661	687	0%	73,749	72,421	(1,328)
User fees and charges	590	656	67	11%	2,193	2,905	712	32%	3,996	3,996	0
Operating grants	330	42	(289)	-87%	3,032	2,012	(1,021)	-34%	6,009	6,009	0
Interest	92	73	(19)	-20%	618	541	(76)	-12%	1,207	1,207	(0)
Other	208	(1,315)	(1,523)	-732%	995	(1,792)	(2,787)	-280%	1,445	1,445	0
Proceeds from sale of land inventory	4,864	0	(4,864)	-100%	6,847	230	(6,617)	-97%	7,824	7,824	0
Total operating cash inflows	5,625	727	(4,899)	-87%	49,660	40,557	(9,102)	-18%	94,230	92,902	(1,328)
Cash outflows from operations -											
Employee entitlements	(2,446)	(3,068)	(622)	25%	(16,122)	(14,837)	1,285	-8%	(31,729)	(31,573)	156
Payments to suppliers	(3,001)	(948)	2,053	-68%	(14,941)	(12,908)	2,033	-14%	(27,386)	(28,504)	(1,118)
Borrowing costs & bank charges	(355)	(359)	(4)	1%	(2,139)	(2,155)	(16)	1%	(4,275)	(4,109)	166
Other	(55)	(61)	(6)	12%	(553)	(653)	(100)	18%	(1,669)	(9,706)	(8,037)
Payments for land inventory	(350)	(236)	114	-33%	(1,440)	(1,189)	251	-17%	(1,860)	(2,040)	(180)
Total operating cash outflows	(6,207)	(4,672)	1,535	-25%	(35,195)	(31,742)	3,453	-10%	(66,919)	(75,932)	(9,013)
Net cash flows from operations	(581)	(3,945)	(3,364)	578%	14,465	8,816	(5,649)	-39%	27,311	16,970	(10,341)
Investing cash flows -											
Proceeds on disposal of assets	0	58	58	0%	233	380	147	63%	233	233	0
Capital grants & infrastructure charges	172	2,157	1,985	1154%	3,875	5,757	1,882	49%	12,158	14,199	2,041
Acquisition of assets	(2,927)	(5,538)	(2,611)	89%	(30,642)	(22,512)	8,130	-27%	(46,410)	(46,673)	(263)
Other investing activities	0	0	0	0%	0	0	0	0%	(191)	(191)	0
Net investing cash flows	(2,755)	(3,323)	(568)	21%	(26,534)	(16,375)	10,159	-38%	(34,210)	(32,432)	1,778
Financing cash flows											
Repayments on borrowings	(1,188)	(1,157)	31	-3%	(2,376)	(2,312)	64	-3%	(4,751)	(4,751)	0
Net financing cash flows	(1,188)	(1,157)	31	-3%	(2,376)	(2,312)	64	-3%	(4,751)	(4,751)	0
Net combined cash flows	(4,524)	(8,424)	(3,900)	86%	(14,445)	(9,871)	4,574	-32%	(11,650)	(20,213)	(8,563)
Add: Opening cash balance	33,277	41,751	8,475	25%	43,197	43,198	1	0%	26,595	43,197	16,602
Closing cash balance	28,752	33,327	4,575	16%	28,752	33,327	4,575	16%	14,945	22,984	8,039

D.1: Monthly summary capital revenue and expenditure report by category (all projects) YTD 50%

	This period				Year-to-date				Adopted Budget	Full year 19Q1	
	19Q1 Revised Budget	Actual	Variance	Variance	19Q1 Revised Budget	Actual	Variance	Variance		Revised Budget	Variance
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)
Renewal of existing assets -											
Capital grants and contributions	0	(58)	(58)	0%	(231)	(300)	(69)	30%	(958)	(763)	195
Renewal expenditure	733	559	(174)	-24%	6,538	1,894	(4,644)	-71%	11,528	11,204	- 324
New assets/Upgrade of existing assets											
Capital grants and contributions	(172)	(2,134)	(1,962)	1141%	(3,607)	(6,052)	(2,445)	68%	(11,163)	(13,399)	- 2,236
New/upgrade expenditure	2,544	2,758	214	8%	25,543	15,101	(10,442)	-41%	36,742	37,507	765
Total											
Capital grants and contributions	(172)	(2,192)	(2,020)	1174%	(3,838)	(6,352)	(2,514)	66%	(12,121)	(14,162)	- 2,041
Renewal, upgrade and acquisition	3,277	3,317	40	1%	32,081	16,995	(15,086)	-47%	48,270	48,711	441

D.2: Monthly summary capital revenue and expenditure report by asset class (all projects) YTD 50%

	This period				Year-to-date				Adopted Budget	Full year 19Q1	
	19Q1 Revised Budget	Actual	Variance	Variance	19Q1 Revised Budget	Actual	Variance	Variance		Revised Budget	Variance
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)
Land											
Capital grants and contributions	-	0	0	0%	37	(251)	(288)	-778%	37	37	-
Renewal, new/upgrade	5	1	(4)	-80%	61	78	17	28%	100	113	13
Buildings											
Capital grants and contributions	-	-	-	0%	-	0	-	0%	-	3	3
Renewal, new/upgrade	79	70	(9)	-11%	885	268	(617)	-70%	777	980	203
Plant & Equipment											
Capital grants and contributions	0	(58)	(58)	0%	-	(194)	(194)	0%	-	-	-
Renewal, new/upgrade	149	158	9	6%	1,194	632	(562)	-47%	2,138	2,164	26
Roads & Drainage											
Capital grants and contributions	(96)	(1,398)	(1,302)	1356%	(2,043)	(3,991)	(1,948)	95%	(6,892)	(8,310)	- 1,418
Renewal, new/upgrade	1,563	2,028	465	30%	16,294	9,976	(6,318)	-39%	17,967	22,986	5,020
Bridges											
Capital grants and contributions	-	-	-	0%	-	-	-	0%	0	0	-
Renewal, new/upgrade	-	3	3	0%	79	3	(76)	-96%	1,048	79	- 969
Water											
Capital grants and contributions	(51)	30	81	-159%	(305)	(67)	238	-78%	(611)	(610)	1
Renewal, upgrade and acquisition	133	49	(84)	-63%	891	379	(512)	-57%	2,100	2,131	31
Sewerage											
Capital grants and contributions	(18)	18	36	-200%	(108)	(21)	87	-81%	(3,213)	(3,215)	- 2
Renewal, upgrade and acquisition	645	742	97	15%	7,732	2,989	(4,743)	-61%	14,380	13,419	- 961
Site Improvements											
Capital grants and contributions	(7)	(784)	(777)	11100%	(1,419)	(1,598)	(179)	13%	(1,442)	(2,061)	- 619
Renewal, upgrade and acquisition	353	30	(323)	-92%	3,505	1,497	(2,008)	-57%	7,900	4,799	- 3,101
Land Development											
Capital grants and contributions	-	0	0	0%	-	(230)	(230)	0%	0	0	-
Renewal, upgrade and acquisition	350	236	(114)	-33%	1,440	1,173	(267)	-19%	1,860	2,040	180

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

		Project Dates			Project Costs YTD FY18/19				Budget FY18/19	Project Life Costs	
	% Project Complete	Planned Start Date*	Planned Completion Date*	WIP B/F FY 17/18	Actual	Commitments	Total Project Costs	Project EOFY Forecast Cost	19Q1 Revised Budget	Project LTD Costs	Project Life Budget
Major projects (>\$1m)				(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Capricorn Coast New Cemetery											
988058 (N) Capricorn Coast Cemetery Roadworks	100%	8/05/17	9/11/18	1,933	691	189	880	627	627	2,624	2,500
988173 (N) Capricorn Coast New Cemetery Internal	48%	16/04/18	28/06/19	130	151	161	312	1,770	1,770	281	1,770
1110324 (N) Cap Coast New Cemetery Internal R&D works PCL-530	85%	6/08/18	21/12/18	0	1,183	675	1,858	1,600	1,600	1,183	1,730
Subtotal of Capricorn Coast New Cemetery				2,063	2,024	1,026	3,050	3,997	3,997	4,087	6,000
Emu Park Village & Forshore Revitalisation											
1097725 (N) EPV&FR-Emu Park Foreshore Pre-project Plan	10%		15/03/19	75	0	0	0	0	0	75	0
1100767 (N) EPV&FR Emu Park Village & Foreshore detailed design	70%	3/07/17	15/04/19	406	1,287	551	1,838	3,259	3,259	1,693	4,500
1105254 (U) EPV&FR Kerr Park Carpark (SLSC)	100%	6/11/17	6/11/17	805	0	0	0	0	0	805	0
1105255 (U) EPV&FR Tennent Memorial Dr	100%	4/12/17	31/05/18	17	0	0	0	0	0	17	0
1105256 (U) EPV&FR Emu St Stg1 Plans B to E	100%	4/12/17	15/03/19	63	36	122	159	0	0	99	0
1108479 (R) EPV&FR water main replacement Emu St	100%	15/03/18	16/05/18	0	0	0	0	0	0	0	0
Subtotal of Emu Park Village & Forshore Revitalisation				1,366	1,324	673	1,997	3,259	3,259	2,690	4,500
Homemaker Centre											
1067267 (N) Homemaker Centre Demolition & Site F	98%	1/11/17	1/03/19	442	0	0	0	0	0	442	0
1067268 (N) Homemaker Centre General	93%	1/03/15	31/05/19	88	124	26	150	0	0	211	0
1067269 (N) Homemaker Centre Land Development	93%	1/03/15	31/05/19	1,298	59	68	126	2,000	2,000	1,357	6,930
1108266 (N) Homemaker Centre Service Relocation	100%	1/10/17	30/11/18	1,122	31	25	56	0	0	1,152	0
1108267 (R) Homemaker Centre SPS replacement	98%	1/11/17	1/03/18	220	0	1	1	0	0	220	0
1108268 (N) Homemaker Centre Earthworks	98%	1/10/17	1/03/19	2,279	56	59	116	0	0	2,336	0
1108269 (N) Homemaker Centre SRM 300mm trunk sew	98%	1/01/18	1/03/19	53	1	2	3	0	0	54	0
1113203 (N) Homemaker Centre Civil Works	65%	1/07/18	31/05/19	0	888	271	1,159	0	0	0	0
Subtotal of Homemaker Centre				5,502	1,159	452	1,611	2,000	2,000	5,773	6,930
1066964 (N) UEC-NC-Intersection Taranganba Rd at	25%	30/10/18	11/04/19	39	263	362	625	1,300	1,300	302	1,300
1108790 (N)-RC-NC-Nerimbera Boat Ramp Car-traile	55%	23/10/18	1/02/19	0	432	125	557	1,200	1,200	432	1,200
1108221 (N)-RC-RC-Svendsen Road-Sealed Road Construction	100%	4/06/18	28/09/18	200	712	2	714	700	700	912	700
966564 (N)-UC-NC-R'ton Rd (Barmaryee & Condon Drive Intersection)	85%	27/04/18	7/02/19	668	1,158	606	1,764	1,630	1,630	1,825	1,630
(N)-UC-PW-Scenic Hwy Statue Bay to Kemp Beach Rosslyn St to											
1104375 Wildin Way	10%	8/10/18	30/06/20	35	244	125	368	2,607	2,607	279	2,607
959072 (U)-SP-SEW-33 STP YPN Augmentation Design & Construction	45%	12/06/17	30/08/19	2,050	2,564	10,357	12,921	12,950	12,950	4,614	15,000
1105687 (U)-RC-RC-St Christopher Chapel Rd	91%	20/11/17	31/01/19	11	637	79	716	1,000	1,000	649	1,000
1070087 (R)-WC-W-Main Replacement Reticulation V	40%	1/07/18	30/06/19	0	0	3	3	1,230	1,230	0	1,230
CP428 (R)-UEC-RS-AS/SS/SLS-Road Resurfacing Annual Program	2%	1/07/18	30/06/19	0	0	0	0	1,000	1,000	0	1,000
CP422 (R)-REC-GR-Gravel Resheet Program A	8%	1/07/18	30/06/19	0	107	69	175	1,100	1,100	107	1,100
CP427 (R)-UC-PR-Sealed Pavement Renewals AMP annual program	0%	1/07/18	30/06/19	0	1	637	637	1,000	1,000	1	1,000
CP440 (R)-Fleet Renewal Program	50%	1/07/18	30/06/19	0	22	182	204	1,900	1,900	22	1,900

E.1: Business Unit summary revenue and expenditure report (by line item)																		YTD	50%		
	Water				Sewer				Waste				Council				Consolidated				
	19Q1	YTD Actual	Variance	Variance	19Q1	YTD Actual	Variance	Variance	19Q1	YTD Actual	Variance	Variance	19Q1	YTD Actual	Variance	Variance	Adopted	19Q1	Actual	Variance	Variance
	Revised Budget				Revised Budget				Revised Budget				Revised Budget								
	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)	(\$'000)	(\$'000)	%
Rates & Utility Charges	16,075	6,465	(9,610)	-60%	9,436	4,891	(4,545)	-48%	5,966	3,007	(2,959)	-50%	40,021	20,908	(19,113)	-48%	71,498	71,498	35,271	(36,227)	-51%
User fees & charges	347	98	(249)	-72%	138	69	(69)	-50%	1,021	410	(610)	-60%	2,208	1,191	(1,018)	-46%	3,714	3,714	1,768	(1,946)	-52%
Operating grants	0	0	0	0%	0	0	0	0%	0	0	0	0%	6,009	2,072	(3,937)	-66%	6,009	6,009	2,072	(3,937)	-66%
Interest	0	0	0	0%	0	0	0	0%	0	0	0	0%	1,347	541	(806)	-60%	1,347	1,347	541	(806)	-60%
Sales revenue	200	90	(110)	-55%	70	26	(44)	-63%	0	0	0	0%	2,178	779	(1,399)	-64%	2,448	2,448	895	(1,553)	-63%
Other	19	1	(17)	-93%	7	(32)	(39)	-570%	40	14	(26)	-64%	681	550	(132)	-19%	747	747	533	(214)	-29%
Total operating revenues	16,641	6,655	(9,987)	-60%	9,651	4,955	(4,696)	-49%	7,026	3,431	(3,595)	-51%	52,446	26,041	(26,405)	-50%	85,765	85,765	41,081	(44,684)	-52%
Expenses																					
Employee benefits	(2,063)	(998)	1,066	-52%	(1,795)	(764)	1,031	-57%	(367)	(157)	210	-57%	(27,490)	(12,941)	14,548	-53%	(31,729)	(31,715)	(14,860)	16,855	-53%
Materials & Services	(6,099)	(3,497)	2,602	-43%	(4,078)	(1,380)	2,698	-66%	(4,385)	(1,597)	2,787	-64%	(12,527)	(4,605)	7,922	-63%	(27,075)	(27,089)	(11,079)	16,010	-59%
Depreciation	(4,884)	(2,442)	2,442	-50%	(2,959)	(1,480)	1,479	-50%	(780)	(390)	390	-50%	(14,154)	(7,078)	7,076	-50%	(22,777)	(22,777)	(11,389)	11,388	-50%
Interest	(587)	(300)	288	-49%	(376)	(366)	9	-2%	(620)	(317)	304	-49%	(2,691)	(1,172)	1,519	-56%	(4,275)	(4,275)	(2,155)	2,120	-50%
Other	0	0	0	0%	0	32	32	0%	(10)	(4)	6	-61%	(1,254)	(467)	787	-63%	(1,264)	(1,264)	(439)	825	-65%
Less: Total operating expenses	(13,634)	(7,237)	6,397	-47%	(9,207)	(3,958)	5,250	-57%	(6,162)	(2,465)	3,697	-60%	(58,116)	(26,263)	31,853	-55%	(87,120)	(87,120)	(39,923)	47,197	-54%
Net operating result	3,007	(582)	(3,589)	-119%	443	997	554	125%	864	966	102	12%	(5,670)	(222)	5,448	-96%	(1,355)	(1,355)	1,158	2,514	-185%

E.2: Business Unit summary of assets and liabilities report									YTD	50%
	Water	Sewerage	Waste	Council	Year-to-date				Full year	
					19Q1 Revised Budget	Actual	Variance	Variance	Adopted Budget	19Q1 Revised Budget
	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	(\$'000)	%	(\$'000)	(\$'000)
Assets										
Cash and cash equivalents	11,660	3,828	11,727	6,112	28,752	33,327	4,575	16%	14,945	22,984
Inventory	0	0	0	440	818	440	(378)	-46%	1,511	2,855
Trade & Other Receivables	786	375	441	2,020	7,130	3,622	(3,508)	0%	8,069	8,069
Land - for resale	0	0	0	13,788	6,514	13,788	7,274	112%	6,967	6,514
Infrastructure:	0	0	0	0	0	0	0	0%	0	0
PPE	195,003	115,781	8,938	587,195	957,307	906,916	(50,391)	-5%	1,026,838	974,063
Capital WIP	965	5,755	37	41,959	0	48,716	48,716	0%	0	0
Other assets	0	(0)	0	3,666	0	3,667	3,667	0%	1,374	930
Total Assets	208,415	125,739	21,142	655,180	1,000,522	1,010,476	9,955	1%	1,059,704	1,015,415
Liabilities										
Employee benefits	700	684	55	6,441	4,777	7,861	3,084	65%	4,810	4,777
Trade creditors and accruals	0	6	1	80	504	88	(416)	-83%	4,116	4,181
Borrowings:										
Short-term	352	415	374	1,445	4,695	2,587	(2,108)	-45%	4,989	4,989
Long-term	9,988	16,138	10,505	43,739	79,290	80,370	1,080	1%	75,527	75,541
Other liabilities	0	0	9,416	489	9,898	9,925	27	0%	10,606	9,898
Total Liabilities	11,040	17,243	20,351	52,195	99,164	100,830	1,666	2%	100,048	99,386
Current assets	12,446	4,203	12,168	16,712	36,701	45,530	8,829	24%	32,610	39,590
Current liabilities	1,010	1,064	431	7,177	9,976	9,681	(295)	-3%	12,125	12,191
Non-current assets	195,968	121,536	8,974	638,468	963,821	964,947	1,126	0%	1,027,094	975,825
Non-current liabilities	10,030	16,180	19,921	45,018	89,188	91,149	1,961	2%	87,923	87,195
Net community assets	197,375	108,496	791	602,985	901,358	909,647	8,289	1%	959,656	916,029

13 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.

14 CLOSURE OF MEETING