



## **ORDINARY MEETING**

### **AGENDA**

**7 MAY 2019**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 7 May 2019 commencing at 8.30am for transaction of the enclosed business.*

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

**CHIEF EXECUTIVE OFFICER**  
1 May 2019

Next Meeting Date: 21.05.19

**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**

Nil

#### **4      CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Minutes of the Ordinary Meeting held 16 April 2019.

Minutes of the Special Meeting held 18 April 2019.

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

## 6 PUBLIC FORUMS/DEPUTATIONS

### 6.1 FITZROY BASIN ASSOCIATION - CHANGES TO REGIONAL NATURAL RESOURCE MANAGEMENT BODY

<b>File No:</b>	<b>EM11.7.1</b>
<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Brett Bacon - Executive Director Liveability and Wellbeing</b>
<b>Author:</b>	<b>Sue Schluter - Executive Assistant to Mayor</b>

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#### SUMMARY

A deputation from the Fitzroy Basin Association at Council's Ordinary Meeting of 7 May 2019 will provide an update to Council regarding changes to its service delivery model and the status of programmes and projects which it currently delivers in the Livingstone Shire Council area.

#### OFFICER'S RECOMMENDATION

THAT Council receive the deputation.

#### BACKGROUND

The Fitzroy Basin Association is the community based organisation which provides guidance and funding for natural resource management within the Central Queensland Region. It is accountable for the implementation, continuous improvement and operational delivery of a strategy for sustainable land use in the Fitzroy catchment and coastal catchments of the Broadsound and Capricornia areas with the assistance of five delivery partners or sub-catchment groups; the Capricornia Catchments Inc is the group covering the Livingstone Shire's geographic footprint.

The Fitzroy Basin Association and Capricornia Catchments Inc have historically worked closely with the Livingstone Shire Council on the natural resource management interests and responsibilities of Council. We now have the opportunity to formalise this partnership through a Memorandum of Understanding (attached) and to work closely with these organisations to develop new projects which will value add and enhance the benefit-cost ratio for Council in areas where mutual interests in natural resource management exist.

#### 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.*

**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**

Nil

## 12 REPORTS

### 12.1 COUNCILLOR AGENDA ITEM REQUESTS

**File No:** GV13.4.1  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Sue Schluter - Executive Assistant to Mayor

#### SUMMARY

*This report is to provide information in relation to Councillor requests for agenda items.*

#### OFFICER'S RECOMMENDATION

THAT Council receive the report in relation to the following items requested by Councillors for inclusion in an agenda:

- Parking for Service Providers – Anzac Parade
- Reticulated Water to Mabel Edmund Park
- Tookers Road Upgrade
- Audit of Shire Intersections

#### BACKGROUND

The information contained in the commentary of this report is being provided in accordance with *Council Meeting's Procedures Policy*, s2.9.2 Request by a Councillor to Place an Item on the Agenda.

#### COMMENTARY

Councillor	Subject	Action	Outcome / Update
Mather	Parking for Service Providers – Anzac Parade.	The matter is currently being dealt with operationally due to another Councillor raising the same matter, via Council's customer request system, prior to Cr Mather raising this matter with Council.	Briefing was provided to Councillors on 1 April 2019. The matter will be presented at Council meeting on 7 May
Kelly	Reticulated Water to Mabel Edmund Park	Referred to a Briefing Session in the first instance.	Briefing was provided to Councillors on 18/3/19. Further investigation of options and an onsite meeting has occurred. Information will be brought back to Council once feasibility has been assessed.
Mather	Tookers Road Upgrade	Referred to a Briefing Session in the first instance.	Councillors were briefed on 15/04/19 and the matter will be placed on the budget workshop agenda for consideration
Mather	Audit of Shire Intersections	Referred to Executive Director for investigation with DTMR due to the intersections being on State	Consultation has commenced.

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		controlled roads	
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**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**

This report, presented in accordance with the *Meeting Procedures Policy* is provided for the information of Councillors.

**12.2 LIFTING MATTERS LYING ON THE TABLE**

**File No:** GV13.4.1  
**Attachments:** Nil  
**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing  
**Author:** Nicole Robertson - Coordinator Executive Support

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**SUMMARY**

*This report is being presented to Council in order for the stated matter to be formally lifted from the table and removed from the business outstanding.*

**OFFICER'S RECOMMENDATION**

THAT Council resolve that the following matter, laid on the table at the Ordinary Council meeting of 16 October 2018, be lifted from the table and removed from the business outstanding table, as the matter was dealt with during the Ordinary Council meeting held on 20 November 2018.

- 1) Yeppoon Lagoon - Extra Activities Post Opening

**PREVIOUS DECISIONS**

The matter of 'Yeppoon Lagoon – Extra Activities Post Opening', was considered at the Ordinary Council meeting of 16 October 2018, where Council resolved to lay the matter on the table. This matter has since been dealt with at the Ordinary Council meeting of 20 November 2018.

**CORPORATE/OPERATIONAL PLAN**

Strategy GO1 of Council's Corporate Plan states: '*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**

That the matter is to be lifted from the table and removed from business outstanding.

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**12.3 FITZROY BASIN ASSOCIATION AND LIVINGSTONE SHIRE COUNCIL  
MEMORANDUM OF UNDERSTANDING**

**File No:** EM 11.7.1

**Attachments:** 1. Proposed Memorandum of Understanding  
FBA and LSC [↓](#)

**Responsible Officer:** David Mazzaferri - Manager Disaster Management,  
Recovery and Resilience  
Brett Bacon - Executive Director Liveability and  
Wellbeing

**Author:** Leise Childs - Senior Land Protection Officer

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**SUMMARY**

The Fitzroy Basin Association Inc. is a community based organisation which provides Natural Resource Management guidance and funding for the Central Queensland region. A deputation from Fitzroy Basin Association Inc. on 7 May 2019 will provide an update to Council regarding changes to its service delivery model and the status of programmes and projects which the Fitzroy Basin Association Inc. currently delivers in the Livingstone Shire Council area.

The Fitzroy Basin Association Inc. has historically worked closely with the Livingstone Shire Council on natural resource management issues of mutual interest and signed a Memorandum of Understanding on 1 May 2014 to officially recognise the valued relationship between it and Council, as well as outlining arrangements which allow staff of both organisations to collaborate.

in conjunction with this deputation to Council, Fitzroy Basin Association Inc. proposes that both organisations reaffirm their commitment to the Memorandum of Understanding, update items to recognise recent changes and sign an updated Memorandum of Understanding document.

**OFFICER'S RECOMMENDATION**

THAT Council endorse the signing of a new Memorandum of Understanding with the Fitzroy Basin Association to facilitate ongoing co-operation and collaboration on natural resource management issues.

**BACKGROUND**

A Memorandum of Understanding was signed between Livingstone Shire Council and Fitzroy Basin Association on 1 May 2014. This document remains current, however it is proposed to update the wording to recognise the recent changes Fitzroy Basin Association Inc. has made to its service delivery model and reaffirm the agreement to work together on natural resource management issues of mutual interest.

**COMMENTARY**

Last year the Fitzroy Basin Association celebrated its twenty-first birthday. After two decades of experience in natural resource management, Fitzroy Basin Association Inc. continues to develop and adapt its service delivery model as the regional natural resource management body and will outline these changes to Livingstone Shire Council as part of the deputation on 7 May 2019.

The Fitzroy Basin Association Inc. administers numerous programmes aimed at sustainable resource management and works in collaboration with many partner organisations, including Livingstone Shire Council, as well as individual landholders and numerous local community groups to raise awareness and improve environment outcomes.

The Fitzroy Basin Association Inc. representatives will address Council regarding the status of programmes and projects which it currently delivers in the Livingstone Shire Council area as well as the wider region and identify opportunities for Fitzroy Basin Association Inc. and Council to collaborate in future.

In conjunction with this deputation to Council and to assist ongoing collaboration, Fitzroy Basin Association Inc. proposes that both organisations reaffirm their commitments through a renewal of the Memorandum of Understanding. A new Memorandum of Understanding will officially recognise the valued relationship between Fitzroy Basin Association Inc. and Council and provide a framework to continue to work closely to develop new projects which will value add and enhance the benefit-cost ratio for Council in areas where mutual interests in sustainable natural resource management exist. The proposed Memorandum of Understanding document is provided as Attachment One.

### **PREVIOUS DECISIONS**

A Memorandum of Understanding was signed between Livingstone Shire Council and Fitzroy Basin Association on 1 May 2014.

### **BUDGET IMPLICATIONS**

There are no expected budget implications although there is the opportunity to enhance community value through the development of projects which may attract external funding and in-kind support from partner organisations.

### **LEGISLATIVE CONTEXT**

The Memorandum of Understanding is a voluntary document which is not intended to create contractual relationships, rights, obligations, duties or remedies in a court of law between or among signatories.

### **LEGAL IMPLICATIONS**

The parties expressly agree that it is not intended for this Memorandum of Understanding to create a legally binding relationship between the parties. The parties expressly agree that each party will retain its own legal responsibilities and agrees to fulfil them appropriately.

### **STAFFING IMPLICATIONS**

Existing staff resources will be utilised in any discussions and joint project development opportunities that arise from cooperation between the two organisations.

### **RISK ASSESSMENT**

The new Memorandum of Understanding does not introduce any additional risk for Council as it replaces the existing agreement which encourages the organisations to work together but all projects developed through this relationship are subject to sign-off by the Chief Executive Officer and/or Executive of both organisations and their nominated delegates.

### **CORPORATE/OPERATIONAL PLAN**

Strategy EN4 of Council's corporate Plan states: '*Actively participate in conservation and enhancement programs to ensure the preservation of natural assets and identifiable built form.*'

### **LOCAL GOVERNMENT PRINCIPLES**

The local government principles are –

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

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

**CONCLUSION**

A Memorandum of Understanding provides an opportunity to officially recognise the valued relationship between Fitzroy Basin Association Inc. and Council as well as outline arrangements that allow staff of both organisations to collaborate into the future.



## **12.3 - FITZROY BASIN ASSOCIATION AND LIVINGSTONE SHIRE COUNCIL MEMORANDUM OF UNDERSTANDING**

### **Proposed Memorandum of Understanding FBA and LSC**

**Meeting Date: 7 May 2019**

**Attachment No: 1**

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# Memorandum of Understanding

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Fitzroy Basin Association Inc.



and

Livingstone Shire Council



**Memorandum of Understanding** is made on the 7th day of May 2019.

**BETWEEN**     **Fitzroy Basin Association Inc**

**AND**           **Livingstone Shire Council**

**CONTEXT**     Livingstone Shire Council (LSC) and Fitzroy Basin Association Inc (FBA) have complementary interests in Natural Resource Management. Both parties are interested in achieving more through working collaboratively with each other and the wider community. This agreement will provide a framework to guide and facilitate such efforts into the future.

Fitzroy Basin Association Inc. (FBA):

- aims to empower the region with resources, knowledge and skills to maintain our natural assets for future generations;
- services the geographic footprint of the Livingstone Shire Council (LSC) and has historically worked closely with the LSC on the natural resource management interests and responsibilities of the Council.

Livingstone Shire Council:

- is accountable for undertaking good governance for and on behalf of the Capricorn Coast and region;
- advocates and encourages improvements in natural resource management within the scope of its policy and regulatory framework;
- occupies a part of the same geographic region as the Fitzroy Basin Association Inc. (FBA) and it has historically worked closely with the FBA on natural resource management (NRM) issues and efforts.

**PURPOSE**     The FBA and LSC now together wish to formalise their collaborative relationship, to enable and encourage their executives and officers to explore new business models and projects that will value add and enhance the benefit-cost ratio and ecological outcomes of the FBA and the LSC in areas where mutual interests in natural resource management exist.

#### **RELATIONSHIPS**

The formation of this collaborative relationship, through this MOU, in no way infers that the two entities cannot enter into or have relationships with other organisations. The focus is solely on providing a guiding framework for the cooperative relationship for the benefit of both organisations and the community.

#### **PRINCIPLES**

The following principles underpin this collaboration MOU:

- In the spirit of collaboration, parties will acknowledge and honour their different “agendas”, goals or motivations for collaboration by open communication, clarifying agendas and identifying areas of mutuality and divergence.
- Developing the collaboration will be based on mutual trust and respect through the investment of time and resources in building and maintaining the collaborative relationship in an environment that fosters creative approaches to resolving problems and identifying solutions.
- Parties will be accountable to each other through transparent processes, fair use of funding, acknowledgement and recognition of each other.
- A quality improvement approach will be adopted to improve the collaboration and to learn from difficulties or challenges and successes.
- Appropriate and realistic expectations will be developed for collaborative activities and these will be resourced sufficiently in both funds and time to ensure success.
- There will be a focus on growth over time by engaging other parties in collaborative projects who share commitment to the principles of this collaboration.

### GOVERNANCE

This agreement is an initiative of the Board of the FBA and The Council of Livingstone Shire Council, who will jointly guide and govern the evolution of this collaborative partnership.

The CEO of Livingstone Shire Council and the Executive of FBA will each hold overall responsibility and authority in relation to their organisation's implementation of this Partnership Agreement and all partnership activities undertaken as a result of its implementation. All members of the LSC and FBA are encouraged to be proactive in the development of new collaborative initiatives, but sign-off for agreement to joint activities and associated resourcing is subject to sign-off by the CEO/Executive of both organisations or their nominated delegates.

### SCOPE OF ACTIVITIES

The table below details the potential scope for collaborative involvement of LSC and FBA officers under this MOU:

<b>Roles for exploration.</b>	<b>FBA</b>	<b>LSC</b>
Project identification, design and development	yes	yes
Integrated catchment management	yes	yes
Project management and service delivery	yes	yes
Community/stakeholder engagement	yes	yes
Pursuit of external and competitive funding grants and philanthropic investment	yes	yes
Communication/education /promotion/public relations	yes	yes
New business models, alliances and partnerships	yes	yes

The above roles are subject to change, according to the scope of individual projects and organisational needs and interests over time. Importantly, both parties may explore and initiate opportunities as per the above.

#### **INTELLECTUAL PROPERTY**

This MOU does not vest in either party any rights over the intellectual property of the other party and does not licence or permit its use by the other party without the express written authority of that party. Where either party considers that its intellectual property will be employed on a particular project, it shall notify the other party so that where agreed, appropriate undertakings or covenants will be entered into to ensure the rights of either party to that property will be protected.

#### **BRANDING/PROMOTION**

The MOU is a joint initiative. For projects undertaken together under this framework, each partner shall seek to incorporate branding, recognition, public exposure, etc that reflects both parties as equal participants as partners in this MOU.

#### **PROVISION OF SERVICES**

Both parties shall share the provision of services and the percentage input by either party will be determined by the ability of either party to supply the required service. The input by either party shall in no way undermine the credibility of either organisation. The majority input shall be decided upon at the time of project planning. All projects shall reflect both organisations as contributing partners so as to enhance public profile as well as enhance project capability. For the sake of clarity, the agreed input from each party for each project shall be recorded in writing and signed by an authorised representative of each party.

#### **TIMETABLE/SEVERANCE**

This MOU shall come into effect immediately after signing and shall apply to the governance of negotiations for any proposed project. Should either party wish to withdraw from the MOU for any other reason, then thirty (30) days written notice would be appreciated and both parties shall endeavour to complete any projects commenced prior to the termination of the MOU. Withdrawal from individual projects will be upon the terms of the written project agreement in question.

#### **NON – CONTRACTURAL AGREEMENT**

This MOU is intended to guide the exploration of collaborative opportunities by officers in a way that embodies the general principles agreed upon between and among the signatories and is not intended to create contractual relationships, rights, obligations, duties or remedies in a court of law between or among signatories.

#### **NO INTENTION TO CREATE LEGAL RELATIONS**

The parties expressly agree that it is not intended for this MOU to create a legally binding relationship between the parties. The parties expressly agree that each party will retain its own legal responsibilities and agrees to fulfil them appropriately for each project e.g. compliance with Workplace, Health and Safety legislation on project sites. FBA respects the Council's authority and independence as a Local

Government, and its freedom to pursue its legislative powers and obligations and LSC respects the authority and independence of FBA as an incorporated entity and its freedom to pursue its activities under the obligations of applicable regulations.

#### **INDEMNITY**

**Fitzroy Basin Association Inc.** indemnifies **Livingstone Shire Council** against any claim, action, damage, loss, expense or liability, howsoever arising as a result of **Livingstone Shire Council** entry into this MOU.

**Livingstone Shire Council** indemnifies **Fitzroy Basin Association Inc.** against any claim, action, damage, loss expense or liability, howsoever arising as a result of **Fitzroy Basin Association Inc.** entry into this MOU.

**This Memorandum of Understanding is intended to record a common understanding about each party's strategic decision to work together when appropriate, but is not intended to form a legally binding partnership.**

This Memorandum of Understanding was signed on the date first set out above.

Signed behalf of  
Fitzroy Basin Association Inc.

By Mr Paul Birch  
Chief Executive Officer

in the presence of:

\_\_\_\_\_  
Date:

Signed behalf of  
Livingstone Shire Council

By Mayor Bill Ludwig

in the presence of:

\_\_\_\_\_  
Date:

**12.4 DRIVE INLAND CAMPAIGN**

**File No:** CR 21.5  
**Attachments:** Nil  
**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing  
**Author:** Trish Weir - Manager Customer Engagement & Communications

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**SUMMARY**

*Drive Inland is a collaboration of seven Local Government authorities (six Queensland and one New South Wales) which Livingstone Shire Council joined in October 2018. Digital Marketing is provided by Zoik which includes twelve (12) blogs a year and forty-eight (48) itinerary promotions annually, evenly spaced out across the year. Each Council also has the opportunity to provide a blog approximately every eight months and is provided administration privileges.*

**OFFICER'S RECOMMENDATION**

THAT Council declines the invitation to participate in the Drive Inland Campaign and Capricorn Enterprise continues to promote the region under the Southern Great Barrier Reef banner.

**BACKGROUND**

The drive tourism market, which was traditionally supported largely by grey nomads, has been reinvigorated as drive holidays provide families with an affordable option of using the family four-wheel drive or sports utility vehicle to tow camper trailers/caravans. To avoid costs associated with promotional duplication and to maximise marketing opportunities the Drive Inland initiative represents transportation routes of the Leichhardt Way, Australia's Country Way and the Rural Getaway. All three run from the southern states to Central Queensland and the group hopes to see expansion into the major towns and highways.

Since formation, Drive Inland has developed a website and is developing social media page to promote the concept of traveling to Queensland by using inland highways. The group states that the website will provide users far more detailed information and themed itineraries to what currently exists on other websites.

The group has advertised in relevant publications and has plans to attend southern camping shows to promote the routes. Drive Inland has no employees and is run by a committee, the digital marketing and brochure distribution is outsourced.

**COMMENTARY**

As the national tourism industry continues to grow, regions are now competing against each other as they bid to attract and maintain visitors. Changes in transportation modes, technology and personal desires, has helped forge the way for regions to offer a variety of alternatives and options for tourists, air/ail travel along with the drive market are most popular for visitors to central Queensland.

Council contributes \$265,000 to Capricorn Enterprise to manage destination tourism promotion. The Drive Inland initiative should complement the work undertaken for the wider Southern Great Barrier Reef Regional Tourism Organisation. Council's participation should be through Capricorn Enterprise, not in addition to Capricorn Enterprise. In ensures consistency of message and avoids Council paying twice for the same activity (destination marketing).

**PREVIOUS DECISIONS**

Cr Tony Williams from Rockhampton Regional Council conducted a deputation to Livingstone Shire Council in 2018. There has been no formal resolution for council to join the Drive Inland group; however, an initial membership fee of \$3,000.00 was paid by the Economic Development and Growth team. This membership will expire on 30 June 2019.

**BUDGET IMPLICATIONS**

If Livingstone Shire Council continues as a member Council in the Drive Inland initiatives, a fee of \$6,000.00 will be required in the 2019-20 Budget.

**LEGISLATIVE CONTEXT**

There are no legislative requirements associated with the consideration of this matter.

**LEGAL IMPLICATIONS**

There are no legislative requirements associated with the consideration of this matter.

**STAFFING IMPLICATIONS**

Staff from Council's Marketing and Communication team would be required to ensure that content is always fresh and up to date. As this is new to the team, it is unknown how many hours will be required for this activity. Currently, Capricorn Enterprise manages this function on Council's behalf and its link is shared on Council's corporate website page.

**RISK ASSESSMENT**

The principal risks associate with this matter is:

Reputational damage – which could be derived from discrepancies in information and activities between Drive Inland and Capricorn Enterprise. Council currently pays \$265,000 to Capricorn Enterprise to provide expertise in tourism and promotional activities.

Financial – associated with Council not remaining within the approved budget for marketing campaigns, thus increasing pressure on its financial position

**CORPORATE/OPERATIONAL PLAN**

Strategy EC1 of Council's Corporate Plan states: *'Identify and capitalise on economic opportunities for the benefit of 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**

Livingstone Shire Council currently contributes \$265,000 to Capricorn Enterprise for the management of destination tourism marketing. Capricorn Enterprise has quarterly key performance indicators which it reports on and marketing initiatives such as Drive Inland are already catered for under the wider Southern Great Barrier Reef Regional Tourism Organisation banner and area. The latest Southern Great Barrier Reef Tourist Holiday Planner 2019/2020 showcases Pacific Coast Way, Australia Country Way, Leichhardt Way, Great Inland Way and Capricorn Way.



**12.5 LOADING ZONE ON ANZAC PARADE**

**File No:** TT30.13.1  
**Attachments:** 1. [Locality Sketch](#)  
**Responsible Officer:** Dan Toon - Executive Director Infrastructure  
**Author:** Michael Prior - Manager Infrastructure Operations

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**SUMMARY**

*This report is in response to a request from Councillor Mather. There is a need for a loading zone on Anzac Parade to service the Seagulls and Thai Take-away shops that have only frontage and access to Anzac Parade. The only available location for a loading zone in the vicinity of these two businesses is at the northern end of the existing five kerb-side car parking bays out front of the Echelon building. To counter the 'loss' of three of these bays required to accommodate the loading zone, signage could be installed to alert patrons of the Echelon tenancies to the availability of public parking under the Echelon building, accessed from Barry Street, as specified in the Echelon development approval.*

**RECOMMENDATION**

*THAT Council authorise the installation of a loading zone on Anzac Parade, taking up the necessary number of existing car-parking bays in front of the Echelon building.*

**BACKGROUND**

This report stems from a request from Councillor Mather for consideration of installing a loading zone on Anzac Parade to service tenancies in the Salt and Echelon buildings and for existing businesses adjacent to Echelon.

**COMMENTARY**

The Salt development has as an approval condition of their Development Approval to have service and loading access their site from Barry Street. Specifically, Condition 4.7 of the Development Approval states: *'All service and loading vehicles including the retail component must enter and exit via the Barry Street access.'*

The Echelon development has a similar condition on their Development Approval. Condition 2.1 states in part: *'Provision of 120 car parking spaces and 2 service parking bays and access thereto maintained in accordance with the Planning Scheme, Council's Policies and to the reasonable satisfaction of Council.'*

Therefore, there is no need for Council to consider providing a loading zone on Anzac Parade for the Salt or Echelon developments or their tenancies. In the case of Salt, the relevant approval condition above is sufficiently specific to support enforcement by compliance with the condition.

There used to be a loading zone on Anzac Parade immediately adjacent the southern side of the pedestrian crossing outside Seagulls. This loading zone was removed because it did not meet the length requirement, and trucks using it were overhanging the zone and blocking a driveway to a nearby residence. There is insufficient available space along the kerb south of the pedestrian crossing to accommodate a compliant loading zone, even with potentially taking out one or more car spaces.

There are two existing take-away food shops that are not tenancies of the Echelon building but situated immediately adjacent to and on the south side of Echelon – these businesses are Thai Take-away and Seagulls. The only access to both of these businesses is from Anzac Parade. They are tenancies in a building that occupies Lot 4 RP604738. There is recent evidence that the service delivery trucks for at least the Seagulls shop have been parking illegally on Anzac Parade to conduct delivery operations.

Potential locations for a loading zone on Anzac Parade to service tenancies between Salt and Echelon have been investigated and the only practical location is at the northern end of the existing kerb-side car parking spaces out front of the Echelon building. There are currently five kerb-side car spaces north of the pedestrian crossing in front of the Seagulls shop (Lot 4 RP604738). To retro-fit a loading zone in this location compliant with Australian Standard 2890.5 would require the removal of three of these car spaces.

John Street (off Anzac Parade) has been investigated for possible locations for a loading zone in this short side street. There is no kerb-side parallel parking in this section of John Street to accommodate a loading zone in the standard format. Theoretically some of the existing centre parking could be sacrificed to enable installation of a loading zone but this would result in the loss of at least eight car parks and the known delivery trucks may not be able to negotiate a way out in a forward gear. Reversing out of this area would be an illegal manoeuvre. Locating a loading zone in John Street is not a viable option.

Part of the Development Approval for Echelon included a condition that required the provision of 72 car spaces on-site for the commercial aspect of the development. The Condition (Condition 2.1) specifically required 'These spaces must be made available unencumbered and freely accessible to the public' and further that ' Directional signage is to (be) erected on-site advising visitors where the visitor car parking spaces are and access thereto.'

Because it appears to be not widely known or clearly signed that public visitor parking is available under the Echelon building, and to counter the loss of three car spaces for the loading zone on Anzac Parade, signage could be deployed with the loading zone signs to advise patrons of the Echelon tenancies of the alternative undercover car parking provision.

### **PREVIOUS DECISIONS**

There are no known previous Council decisions in relation to a request for a loading zone on Anzac Parade.

### **BUDGET IMPLICATIONS**

The costs for any necessary signs and pavement marking resulting from a decision to install a loading zone on Anzac Parade can be accommodated within existing operational budget allocations.

### **LEGISLATIVE CONTEXT**

Council has authority under s60 of the *Local Government Act* to manage roads.

### **LEGAL IMPLICATIONS**

If service and delivery providers for the tenancies in Echelon and Salt are being denied access through the building from Barry Street, that may constitute a breach of the relevant Development Approval. Council has authority to enforce Development Approval conditions by virtue of the Planning Act.

### **STAFFING IMPLICATIONS**

There are no known staffing implications arising from consideration of this report.

### **RISK ASSESSMENT**

There is a risk that if a loading zone is not provided for the Seagulls and Thai Take-away shops, the service and delivery trucks for these businesses will continue to park illegally on Anzac Parade. There is also a risk that if a loading zone is provided on Anzac Parade for Seagulls and Thai Take-away deliveries, service and delivery trucks for the tenancies in Echelon will also use this facility despite provisions in the Echelon Development Approval.

### **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**

Both the Echelon and Salt developments have approval conditions requiring service and delivery vehicles to access their sites from Barry Street. Seagulls and Thai Take-away only have access to Anzac Parade and their service and delivery operations are currently occurring on Anzac Parade. There is a need to legalise service and delivery operations for Seagulls and Thai Take-away by providing a loading zone on Anzac Parade.

## **12.5 - LOADING ZONE ON ANZAC PARADE**

### **Locality Sketch**

**Meeting Date: 7 May 2019**

**Attachment No: 1**





**12.6 PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 17 ON CROWN PLAN LI58****File No:** GR14.4.2**Attachments:**

1. Plan of initial proposed road closure area [↓](#)
2. Email from applicant - 20 March 2019 [↓](#)
3. Amended proposed road closure area [↓](#)

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

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**SUMMARY**

*This report pertains to a proposal to permanently close areas of road reserve adjoining Lot 17 on Crown Plan LI58, located at Kunwarara Road, Kunwarara, to enable same to be amalgamated with this lot.*

**OFFICER'S RECOMMENDATION**

THAT Council resolve to:

- 1) advise the owner of Lot 17 on LI58 that it does not support the proposal to permanently close the areas of road reserve adjoining Lot 17 known as Princhester Road and Atkinson Road; and
- 2) authorise officers to investigate the temporary closure of the areas of road reserve adjoining Lot 17 known as Princhester Road and Atkinson Road.

**BACKGROUND**

A request has been received from the owner of Lot 17 on Crown Plan LI58, located at Kunwarara Road, Kunwarara, for Council to support of an application to permanently close areas of road reserve so that those areas can be incorporated into the owner's adjoining freehold land (refer Attachment One for a plan of the proposed closure area). The owner is seeking Council's support prior to lodging an application with the Department of Natural Resources, Mines and Energy for the closure.

The applicant has expressed concerns in relation to members of the public using this road reserve and trespassing onto the applicant's property without appropriate consideration to biosecurity, thus putting the adjoining properties at risk of the spread of noxious weeds, as well as jeopardising the wellbeing of grazing stock (Attachment Two provides an overview of the concerns).

Under the *Land Act 1994*, an adjoining land owner may apply to have an area of road reserve permanently closed and incorporated into their adjoining freehold land. If permanent road closure is not deemed appropriate by Council at this time, the applicant has requested consideration be given to a temporary road closure.

On 10 April 2019, Council officers met with the applicant. At that meeting the applicant requested that the proposed closure area be increased to include the length of Atkinson Road which adjoins the southern boundary of Lot 17 as well as an area of road which extends west of Lot 17. Council officers advised the applicant that the Department of Natural Resources, Mines and Energy may not consider the area to the west of Lot 17 to be adjoining Lot 17 and requested that the applicant seek confirmation from the Department of Natural Resources, Mines and Energy regarding this.



On 15 April 2019, the Department of Natural Resources, Mines and Energy confirmed that the western area of road would not be eligible to form part of a permanent road closure application in relation to Lot 17 (refer Attachment Three for detail of the amended road closure area).

## COMMENTARY

### Prior dealings

In January 2018, Council received a request from a resident of Marlborough in relation to a number of proposed permanent road closures in the vicinity of the land which is the subject of this report. Council officers considered the matter at an operational level and determined that the proposed road closures could occur, subject to conditions. This was based on the decision that Princhester Road could provide an appropriate alternative access connecting Nine Mile Road to Atkinson Road, should the road closures proposed by the resident at that time occur. On 31 May 2018, Council advised the resident that it would not object to the proposed permanent road closures subject to conditions.

### Lot 17 on LI58

On 21 March 2019, comment was sought from Council's Development Assessment section, Infrastructure Portfolio, Natural Resource Management section, Disaster Management and Resilience section and Community Partnerships section in the relation to the initial road closure request from the owner of Lot 17 on LI58. The following comments were provided in response.

#### Infrastructure Portfolio

*The road reserve that is the subject of this application is affected by a decision at Council-officer level in March last year with regards to a road closure enquiry on lands to the west of this site. Specifically there was an enquiry from the permit holder of Lot B AP19984 that resulted in a senior officer from Infrastructure inspecting the site and the surrounding road reserves, including the one the subject of the current application. The result of the inspection on 21 March 2018 was advice that Council would not object to a road closure over existing road reserve to the west of Princhester Creek (being lease B AP 19984) subject to dedication of a 40 metre wide road reserve along the northern boundary of the lease area connecting Nine Mile Road to the extension of Princhester Road. Part of the rationale behind this decision is that there is a more practical crossing of Princhester Creek at the northern end of Lot B AP19984 than there is at the southern end where currently the road reserves of Nine Mile Road and Atkinson Road converge. The only resulting connecting road reserve therefore between Atkinson Road and Nine Mile Road would be the road reserve that runs north-south east of Princhester Creek and is the subject of the current road closure application.*

*Therefore Infrastructure objects to the proposed road closure for the reasons outlined above. The road reserve is required for its dedicated purpose, being road reserve.*

*Council may be able to entertain a temporary road closure utilizing s69 of the Local Government Act 2009 but would need to ensure that such an action did not unreasonably disadvantage property owners in the area.*

#### Natural Resource Management

*Natural Resource Management could support a temporary road closure providing consultation occur with surrounding property owners to ensure there is no detrimental impact on same in relation to access for stock management purposes or emergency alternate access on this road reserve. There may be historical significance attached to the road which should also be considered.*

Following the meeting with the applicant on 10 April 2019, further comment was sought from internal Council stakeholders to determine if the amendment to the road closure area would

impact Council's position on the matter. The advice received was that Council's position would remain the same.

Whilst the intentions of the applicant for pursuing a permanent road closure are appreciated, for the reasons cited above, namely connectivity to adjoining properties, the request cannot be supported. However, a temporary road closure could be supported, as it does not result in the permanent loss of a future road network.

### **PREVIOUS DECISIONS**

This specific request has not been the subject of any previous Council resolution or direction.

### **BUDGET IMPLICATIONS**

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

### **STAFFING IMPLICATIONS**

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

### **RISK ASSESSMENT**

The risk associated with providing support to the proposed permanent road closure is that the land will no longer be available for its dedicated purpose.

### **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**

The owner of Lot 17 on Crown Plan LI58 is seeking Council's support in a proposal to permanently close an area of road reserve to enable it to be amalgamated with the owners adjoining land. For the reasons articulated in the Commentary Section of this report, a permanent road closure is not supported. The applicant has asked that consideration be given to a temporary road closure, in the event that a permanent closure is not supported.



## **12.6 - PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 17 ON CROWN PLAN LI58**

**Plan of initial proposed road closure  
area**

**Meeting Date: 7 May 2019**

**Attachment No: 1**



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The State Government of Queensland (Dept. of Natural Resources and Mines) 2015.

Other data: © Livingstone Shire Council 2019.

0 0.125 0.25 0.5 Km

## Initial proposed road closure area

Map Created by: Web AppBuilder for ArcGIS

## **12.6 - PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 17 ON CROWN PLAN LI58**

**Email from applicant - 20 March 2019**

**Meeting Date: 7 May 2019**

**Attachment No: 2**

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**From:** [REDACTED]  
**Sent:** Wednesday, 20 March 2019 7:38 PM  
**To:** [REDACTED]  
**Subject:** Application - Road Closure Lot 17 LI 58

Please find attached an Application for Permanent Road Closure for part of Atkinson Road Kunawarara. It would be appreciated if you could consider this application as a matter of urgency and complete Part C and return to me at your earliest convenience. I am aware that the Department of Natural Resources, Mines & Energy may take a long time to process this application, so I request you to consider undertaking a permanent road closure under section 69 of the Local Government Act 2009 as an interim measure.

[REDACTED] have recently purchased "Riverstone" Lot 17 LI 58 along with Lot 14 LI 42. Currently there is an unmanaged and unmaintained gazetted road on the SE side of Lot 17 LI 58. As we are the only residents on that road after [REDACTED] property, a through road has detrimental effect to our biosecurity and wellbeing of our grazing stock.

We are graziers in the Central Highlands Regional Council area and we feel very strongly about the introduction of noxious weeds eg: giant rats tail grass, parthenium, leucaena ect.  
We feel there is no reason for anyone to travel this road or transverse this road as it has no reason to access further property. Due to our concerns with noxious weeds we feel it creates a problem for us to contain these due to trespassers who have not washed their vehicles eg the spread of parthenium, leucaena, rats tail grass, and prickly acacia.  
We are born and raised on the land and we are very conscious of the spread of weeds.

Due to drought at our home property we have the need to move cattle to our recent purchase "Riverstone Lot 17" and are apprehensive to introduce our stock as trespassers have had an access to this property and this needs to stop. If more information is required we are available 24/7 to work with you to be able to care for and maintain this small part of the Livingstone Shire. Our past experience is that this can be achieved but not with trespassers carrying unwanted weeds, litter and empty beer bottles.

We hope this matter is seen to in a timely manner and look forward to hearing from your department.

Kind Regards,

[REDACTED]  
[REDACTED]  
[REDACTED]

## **12.6 - PROPOSED PERMANENT ROAD CLOSURE ADJOINING LOT 17 ON CROWN PLAN LI58**

**Amended proposed road closure area**

**Meeting Date: 7 May 2019**

**Attachment No: 3**



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0 0.275 0.55 1.1 Km

## Amended proposed road closure area

Map Created by: Web AppBuilder for ArcGIS



## RESULTS

[View Historical Aerial Photography](#)  
[Selected plan\(s\)](#)

**17/LI58** [Display Full Lot/Plan](#)  
 42173/32  
 FH - FREEHOLD  
 1569.1690 ha  
 0.00 m<sup>2</sup>  
 Yes  
 Base  
 PARISH MAP 1:100000  
 CONTROL - 57M  
 KUNWARARA  
 LIVINGSTONE SHIRE  
 ATKINSON ROAD,  
 KUNWARARA

[e](#)  
[data](#)  
[h](#)

## North extent of road closure



(Mines and Energy) 2019. Data acquired  
 State of Queensland, © CNES reproduced

Map Number: 8952-33432  
 7460413mN 194114mE  
 Zone: 56

GDA94

Latitude  
 -22.93643  
 22° 56' 11" S

Longitude  
 150.01754  
 150° 1' 3"



Units

[Historical Aerial Photography](#)  
[Plan\(s\)](#)[/LI58](#) [Display Full Lot/Plan](#)

173/32

1 - FREEHOLD

69.1690 ha

10 m<sup>2</sup>

s

se

IRISH MAP 1:100000

CONTROL - 57M

INWARARA

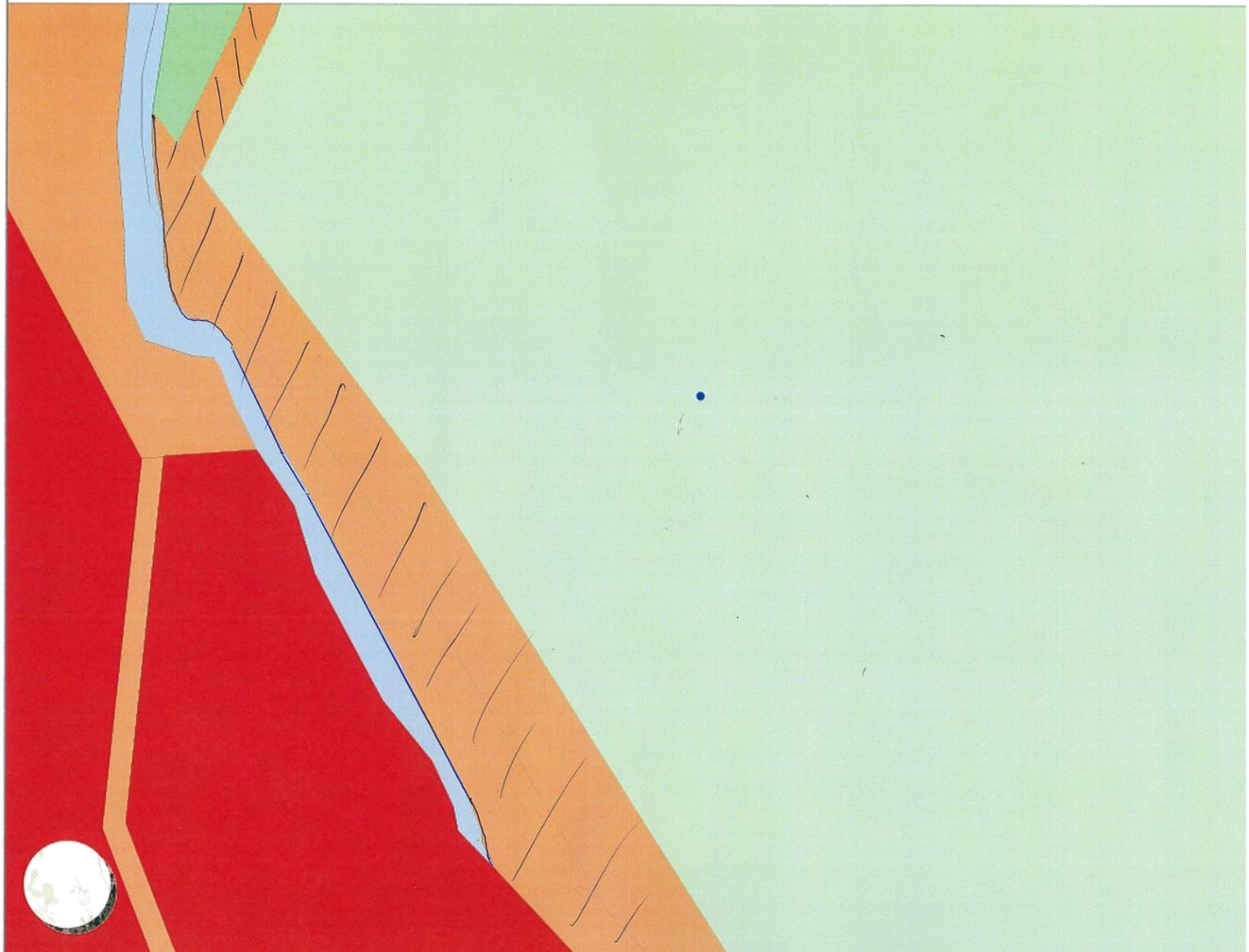
WINGSTONE SHIRE

KINSON ROAD,

INWARARA



West extent of road closure





## RESULTS

View Historical Aerial Photography  
Selected plan(s)

17/LI58 [Display Full Lot/Plan](#)

42173/32

FH - FREEHOLD

1569.1690 ha

0.00 m<sup>2</sup>

Yes

Base

PARISH MAP 1:100000

CONTROL - 57M

KUNWARARA

LIVINGSTONE SHIRE

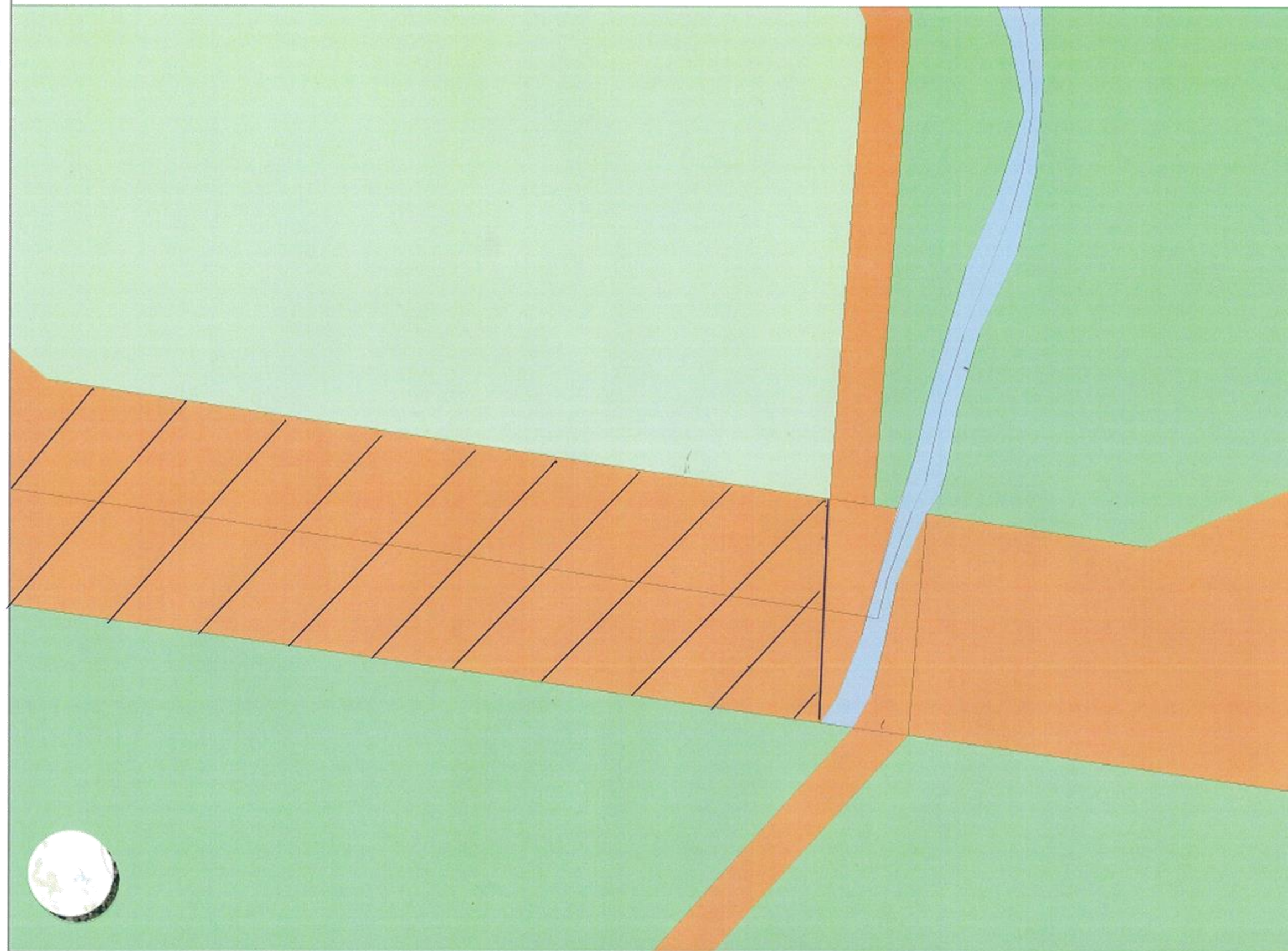
ATKINSON ROAD,

KUNWARARA

2  
Data  
1



## East extent of road closure



(Mines and Energy) 2019. Data acquired  
State of Queensland, © CNES reproduced

Map Number: 8952-33321  
7455666mN 197304mE  
Zone: 56

GDA94

Latitude  
-22.97984  
22° 58' 47" S

Longitude  
150.04769  
150° 2' 51"

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**12.7 DEVELOPMENT APPLICATION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR A FOOD AND DRINK OUTLET (CAFE) AT 66 FARNBOROUGH ROAD, MEIKLEVILLE HILL****File No:** D-138-2018**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

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**SUMMARY**

Applicant: Dwight Lawrence

Consultant: Bael Building Design

Real Property Address: Lot 2 on LN1613

Common Property Address: 66 Farnborough Road, Meikleville Hill

Area of Site: 2,112 square metres

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

Planning Scheme Zone: Medium density residential zone

Planning Scheme Overlays:

- OM01 Acid sulfate soils
  - Below 20 metres Australian Height Datum contour
- OM07 – Biodiversity – Habitat and Vegetation
  - MLES – Habitat and Vegetation
- OM12 Bushfire Hazard Area
  - Medium potential bushfire intensity
  - Potential impact buffer
- OM13 Coastal Hazard Area – Erosion Prone Area
- OM14 Coastal Hazard Area – Storm Tide Hazard Area
  - LSC storm tide study area
- OM18 Landslide Hazard Area
- OM20 Road Hierarchy
  - Urban Sub-Arterial
- OM21 Scenic Amenity
  - Scenic Amenity Management Area A
  - Scenic Amenity Management Area B
  - Coastal Scenic Transport Route Potential Assessment Area

Level of Assessment: Impact Assessable

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Submissions:	One submission received
Referral matters:	Nil
Infrastructure Charge Area:	Charge Area 1

**APPLICATION PROGRESS:**

Application received:	30 July 2018
Development control unit meeting:	1 August 2018
Action notice issued:	13 August 2018
Action notice re-issued:	15 August 2018
Response to Action notice received:	4 September 2018
Application properly made:	4 September 2018
Confirmation notice issued:	10 September 2018
Information request issued:	24 September 2018
Information request response received:	19 February 2019
Public notification period:	20 February 2019 to 13 March 2019
Notice of compliance received:	19 March 2019
Submission consideration period:	20 March to 2 April 2019
Decision period commenced:	2 April 2019
Statutory determination date:	13 May 2019

**OFFICER'S RECOMMENDATION****RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Food and drink outlet (Café), made by Dwight Lawrence, on Lot 2 on LN1613, and located at 66 Farnborough Road, Meikleville Hill, Council resolves to Approve the development application, despite the conflict with the planning scheme and provides the following grounds to justify the decision:

- (a) The proposed development supports the surrounding accommodation uses by providing a small-scale complementary commercial offering for surrounding residents, as well as tourists and travellers accessing the nearby caravan park and short-term accommodation offerings.
- (b) The development is commensurate to the surrounding commercial development to the south and is not of a scale whereby impacts on the role and function of the Yeppoon Major Centre are anticipated.
- (c) The subject site is readily accessible to existing vehicular, bicycle and pedestrian networks.
- (d) The development does not jeopardise the overall outcomes of the Medium density residential zone.

**RECOMMENDATION B**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Food and drink outlet (Café), made by Dwight Lawrence, on Lot 2 on LN1613, and located at 66 Farnborough Road, Meikleville Hill, 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 issue of the commencement of use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior, to the issue of the commencement of use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
- (i) Roadworks; and
  - (ii) Earthworks;
- 1.6.2 Plumbing and Drainage Works; and
- 1.6.3 Building Works.
- 1.7 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Layout Plan: Proposed	Job No: 1805-02 Page No: SH-02 Sheet 3 of 16	14.06.2018
Floor Plan: Proposed Lower Floor	Job No: 1805-02 Page No: SH-03 Sheet 4 of 16	14.06.2018
Elevations: Typical	Job No: 1805-02 Page No: SH-04 Sheet 5 of 16	14.06.2018
Slope Stability Assessment Report	Project Job No: GEO175536-B	05.02.2019

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

prevail.

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

3.0 ROADWORKS

- 3.1 A development permit for operational works (Roadworks) must be obtained prior to the commencement of any road works for the site.
- 3.2 A compliant concrete footpath must be constructed for the full width of the property within the road reserve.
- 3.3 The redundant kerb breakout for vehicle access must be reinstated with barrier kerb and channel in accordance with the standard *Capricorn Municipal Development Guidelines* drawing CMDG –R-060 Type 1.
- 3.4 The 'proposed footpath dining' area as shown on approved plan Job No: 1805-02 Page No: SH-04 Sheet 5 of 16 is not approved.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any plumbing and drainage works on the site.
- 4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Plumbing and Drainage Act, Council's Plumbing and Drainage Policies* and the provisions of a Development Permit for Plumbing and Drainage Works.
- 4.3 The development must be connected to Council's reticulated sewerage and water networks.
- 4.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.5 A sewerage trade waste permit must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network.

5.0 SITE WORKS

- 5.1 A Development Permit for Operational Works (Earthworks) must be obtained prior to the commencement of any site works.
- 5.2 All site works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Slope Stability Assessment Report, *Australian Standard AS3798 "Guidelines on Earthworks for Commercial and Residential Developments*.
- 5.3 Cut and fill of the subject allotment(s) must only be undertaken in areas where site-specific slope stability assessments have been carried out by a Registered Professional Engineer of Queensland experienced in geotechnical investigations. In this regard, any works must comply with the recommendations of the site-specific assessments as approved by Council.
- 5.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- 5.5 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
- 5.6 The structural design of all retaining walls above one (1) metre in height must be

separately and specifically certified by a Registered Professional Engineer of Queensland as part of the Operational Works submission. A Registered Professional Engineer of Queensland must on completion certify that all works are compliant with the approved design.

#### 6.0 ASSET MANAGEMENT

- 6.1 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.
- 6.2 'As constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of use. This information must be provided in accordance with the Manual for Submission of Digital As Constructed Information.

#### 7.0 ENVIRONMENTAL

- 7.1 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;
- 7.2 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
- 7.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Farnborough Road.
- 7.4 All external elements, such as air conditioners, must be adequately screened from public view, to Council's satisfaction. Noise from any external elements, such as air conditioners, must not exceed 5dB(A) (decibels) above the background ambient noise level, measured at the boundaries of the subject site.
- 7.5 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*'.
- 7.6 A waste storage area must be kept in a clean, tidy condition and screened from view of the street and adjoining public places.

#### 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 Partnerships website <https://www.datsip.qld.gov.au/>.

NOTE 2. Asbestos Removal

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

NOTE 3. General Environmental Duty

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

NOTE 4. General Safety Of Public During Construction

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

NOTE 5. Licensable Activities

- (i) Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required for licensable activities. Such activities may include storage of flammable and combustible liquid and environmentally relevant activities and food business premises. Approval for such activities is required before 'fitout' and operation.
- (ii) Council's Local Laws Unit should be consulted to determine whether any approvals are required for licensable activities. Such activities may include footpath dining. Approval for such activities is required before the commencement of use.

NOTE 6. Works in proximity to Council Infrastructure

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

## BACKGROUND

Not Applicable

## COMMENTARY

## PROPOSAL

The proposal is for a Food and drink outlet (café), to be located within an existing building. The floor area of the café is proposed to be 117 square metres, including the café dining area and kitchen. An additional thirty-three (33) square metres of storage area, and fifteen (15) square metres of amenities is included in the application, resulting in a total gross floor area of 165 square metres. The proposal includes replacing an existing retaining wall to the rear of the building, which will be utilised as a 55 square metre outdoor dining area. The proposal does not allow for the provision of any onsite carparking.

Change to the application

The original application proposed to demolish the existing Dwelling house on the subject site and proposed six (6) onsite carparks and a loading zone in this location. In addition, the original plans included an alfresco dining area located to the east of the building within the road reserve. The plans provided with the response to the Information Request are considered the final plans for approval. These plans removed the proposed onsite parking and alfresco dining area located within the road reserve.

### **SITE AND LOCALITY**

The subject site is located at 66 Farnborough Road, Meikleville Hill approximately 1.25 kilometres from the Yeppoon major centre. The subject site is a total area of 2,112 square metres. The site is rectangular in shape and contains an existing Dwelling house and Shop.

The topography of the site slopes away dramatically from the rear western boundary at forty-five (45) metres Australian Height Datum) to the front eastern boundary (five (5) metres Australian Height Datum). The western portion of the lot (approximately 1,500 square metres) is heavily vegetated.

The locality is characterised primarily by Dwelling houses on individual allotments and vacant lots to the north and south, and a Caravan park, children's playground and amenities to the east. A thirty (30) bed Accommodation building, Shop and Restaurant is located approximately eight-five (85) metres to the south, and the adjoining property to the south contains an existing Food and drink outlet, known as Beachside 66, and a hairdresser.

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

<b>Existing applications/development permit over the site</b>	
Lot 2 on LN1613 66 Farnborough Road, Meikleville Hill	Development Permit 51-2017/WCCAR to Install Pavers from shop front to kerb & Plants – approved with conditions on 16 August 2017
	Development Permit P-263-2018 to Install Grease Trap – under assessment (information requested)
<b>Applications/development permits on adjoining properties</b>	
Lot 18 on RP600767 53 Kerr Street, Meikleville Hill (to the west)	Nil
Lot 1 on LN2194 68 Farnborough Road, Meikleville Hill (to the north)	Nil
Lot 54 on LN1613 64A Farnborough Road, Meikleville Hill (to the south)	Development Permit P-693-2001 shop fitout for hairdresser – approved with conditions on 17 September 2001
	Development Permit D-Y/2001-605 Material Change of Use for a Shop – approved with conditions on 24 October 2001
	Development Permit 725-2004-YPO for a Shop Fitout – approved with conditions on 22 June 2004
	Development Permit P-784-2004 for a Dwelling – approved with conditions on 15 July 2004



**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

<b>Benchmarks applying for the development</b>	<b>Benchmark reference</b>
Strategic Framework – Settlement pattern theme and Natural environment and hazards theme Medium density residential zone code Biodiversity overlay code Bushfire hazard overlay code Coastal hazard overlay code Landslide hazard overlay code Scenic amenity overlay 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
<b>Relevant matters considered</b>	
Any development approval for, and any lawful use of, the premises or adjacent premises	The relevance of existing approvals on the subject site and adjoining properties in respect of the land use pattern and commensurate development
The common material submitted with the application	In respect of the reports provided in the material including proposal plans and supporting information
Submissions provided on the application	In respect of relevant matters raised in submissions.
The Local Government Infrastructure Plan	In respect of trunk infrastructure provisions and charging for development.

**Internal advice and assessment**

Development Engineering – 11 April 2019

Support, subject to conditions.

Natural Resource Management

No comments.

Public and Environmental Health – 30 July 2018

Support, subject to conditions.

**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.

**Safety and resilience to hazards:** The subject site is identified as containing the following hazards given its coastal location and proximity to vegetation and ridgelines.

- Flood hazard area - Level 1 - Queensland floodplain assessment overlay - The site is not identified on OM17 Flood hazard area under the *Livingstone Planning Scheme 2018* and therefore it is considered the development is not required to be assessed against the code for flood hazard risks.
- Flood hazard area - Local Government flood mapping area - The site is not identified on OM17 Flood hazard area under the *Livingstone Planning Scheme 2018* and therefore it is considered the development is not required to be assessed against the code for flood hazard risks
- Bushfire hazard area (Bushfire prone area) – Potential Impact Buffer – The site is identified as Medium Potential Bushfire Intensity and Potential Impact Buffer on OM12 Bushfire hazard area under the *Livingstone Planning Scheme 2018*.
- Coastal hazard area - erosion prone area – The site is identified on OM13 Coastal hazard – Erosion prone area under the *Livingstone Planning Scheme 2018*, however the site is not identified in the coastal management district under the SPP mapping and no works are proposed within the mapped erosion prone area. Therefore, it is considered the development is not required to be assessed against the State Planning Policy for erosion prone area risks.

<b>Development:</b>	
(1) Avoid natural hazard areas or mitigates the risks of the natural hazard to an acceptable or tolerable level, and	<b>Complies</b> The proposed development is occurring within an existing building within an urban area and is not for habitable purposes. The potential for bushfire impacts is therefore not exacerbated by the proposal, which maintains the status quo of built form. In turn, the risk posed by bushfire hazard is maintained at an acceptable and tolerable level.
(2) Supports, and does not unduly burden, disaster management response or recovery capacity and capabilities, and	<b>Complies</b> The development is not anticipated to burden disaster management response or recovery capacity and capabilities
(3) Directly, indirectly and cumulatively avoids an increase in the severity of the	<b>Complies</b> The proposal is sited in an existing building

natural hazard and the potential for damage on the site or to other properties, and	and will not increase the severity of the bushfire hazard or the potential for damage on the site and on adjoining properties.
(4) Avoids risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard, and	<b>Not applicable</b> The proposal will not involve hazardous materials.
(5) Maintains or enhances natural processes and the protective function of landforms and vegetation that can mitigate risks associated with the natural hazard, and	<b>Complies</b> The proposal is sited in an existing building at the lowest contour on the site, and will maintain natural processes and the protective function of landforms.
(6) Is not located in an erosion prone area within a coastal management district unless: (a) it cannot feasibly be located elsewhere, and (b) is coastal-dependent development, or temporary, readily relocatable or able-to-be-abandoned development, and	<b>Not applicable</b> The subject site is not located within a coastal management district and no building works are proposed within the mapped erosion prone area
(7) That is the redevelopment of existing permanent buildings or structures, is located outside an erosion-prone area or, where this is not feasible, redevelopment: (a) is located: i. as far landward from the seaward property boundary as possible, or ii. landward of the seaward alignment of the neighbouring buildings, and (b) provides space seaward of the development within the premises to allow for the future construction of erosion control structures, such as a seawall, and	<b>Not applicable</b> The proposal is sited in an existing building. No building works will be undertaken as part of the proposal within the mapped erosion prone area.
(8) Proposes to undertake coastal protection work (excluding beach nourishment) only as a last resort where coastal erosion presents an imminent threat to public safety or existing buildings and structures, and all of the following apply: (a) the property cannot reasonably be relocated or abandoned, and (b) any coastal protection works to protect private property is located as far landward as practicable and on the lot containing the property to the maximum extent reasonable, and (c) the coastal protection work mitigates any increase in coastal hazard risk for	<b>Not applicable</b> The subject site is not located within a coastal management district and no building works are proposed within the mapped erosion prone area. Coastal protection work is not proposed or required as part of this application.

adjacent areas.	
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### **Central Queensland Regional Plan**

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

### **Livingstone Planning Scheme 2018**

The *Livingstone Planning Scheme 2018* (Version 2, in effect 25 June 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 is considered an urban activity, and is located within an identified urban place so as to avoid encroachment on future urban places, nature places, rural places or other valuable resources or features.
- (2) The development contributes to the orderly growth of Yeppoon and coastal urban settlements, where it can be efficiently serviced with infrastructure and facilities.
- (3) The development is considered to be a small scale low-impact non-residential use which will service the surrounding accommodation activities.
- (4) 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.
- (5) Natural hazards are managed for the site commensurate with the uses and site context.
- (6) 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.

### **Medium density residential zone code**

The purpose of the Medium density residential zone code is:

- (1) *to identify the desired character and amenity for the zone and to protect it from incompatible development;*
- (2) *to provide for the development of residential neighbourhoods comprising a mixture of different accommodation activities which provide for the both the long-term and short-term stay of residents and visitors, as the preferred and dominant land use within the zone;*

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- (3) *to provide for the development of residential neighbourhoods comprising a mixture of different accommodation activities at a medium density;*
  - (4) *to provide for the development of a limited range of non-residential uses only if they are compatible with and support preferred land uses and they service the needs of the residents of the immediate area; and*
  - (5) *to establish two (2) precincts within the zone where particular development outcomes are specified, and the precincts are identified as follows:*
    - (a) *the Major Centre Commercial Transition Precinct; and*
    - (b) *the Rosslyn Bay Accommodation Precinct; and*
  - (6) *to facilitate the achievement of the overall outcomes sought for the zone.*

The purpose of the medium density residential zone code is achieved through the following overall outcomes:

- (1) *the development is:*
  - (a) *a use within the accommodation activities group which:*
    - (i) *provides for the long-term stay of residents; or*
    - (ii) *provides for the short-term stay of visitors; or*
  - (b) *a use which supports the accommodation activities of the immediate area; or*
  - (c) *a use which services the convenience needs of residents of the immediate area; and*
- (2) *the development of a use within the accommodation activities group is a preferred use within the zone in the following circumstances:*
  - (a) *it is multiple dwellings; or*
  - (b) *it is a residential care facility; or*
  - (c) *it is a retirement facility; or*
  - (d) *it is rooming accommodation; or*
  - (e) *it is short-term accommodation; or*
  - (f) *it is a tourist park; and*
- (3) *the development of a use that is not within the accommodation activities group occurs within the zone only in the following circumstances:*
  - (a) *it is small in scale;*
  - (b) *it is consistent with the built form and appearance of development in the immediate area;*
  - (c) *it is located at a site adjoining an appropriate road in the planning scheme road hierarchy; and*
  - (d) *the use:*
    - (i) *is an environment facility; or*
    - (ii) *is a child care centre; or*
    - (iii) *is a park; or*
    - (iv) *is a sales office; or*
    - (v) *shop for the purpose of a general corner store; or*
    - (vi) *is within the special activities group and it is an essential component of infrastructure servicing the community; and*

- (4) *development that is likely to have a high impact on sensitive land use does not occur within the zone;*
- (5) *development contributes to a high level of amenity and an attractive living environment;*
- (6) *sensitive land use is not located in proximity to established incompatible uses without appropriate design and siting to minimise impacts on amenity; and*
- (7) *the development is compatible with an urban form that is characterised by:*
  - (a) *a medium 'net' dwelling density (in excess of fifty dwellings per hectare);*
  - (b) *large lot sizes to maximise potential for achieving medium dwelling density outcomes;*
  - (c) *buildings which do not exceed three (3) storeys above ground level unless prescribed in Figure 6.7.3.4.1.1 – Farnborough Road Height Limits; Figure 6.7.3.4.1.2 – Yeppoon Height Limits; Figure 6.7.3.4.1.3 – Rosslyn Bay Height Limits; or Figure 6.7.3.4.1.4 – Cooe Bay Height Limits;*
  - (d) *moderate site cover;*
  - (e) *provision of private or communal open space for accommodation activities;*
  - (f) *appealing streetscapes and public places; and*
- (8) *the appearance of development provides visual interest and contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area;*
- (9) *the development is provided with adequate infrastructure and essential services; and*

The proposed development is for a Food and drink outlet which is a use within the centre activities group and is not a preferred use within the zone. The following is an assessment of the proposal against the specific benchmarks of the Medium density residential zone code, which includes an assessment of the development against the relevant outcomes of the code.

Performance outcomes	Acceptable outcomes	Assessment response
<b>Built form</b>		
<b>PO1</b> The height and bulk of buildings and structures are consistent with the intended character of the zone and do not adversely impact the character or amenity of the streetscape, adjoining sites and surrounding area.	<b>AO1.1</b> The height of buildings (other than a Class 10a building under the Building Code of Australia) does not exceed the following: (a) three (3) storeys and twelve (12) metres above ground level; or (b) the height limits identified for the specific locations shown on the following figures: (i) Figure 6.7.3.4.1.1 – Farnborough Road Height Limits; (ii) Figure 6.7.3.4.1.2 – Yeppoon Height Limits; (iii) Figure 6.7.3.4.1.3 – Rosslyn Bay Height Limits; (iv) Figure. 6.7.3.4.1.4 – Cooe Bay Height Limits.	<b>AO1.1 - Complies</b> The proposal involves the use of existing buildings only, being a single storey building located at approximately five (5) metres Australian Height Datum. The height of the building does not exceed the highest Australian Height Datum contour level within the site, being forty-five (45) metres, in accordance with AO1.1(b)(i).
	<b>AO1.2</b> The height of a standalone Class 10a building under the Building Code of Australia, being a garage or shed, does not exceed the lesser of	<b>AO1.2 - Not applicable</b> The development does not propose a standalone Class 10a building under the Building Code

Performance outcomes	Acceptable outcomes	Assessment response
	the following: (a) if there is a dwelling house on the site, the height of the dwelling house; or (b) five (5) metres to the apex of the Class 10a building.	of Australia.
	<b>AO1.3</b> The volume of a standalone Class 10a building under the Building Code of Australia, being a garage or shed, does not exceed three (3) per cent of the lot volume.	<b>AO1.3 - Not applicable</b> The development does not propose a standalone Class 10a building under the Building Code of Australia.
	<b>AO1.4</b> Site cover does not exceed the following: (a) sixty (60) per cent up to and including the fourth storey; and (b) thirty (30) per cent for every storey above the fourth storey.	<b>AO1.4 - Complies</b> Site cover is approximately twenty (20) per cent.

Figure 6.7.3.4.1.1 – Farnborough Road Height Limits



<b>PO2</b> The design and siting of buildings and structures results in a high level of on-site amenity and does not adversely impact the character or amenity of the streetscape or adjoining sites having regard to the following: (a) minimisation of potential sources of nuisance; (b) provision of and maintenance of access to natural light and ventilation; (c) provision of recreational open space for the occupants of dwellings; and (d) integration with and	<b>AO2.1</b> There is a 1.8 metre high screen fence located along all common property boundaries between a sensitive land use and an adjacent centre category zone, industry category zone, special purpose zone or a use within the business activities group, centre activities group, entertainment activities group, industrial activities group or special activities group. <b>AO2.2</b> Buildings are set back from road frontage property boundaries in accordance with the following: (a) garages are set back a	<b>PO2 - Complies</b> The development is located within an existing building, located 0.9 metres from the northern side boundary and 0.145 metres from the road boundary. The proposal, being for a Food and drink outlet, is considered to be a use from within centre activities group. The adjoining lot to the north contains a sensitive land use, being a Dwelling house. The subject site also contains an existing Dwelling house to the south of the proposed Food and drink outlet. The Food and drink outlet is proposed to be located within an existing building, located
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Performance outcomes	Acceptable outcomes	Assessment response
consideration of the design and siting of any buildings and structures located on adjoining sites or public places.	<p>minimum of six (6) metres from the primary road frontage boundary;</p> <p>(b) a standalone class 10a building under the Building Code of Australia being a garage or shed, is set back a minimum of six (6) metres from the primary road frontage boundary;</p> <p>(c) for the part of the building that is equal to or less than four (4) storeys and fifteen (15) metres, a balcony is set back from all road frontage boundaries a minimum of three (3) metres and the main building wall is set back from all road frontage boundaries a minimum of six (6) metres;</p> <p>(d) for any part of the part of the building that is greater than four (4) storeys and fifteen (15) metres, the building is setback from all road frontage boundaries a minimum of six (6) metres plus 0.3 of a metre for every additional metre over fifteen (15) metres.</p>	approximately 1.8 metres from the adjoining Dwelling house to the north and less than one (1) metre from the Dwelling house on the subject site. The building is consistent in bulk and scale with existing buildings in proximity along Farnborough Road. External building works will be limited to retaining walls to the rear of the property, therefore it is considered the development will not adversely impact the character and amenity of the streetscape or adjoining sites.
	<p><b>AO2.3</b></p> <p>Buildings are set back from side and rear property boundaries in accordance with the following:</p> <p>(a) for a building having a height up to and including 4.5 metres, a minimum setback of 1.5 metres; or</p> <p>(b) for a building having a height greater than 4.5 metres, a minimum setback of 1.5 metres plus 0.3 of a metre for every additional metre in height over 4.5 metres.</p>	
	<p><b>AO2.4</b></p> <p>The development of a use from within the accommodation activities group (other than an ancillary secondary dwelling) is provided with an open space area in accordance with the following:</p> <p>(a) each dwelling is provided with a private open space area as follows:</p> <p>(i) a minimum area directly accessible from the dwelling of thirty (30) square metres (inclusive of verandas, patios and terraces) and part of the area has minimum dimensions of four (4) metres by four (4) metres; or</p> <p>(ii) if a dwelling is located entirely or predominantly above the ground level</p>	



Performance outcomes	Acceptable outcomes	Assessment response
	<p>storey, each dwelling has a balcony, or a veranda, or a deck, or a roof top area directly accessible from the main living area, having a minimum private area of ten (10) square metres and the area has minimum dimensions of three (3) metres by three (3) metres; or</p> <p>(b) the development has a communal open space area of twenty (20) per cent of the total site area and part of the area has minimum dimensions of six (6) metres by six (6) metres.</p>	
	<p><b>AO2.5</b></p> <p>If the distance separating a window of a habitable room or a balcony or a patio is less than three (3) metres at ground level or nine (9) metres at levels above the ground level storey, of a window of a habitable room or a balcony or a patio of an adjacent building, privacy is protected by utilising the following:</p> <p>(a) window sill heights a minimum of 1.5 metres above floor level; or</p> <p>(b) fixed opaque glazing in any part of the window below 1.5 metres above floor level; or</p> <p>(c) fixed external screens; or</p> <p>(d) in the case of screening for a ground floor level, fencing to a height of 1.5 metres above ground floor level.</p>	
<b>Appearance</b>		
<p><b>PO3</b></p> <p>The development is designed in a manner that contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area by incorporating elements including but not limited to the following:</p> <p>(a) emphasis on entry points;</p> <p>(b) orientation to the street and any public places;</p> <p>(c) inclusion of structures or vegetation to screen any building plant and waste storage areas from view of the street or other public places;</p> <p>(d) minimising the length of unarticulated buildings; and</p> <p>(e) inclusion of vegetation to screen any large unarticulated walls.</p>	<p><b>AO3.1</b></p> <p>The development has a pedestrian entry point at or visible from the primary road frontage.</p>	<p><b>AO3.1 - Complies</b></p> <p>The proposal has a distinctive pedestrian entry point at the primary road frontage</p>
	<p><b>AO3.2</b></p> <p>If fencing is provided between the road frontage property boundary and the front building line, the fencing is:</p> <p>(a) a maximum height of 1.2 metres; or</p> <p>(b) a maximum height of 1.8 metres if having a minimum transparency of fifty (50) per cent.</p>	<p><b>AO3.2 - Not applicable</b></p> <p>Fencing is not proposed between the road frontage property boundary and the front building line</p>
	<p><b>AO3.3</b></p> <p>A standalone class 10a building under the Building Code of Australia, being a garage or shed, has a maximum visible width of seven (7) metres when viewed from a position at the primary road frontage property boundary located</p>	<p><b>AO3.3 - Not applicable</b></p> <p>The development does not propose a standalone Class 10a building under the Building Code of Australia,</p>

Performance outcomes	Acceptable outcomes	Assessment response
	perpendicular to and directly in front of the Class 10a building.	
	<b>AO3.4</b> Any waste storage areas are screened from view of the street and adjoining public places by one or more of the following: (a) a solid screen fence; or (b) a wall; or (c) dense vegetation.	<b>AO3.4 - Complies</b> A waste storage area is proposed at the rear of the property, located against the proposed retaining wall to the rear of the existing Dwelling house, which will be screened from view from the street. An appropriately designed storage area will be conditioned as per the recommendation.
	<b>AO3.5</b> Any building plant is screened from view of the street and adjoining public places by one or more of the following: (a) a solid screen fence, or (b) a roof design feature; or (c) a wall; or (d) dense vegetation.	<b>AO3.5 - Complies</b> No building plant will be viewable from the street.
	<b>AO3.6</b> There is a densely vegetated buffer area having a depth of at least five (5) metres from the property boundary, located along all common property boundaries between a sensitive land use and an adjacent centre category zone, industry category zone, special purpose zone or a use within the business activities group, centre activities group, entertainment activities group, industrial activities group or special activities group.	<b>AO3.6 - Does not comply</b> <b>PO3 - Complies</b> The proposal, being for a Food and drink outlet, is considered to be a use from within centre activities group. The adjoining lot to the north contains a sensitive land use, being a Dwelling house. The subject site also contains an existing Dwelling house to the south of the proposed Food and drink outlet. The Food and drink outlet is proposed to be located within an existing building, located approximately 1.8 metres from the adjoining Dwelling house to the north and less than one (1) metre from the Dwelling house on the subject site. External building works will be limited to retaining walls to the rear of the property. The entry point for the Food and drink outlet is located at the front of the property, approximately 0.145 metres from the road boundary, while the entry to the Dwelling house to the north is setback approximately 4.5 metres from the road boundary and the entry to the Dwelling house to the south is setback approximately 5.5 metres from the road boundary. Therefore, it is considered the development will not adversely impact amenity of adjoining sensitive land uses.
<b>Outcomes applicable where not located in the Major Centre Commercial Transition Precinct or the Rosslyn Bay Accommodation Precinct</b>		
<b>PO4</b> The use contributes to the development of residential neighbourhoods which:	No acceptable outcome is nominated.	<b>PO4 – Complies</b> A Food and drink outlet is not a preferred use for the Medium density residential zone. However,

Performance outcomes	Acceptable outcomes	Assessment response
<p>(a) comprise the following:</p> <p>(i) preferred uses for the zone (as identified in the overall outcomes for the zone); or</p> <p>(ii) other long-term accommodation activities (as identified in the overall outcomes for the zone) that are designed to be consistent in form and appearance with preferred uses for the zone; or</p> <p>(b) comprise other small-scale relatively low-impact uses identified in the overall outcomes for the zone that are not within the accommodation activities group, where they service the community or convenience needs of the immediate residential area.</p>		<p>the subject site is located approximately 1.25 kilometres from the Yeppoon centre, and it is therefore considered the development will provide an alternative dining experience within the locality, servicing the local community and/or convenience needs of the immediate residential area, including guests at the caravan park located adjacent to the development on the eastern side of Farnborough Road.</p>
<p><b>PO5</b></p> <p>The use contributes to a high level of amenity and an attractive living environment for residents in the immediate area.</p>	No acceptable outcome is nominated.	<p><b>PO5 - Complies</b></p> <p>The proposal is located within an existing building. The height and bulk of the building is consistent with the locality does not adversely impact the character or amenity of the streetscape, adjoining sites and surrounding area. The use is considered relatively minor in scale and will provide for an additional Food and drink outlet option, contributing to a high level of amenity for residents in the immediate area</p>
<p><b>PO6</b></p> <p>The use appropriately integrates with any established accommodation activities and other sensitive land use in the immediate area.</p>	No acceptable outcome is nominated.	<p><b>PO6 - Complies</b></p> <p>A shop and small scale food outlet is currently operating on the subject site. The proposed change of use from a Shop (and ancillary café) to a Food and drink outlet is considered relatively minor in scale. The change will provide for an additional Food and drink outlet option for residents of surrounding accommodation activity uses.</p>
<p><b>PO7</b></p> <p>The development of a use that is not within the accommodation activities group occurs only if it does not undermine the viability, role or function of a nearby centre.</p>	No acceptable outcome is nominated.	<p><b>PO7 - Complies</b></p> <p>The subject site is located approximately 1.25 kilometres from the Yeppoon centre. The relatively minor scale of the development is not anticipated to undermine the viability, role or function of Yeppoon as the Major centre.</p>
<p><b>PO8</b></p> <p>The development of a use that is not within the accommodation activities group occurs only if it is located at a site adjoining a road</p>	No acceptable outcome is nominated.	<p><b>PO8 – Complies</b></p> <p>The development is located on Farnborough Road, a Urban Sub-Arterial road under overlay OM20 Road Hierarchy. The road is</p>

Performance outcomes	Acceptable outcomes	Assessment response
that is classified as a collector road or a higher order road in the road hierarchy, and the road: (a) is designed to accommodate the traffic generated by the use; (b) provides for convenient and safe access; and (c) can minimise nuisance and disturbance to the surrounding residential area.		considered appropriate designed to accommodate any extra traffic generated by the development.
<b>Dwelling density</b>		
<b>PO15</b> If the development is for a use within the accommodation activities group, the use is designed in a manner that is compatible with the following: (a) the achievement of the planned medium dwelling density for the zone (as identified in the overall outcomes for the zone); and (b) the ability of the land and infrastructure to support the development.	No acceptable outcome is nominated.	<b>PO15 - Not applicable</b> The development is not for a use within the accommodation activities group.
<b>Appearance</b>		
<b>PO16</b> Large expanses of blank unarticulated building walls are broken up by use of fenestration, recesses, wall offsets, balconies, projections, or other building design features so that the development has an appearance which provides visual interest and contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area.	No acceptable outcome is nominated.	<b>PO16- Complies</b> The development is within an existing building. There are no large expanses of blank unarticulated building walls. It is considered that the development provides visual interest and contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area.
<b>Infrastructure</b>		
<b>PO17</b> Safe, accessible, robust and reliable infrastructure relating to access and parking, energy supply, roads, roof and allotment drainage, sewage and wastewater treatment and disposal, stormwater management, telecommunications, and water supply, is adequately provided for the development in accordance with best practice and endorsed standards for the location, and relative to the needs of the development.	<b>AO17.1</b> The development complies with the requirements of the Development Works Code.	<b>AO17.1 - Complies</b> The development is able to connect to all relevant infrastructure, which will be conditioned accordingly, as per the recommendation.

As evident from the above assessment, the proposal complies with the various requirements of the Medium density residential zone code.

### Biodiversity overlay code

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

The 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 performance outcomes of the code.

Performance outcomes	Acceptable outcomes	Assessment response
<b>Land use</b>		
<b>PO1</b> In areas identified as having matters of environmental significance, all uses are located, designed and operated to: <ul style="list-style-type: none"> <li>(a) retain and protect significant environmental values; and</li> <li>(b) maintain the underlying ecological functions and biophysical processes of the site and surrounds.</li> </ul>	No acceptable outcome is nominated.	<b>PO1 - Complies</b> The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Vegetation clearing will be required to the rear (west) of the existing building to approximately the twelve (12) metre Australian Height Datum contour for the construction of a proposed retaining wall. An area of 7.1 metres from the rear of the existing building westward will be cleared of all vegetation for the purposes of the outdoor dining area and retaining wall. This area is not located within the mapped MLES area. An additional approximate 3.5 metres westward will be cleared of non-native species and declared pests. This clearing will be required within an area approximately 2.5 metres within the mapped MLES under OM07. The application material states that a site survey carried out determined that no species of ecological significance were located on the site. It is consider the clearing complies with the Development Works Code.
<b>Native vegetation and habitat</b>		
<b>PO2</b> Development retains and regenerates native vegetation in such a way as to: <ul style="list-style-type: none"> <li>(a) retain vegetation that is in patches of greatest size and smallest possible edge-to-area ratio;</li> <li>(b) maximise the linkages between vegetation located on the subject site;</li> <li>(c) maximise linkages between vegetation located on adjacent properties within the biodiversity network; allow the dispersal or movement through biodiversity corridors; and</li> <li>(d) protect riparian vegetation in and adjacent to watercourses.</li> </ul>	No acceptable outcome is nominated.	<b>PO2 - Complies</b> The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Vegetation clearing will be required to the rear (west) of the existing building for the construction of a proposed retaining wall for an outdoor dining area. The application material states that a site survey carried out determined that no species of ecological significance were located on the site, and that only undergrowth of non-native or pest species is proposed
<b>PO3</b>	No acceptable outcome is	<b>PO3 - Complies</b>

Performance outcomes	Acceptable outcomes	Assessment response
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.	nominated.	The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. The application material states that a site survey carried out determined that no species of ecological significance were located on the site within the area proposed to be cleared, and that only undergrowth of non-native or pest species is proposed to be cleared for the purposes of constructing a retaining wall.
<b>PO4</b> 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"> <li>(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;</li> <li>(b) the natural change in distributions of species and connectivity between populations of species over long periods of time;</li> <li>(c) ecological responses to climate change;</li> <li>(d) maintenance of large scale seasonal/ migratory species processes and movement of fauna;</li> <li>(e) connectivity between large tracts and patches of native remnant vegetation and habitat areas; and</li> <li>(f) effective and continuous movement of terrestrial and aquatic fauna.</li> </ul>	<b>AO4.1</b> Development involving roads, pipelines, pedestrian access and in-stream structures: <ul style="list-style-type: none"> <li>(a) does not create barriers to the movement of fauna (including fish passage) along or within biodiversity corridors; or</li> <li>(b) provides effective wildlife movement infrastructure in accordance with best practice which:               <ul style="list-style-type: none"> <li>(i) enables fauna to safely negotiate a development area; and</li> <li>(ii) separates fauna from potential hazards through the use of appropriate fencing.</li> </ul> </li> </ul>	<b>AO4.1 - Not applicable</b> The development does not involve roads, pipelines, pedestrian access and in-stream structures.
	<b>AO4.2</b> 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"> <li>(a) regional corridors retain a width of at least five-hundred (500) metres; and</li> <li>(b) local corridors retain a width of at least fifty (50) metres.</li> </ul>	<b>AO4.2 - Not applicable</b> The development is not within proximity to a biodiversity corridor
<b>All matters of environmental significance</b>		
<b>PO7</b> All matters of environmental significance are identified and protected from significant adverse impacts associated with development.	No acceptable outcome is nominated.	<b>PO7 - Complies</b> The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Vegetation clearing will be required to the rear (west) of the existing building to approximately the twelve (12) metre Australian Height Datum contour. An area of 7.1 metres from the rear of the existing building westward will be cleared of all vegetation for the purposes of the outdoor dining area and retaining wall. This area is not located within the mapped MLES area. An additional approximate 3.5 metres westward will be cleared of

Performance outcomes	Acceptable outcomes	Assessment response
		<p>non-native species and declared pests. This clearing will be required within an area approximately 2.5 metres within the mapped MLES under OM07.</p> <p>The application material states that a site survey carried out determined that no species of ecological significance were located on the site. It is considered the clearing complies with the Development Works Code.</p>
<b>Ongoing management, construction and operation</b>		
<b>PO10</b> During the construction and 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.	No acceptable outcome is nominated.	<b>PO10 - Complies</b> An Environmental Management Plan will be conditioned as part of the recommendation.
<b>PO11</b> 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"> <li>(a) access for maintenance;</li> <li>(b) linking core and remnant habitat areas; and</li> <li>(c) land protecting water quality and ecological processes.</li> </ul>	No acceptable outcome is nominated.	<b>PO11 - Not applicable</b> No land within the subject site is required for public access or for some other public purpose.
<b>Rehabilitation</b>		
<b>PO12</b> 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.	<b>PO12 - Not applicable</b> No rehabilitation will be required as part of this application.
<b>Vegetation clearing</b>		
<b>PO13</b> Development avoids indiscriminate and unnecessary clearing of vegetation in order to protect: <ul style="list-style-type: none"> <li>(a) the visual integrity of the natural landscape;</li> <li>(b) ecological features and processes that underpin biodiversity.</li> </ul>	<b>AO13.1</b> Vegetation clearing: <ul style="list-style-type: none"> <li>(a) does not occur; or</li> <li>(b) where it cannot be avoided, is carried out in accordance with the Development Works Code.</li> </ul>	<b>PO13 - Complies</b> The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Vegetation clearing will be required to the rear (west) of the existing building to approximately the twelve (12) metre Australian Height Datum contour. An area of 7.1 metres from the rear of the existing building westward will be cleared of all vegetation for the purposes of the outdoor dining area and retaining wall. This area is

Performance outcomes	Acceptable outcomes	Assessment response
		<p>not located within the mapped MLES area.</p> <p>An additional approximate 3.5 metres westward will be cleared of non-native species and declared pests. This clearing will be required within an area approximately 2.5 metres within the mapped MLES under OM07.</p> <p>The application material states that a site survey carried out determined that no species of ecological significance were located on the site. It is considered the clearing complies with the Development Works Code.</p>
<p><b>PO14</b></p> <p>Development retains and protects locally significant species, including but not limited to the following:</p> <p>(a) <i>Cycas ophiolitica</i>;</p> <p>(b) <i>Byfield Fern</i>;</p> <p>(c) <i>Stackhousia tryonii</i>; and</p> <p>(d) <i>Koala</i>.</p>	<p>No acceptable outcome is nominated.</p>	<p><b>PO14 - Complies</b></p> <p>The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Vegetation clearing will be required to the rear (west) of the existing building to approximately the twelve (12) metre Australian Height Datum contour.</p> <p>An area of 7.1 metres from the rear of the existing building westward will be cleared of all vegetation for the purposes of the outdoor dining area and retaining wall. This area is not located within the mapped MLES area.</p> <p>An additional approximate 3.5 metres westward will be cleared of non-native species and declared pests. This clearing will be required within an area approximately 2.5 metres within the mapped MLES under OM07.</p> <p>The application material states that a site survey carried out determined that no species of ecological significance were located on the site. It is considered the clearing complies with the Development Works Code.</p>

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

### Bushfire hazard overlay code

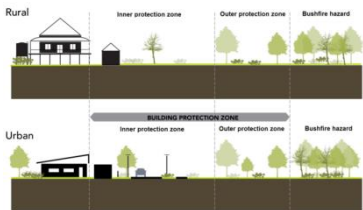
*The purpose of the Bushfire hazard overlay code is to ensure that development in bushfire prone areas does not increase risk to life, property, community, economic activity and the environment during bushfire events.*

The 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		



Performance outcomes	Acceptable outcomes	Assessment response
<b>PO1</b> 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.	<b>AO1.1</b> 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.	<b>AO1.1, AO1.2, AO1.3 - Does not comply</b> <b>PO1 - Complies</b> The development is located within an existing building on the eastern boundary of the subject site. The subject site and adjoining lots are densely vegetated. The topography of the site slopes away dramatically from the rear western boundary at forty-five (45) metres Australian Height Datum to the front eastern boundary at five (5) metres Australian Height Datum. The existing building is located on an Urban Sub-Arterial road and has access to a reliable municipal reticulated water supply with sufficient flow and pressure characteristics for fire-fighting purposes at all times. A fire hydrant is located twenty-five (25) metres from the property boundary. Therefore, the development is not anticipated to expose people and property to unacceptable risk from bushfire hazard.
	<b>AO1.2</b> If the development is not located within an approved building protection zone for the site in accordance with AO1.1, then the development occurs only if it is located in accordance with a bushfire management plan which has been prepared in accordance with SC7.2 Bushfire hazard planning scheme policy, and the bushfire management plan demonstrates that: (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: (i) sufficient distance to achieve a bushfire attack level no greater than 29kW/m <sup>2</sup> ; 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.	
	<b>AO1.3</b> Buildings and structures are located within a building protection zone which achieves the following: (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: (i) it has a minimum distance of ten (10) metres, or a distance sufficient to achieve a bushfire attack level no greater than 29kW/m <sup>2</sup> ; 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;	

Performance outcomes	Acceptable outcomes	Assessment response
	<p>and</p> <p>(c) the outer zone has the following characteristics:</p> <p>(i) it has a minimum distance of ten (10) metres plus one (1) metre for every degree of downslope vegetation; and</p> <p>(ii) tree canopy cover in the zone is less than thirty (30) per cent.</p> 	
<b>Land use</b>		
<p><b>PO2</b></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> <p>(a) results in a significant concentration of people at any one time; or</p> <p>(b) results in a significant increase in people living or working in the area; or</p> <p>(c) involves institutional uses where evacuating people may be difficult; or</p> <p>(d) involves a significant number of vulnerable people; or</p> <p>(e) involves essential public infrastructure; or</p> <p>(f) involves manufacture or storage of hazardous materials.</p>	No acceptable outcome is nominated.	<p><b>PO2 - Not applicable</b></p> <p>The site is not determined to be at an unacceptable risk from bushfire hazards</p>
<p><b>PO3</b></p> <p>In areas determined to have bushfire hazard risk within tolerable levels, development occurs only if:</p> <p>(a) it adequately mitigates potential adverse impacts from bushfire hazard through siting, design, and other mitigation measures;</p> <p>(b) it supports safe and efficient evacuation and emergency services access to the site in the event of a bushfire; and</p> <p>(c) essential public infrastructure is not put at significant risk from destruction or failure during and immediately after bushfire events.</p>	No acceptable outcome is nominated.	<p><b>PO3 - Complies</b></p> <p>The development is to be located within an existing building, located on the eastern boundary of the lot, at the lowest point of the site. The property is located on Farnborough Road, allowing for safe and efficient evacuation and emergency services access to the site in the event of a bushfire. 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. A fire hydrant is located twenty-five (25) metres from the property boundary.</p> <p>The development is not for essential public infrastructure.</p>
<b>Vegetation protection</b>		

Performance outcomes	Acceptable outcomes	Assessment response
<b>PO4</b> 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.	<b>AO4.1</b> Buildings, structures and their associated buffer areas, access routes and fire management trails, avoid causing significant adverse impacts on the following: <ul style="list-style-type: none"> <li>(a) areas identified as containing matters of environmental significance; and</li> <li>(b) areas identified as: <ul style="list-style-type: none"> <li>(i) Scenic amenity management area A; or</li> <li>(ii) Scenic amenity management area B; or</li> <li>(iii) Coastal green break; or</li> <li>(iv) Coastline foreshore.</li> </ul> </li> </ul>	<b>AO4.1 - Complies</b> The development is to be located within an existing building, located on the eastern boundary of the lot, at the lowest point of the site, with direct access to Farnborough Road. No buffer areas, access routes and/or fire management trails are proposed in area areas identified as containing matters of environmental significance; and or areas identified as Scenic amenity management area A; Scenic amenity management area B, Coastal green break; or Coastline foreshore.
<b>Internal access</b>		
<b>PO5</b> Development ensures that the location, siting, and design of development and associated internal access ways: <ul style="list-style-type: none"> <li>(a) avoid potential for entrapment during a bushfire; and</li> <li>(b) enable safe evacuation of the site during a bushfire for site occupants.</li> </ul>	<b>AO5.1</b> Internal access ways have: <ul style="list-style-type: none"> <li>(a) a minimum cleared width of six (6) metres;</li> <li>(b) a minimum cleared height of 4.8 metres;</li> <li>(c) a minimum formed width of four (4) metres;</li> <li>(d) a maximum gradient of twenty-five (25) per cent if sealed, or eighteen (18) per cent if unsealed;</li> <li>(e) where the length of the access way is greater than thirty (30) metres, an average gradient no greater than 14.4 per cent;</li> <li>(f) a cross fall no greater than eighteen (18) per cent if sealed, or 12.5 per cent if unsealed;</li> <li>(g) where there are dips or peaks, entry and exit angles no greater than 12.5 per cent;</li> <li>(h) adequate drainage to prevent soil erosion;</li> <li>(i) where the site: <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> </ul> </li> </ul>	<b>AO5.1 - Not applicable</b> The development is located within an existing building, which is built to the Farnborough Road property boundary. No internal access is proposed as part of the development.

Performance outcomes	Acceptable outcomes	Assessment response
	minimum load bearing of eight (8) tonnes.	
<b>Emergency access</b>		
<b>PO6</b> Development has adequate access to external road networks which can be utilised by emergency vehicles, and provides safe evacuation in the event of a bushfire.	<b>AO6.1</b> Where located on a property greater than two-thousand (2000) square metres in area, the development has direct access to a constructed all-weather public road which is capable of carrying emergency service vehicles.	<b>AO6.1 - Complies</b> The development is located on Farnborough Road, a Urban Sub-Arterial road under overlay OM20 Road Hierarchy.
<b>Water supply for firefighting purposes</b>		
<b>PO7</b> Development provides adequate water supply for firefighting purposes and the water supply is safely located and freely accessible for firefighting.	<b>AO7.1</b> 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"> <li>(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</li> <li>(b) all buildings are located within ten (10) metres of a water tank, which: <ul style="list-style-type: none"> <li>(i) is constructed with fire-proof materials or is located underground with above-ground access points;</li> <li>(ii) meets the minimum water supply requirements outlined in Table 8.2.4.4.3;</li> <li>(iii) is located more than nine (9) metres from any potential fire hazards (such as venting gas bottles and combustible structures);</li> <li>(iv) is located within six (6) metres of a hardstand area allowing access for a heavy rigid fire appliance;</li> <li>(v) is fitted with fire brigade tank fittings consisting of: <ul style="list-style-type: none"> <li>(A) for above ground tanks, a fifty (50) millimetre ball valve and male camlock coupling and metal pipe fittings; or</li> <li>(B) for underground tanks, an access hole having a minimum diameter of 200 millimetres to allow access for suction lines; and</li> </ul> </li> </ul> </li> </ul>	<b>AO7.1 - Complies</b> 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. A fire hydrant is located twenty-five (25) metres from the property boundary.

Performance outcomes	Acceptable outcomes	Assessment response
	(vi) is identified by directional signage clearly provided at the street access point.	
<b>Activities involving hazardous material</b>		
<b>PO8</b> The manufacture or storage of hazardous materials does not increase the risk of fire hazard.	<b>AO8.1</b> Development does not involve the manufacture or storage of hazardous materials beyond that which is commonly associated with domestic use.	<b>AO8.1 - Complies</b> The development does not involve the manufacture or storage of hazardous materials beyond that which is commonly associated with a food and drink outlet (eg. cleaning products)
<b>Landscaping and fencing</b>		
<b>PO9</b> 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.	<b>AO9.1</b> Development complies with a landscaping plan which: (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.	<b>AO9.1 - Not applicable</b> Landscaping will not increase risk to people or property.
<b>PO10</b> Development utilises fencing that: (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.	<b>AO10.1</b> Fences are constructed: (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).	<b>AO10.1 - Not applicable</b> No fencing is proposed as part of the development.

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

### Coastal hazard overlay code

The purpose of the Coastal hazard overlay code is to ensure that development in the coastal zone is planned, designed, constructed and operated to:

- (1) *avoid, or minimise and mitigate risk to people and property from coastal hazards including storm tide inundation and coastal erosion, taking into account predicted effects of climate change; and*
- (2) *protect coastal resources and allow for natural fluctuations in coastal processes as far as possible*

The proposal is for a Food and drink outlet to be located within an existing building. No building work is proposed within the mapped Erosion prone area, and therefore the development will not increase the risk to people or property from adverse coastal erosion impacts.

## 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 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 outcomes of the code.

Performance outcomes	Acceptable outcomes	Assessment response
<b>Land use</b>		
<b>PO1</b> In areas determined to be at an unacceptable risk from landslide hazards, development does not occur if it is for a use which: <ol style="list-style-type: none"> <li>(a) results in a significant concentration of people at any one time; or</li> <li>(b) results in a significant increase in people living or working in the area; or</li> <li>(c) involves institutional uses where evacuating people may be difficult; or</li> <li>(d) involves a significant number of vulnerable people; or</li> <li>(e) involves essential public infrastructure; or</li> <li>(f) involves manufacture or storage of hazardous materials.</li> </ol>	No acceptable outcome is nominated.	<b>PO1 - Not applicable</b> The site is not determined to be at an unacceptable risk from landslide hazards. In addition, the development will not: <ol style="list-style-type: none"> <li>(a) result in a significant concentration of people at any one time; or</li> <li>(b) result in a significant increase in people living or working in the area; or</li> <li>(c) involve institutional uses where evacuating people may be difficult; or</li> <li>(d) involve a significant number of vulnerable people; or</li> <li>(e) involve essential public infrastructure; or</li> <li>(f) involve manufacture or storage of hazardous materials.</li> </ol>
<b>All development</b>		
<b>PO2</b> Development: <ol style="list-style-type: none"> <li>(a) maintains the safety of people and property on the site and neighbouring sites from landslides; and</li> <li>(b) ensures acceptable risk during all phases of construction and use.</li> </ol>	<b>AO2.1</b> A site-specific slope stability assessment report that has been certified by a Registered Professional Engineer of Queensland, demonstrates to the assessment manager that: <ol style="list-style-type: none"> <li>(a) the site is not subject to landslide hazard; or</li> <li>(b) the development does not increase risks to the safety of people and property on the site and neighbouring sites from landslide hazards.</li> </ol>	<b>AO2.1 - Complies</b> A site-specific slope stability assessment report that has been certified by a Registered Professional Engineer of Queensland has been provided as part of the application. The report demonstrates that the hazard rating for the building location and surrounds is 'moderate', and that the risk level for potential impacts to persons and/or property within or directly adjoin the boundaries of the area assesses is 'low'.
	<b>AO2.2</b> 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: <ol style="list-style-type: none"> <li>(a) the long-term stability of the site considering the full nature</li> </ol>	<b>AO2.2 - Complies</b> The slope stability assessment report incorporates the risk of landslide relevant to the full nature and end of the development.

Performance outcomes	Acceptable outcomes	Assessment response
	and end use of the development; (b) site stability during all phases of construction and development.	
<b>PO3</b> Vegetation clearing on site does not result in landslide hazard increasing.	<b>AO3.1</b> Vegetation clearing which exposes the underlying soil or rock: (a) does not occur on land within 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.	<b>PO3 - Complies</b> Vegetation clearing will be required to the rear (west) of the existing building for the construction of a proposed retaining wall for an outdoor dining area. It is stated that only undergrowth of non-native or pest species is proposed. Any clearing will be conditioned to be carried out in accordance with the recommendations of a site specific slope stability assessment report provided with the application material.
<b>PO4</b> Vehicle and pedestrian access to the development can be achieved in a safe and efficient manner.	<b>AO4.1</b> 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.	<b>PO4 - Complies</b> The development has frontage to Farnborough Road and the driveway is not steeper than twenty-five (25) per cent.
<b>PO5</b> Development involving the manufacture or storage of hazardous materials in bulk is not at risk from landslide hazard.	<b>AO5.1</b> The manufacture or storage of hazardous materials in bulk does not occur within the landslide hazard area.	<b>PO5 - Not applicable</b> The development does not involve the manufacture or storage of hazardous materials.
<b>PO6</b> 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.	<b>PO6 - Complies</b> The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Vegetation clearing will be required to the rear (west) of the existing building to approximately the twelve (12) metre Australian Height Datum contour. An area of approximately 10.6 metres from the rear of the existing building westward, by the width of the property is proposed to be cleared. Any clearing will be required to be carried out in accordance with the recommendations of the site specific slope stability assessment report provided with the application material.
<b>Filling and excavation</b>		
<b>PO7</b> 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.	<b>AO7.1</b> 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.	<b>PO7 - Complies</b> The proposal includes earthworks in the area approximately ten (10) metres to the west of the existing building. The cut is proposed to be up to 1.2 metres in height and is to be supported using a retaining wall. The site-specific slope stability assessment report

Performance outcomes	Acceptable outcomes	Assessment response
		provided as part of the application material provides recommendations and risk mitigation measures. An Operational Works for Earthworks will be conditioned as per the recommendation.
<b>PO8</b> Filling and excavation do not create or increase risk on the site or neighbouring sites by changing the hydrology of the site.	<b>AO8.1</b> 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.	<b>PO8 - Complies</b> The proposal includes earthworks in the area approximately ten (10) metres to the west of the existing building. The cut is proposed to be up to 1.2 metres in height and is to be supported using a retaining wall. The site-specific slope stability assessment report provided as part of the application material provides recommendations and risk mitigation measures. An Operational Works for Earthworks will be conditioned as per the recommendation.

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 proposal is for a Food and drink outlet to be located within an existing building. The existing building is not located within the mapped Scenic Amenity Management Area A or Scenic Amenity Management Area B. No building work is proposed within twenty (20) metres of the road reserve identified as a Coastal scenic transport route, and therefore the development will not detract from the natural visual amenity of the area.

### 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 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
<b>Flood resilience</b>		
<b>PO1</b> The development is resilient to the adverse impacts of flood events which result in unacceptable risk to health and safety or unacceptable risk of property damage.	<b>AO1.1</b> The development is resilient to the adverse impacts of a flood by locating the floor level of all building rooms used for habitation or work a minimum of 300 millimetres above the level of a flood event of at least the annual exceedance probability specified in Table SC5.1.1 located in Schedule 5 of the planning scheme.	<b>PO1 - Not applicable</b> The subject site is not located within OM17 Flood hazard area overlay.



Performance outcomes	Acceptable outcomes	Assessment response								
Location, design, siting, operation										
<p><b>PO2</b></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><b>AO2.1</b></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><b>PO2 - Not applicable</b></p> <p>The development is not located within proximity to a rural use, a use with potential as a major source of emissions or an electricity transmission line easement.</p>								
<p><b>PO3</b></p> <p>Development maintains a high level of amenity for adjoining sensitive land use with regard to the generation of unreasonable noise.</p>	<p><b>AO3.1</b></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><b>PO3 - Complies</b></p> <p>The site is located within the Medium density residential zone and is adjoined to the north by a Dwelling house. The development will be required to comply with <i>Environmental Protection (Noise) Policy</i> as per AO3.1.</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><b>PO4</b></p> <p>Outdoor lighting maintains the amenity of any adjoining residential zoned premises and does not adversely impact the safety for vehicles or pedestrians on the adjoining streets as a result of light emissions, either directly or by reflection.</p>	<p><b>AO4.1</b></p> <p>Outdoor lighting is designed, installed and maintained in accordance with the parameters and requirements of the current version of the Australian Standard AS4282 — Control of the obtrusive effects of outdoor lighting.</p>	<p><b>PO4 - Complies</b></p> <p>Appropriate outdoor lighting will be conditioned as per the recommendation.</p>								
<p><b>PO5</b></p> <p>A refuse container and container storage area is provided in a manner that:</p>	<p><b>AO5.1</b></p> <p>The development of a use within the accommodation activities group is provided with a refuse container and</p>	<p><b>AO5.1 – Not applicable</b></p> <p>The development is not for a use within the accommodation activities group.</p>								

Performance outcomes	Acceptable outcomes	Assessment response
(a) maintains the amenity of the surrounding area; (b) is of adequate size to accommodate the expected amount of refuse to be generated by the use; (c) is in a position that is conveniently accessible for collection; and (d) is able to be kept in a clean state at all times.	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.	
	<b>AO5.2</b> 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.	<b>AO5.2 - Complies</b> A refuse container storage area is proposed to the rear of the building, and will not be viewable from the front of the property. An appropriately designed storage area will be conditioned as per the recommendation.
<b>PO6</b> Personal safety and property security are optimised through the design of buildings and spaces incorporating the following: (a) means of easily identifying the premises; (b) appropriate night lighting; (c) suitably designed and located building entry and exit points; (d) opportunities for surveillance; (e) appropriate plant species for landscaping; (f) clear definition of boundaries between private and public spaces; and (g) any best practice for crime prevention through environmental design.	<b>AO6.1</b> 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.	<b>PO6 – Complies</b> The proposal is located within an existing building. The design of the existing building allows for adequate personal safety and property security.
	<b>AO6.2</b> The development contains lighting that is designed and installed in any public places and community places in accordance with Australian Standard AS1158: Public Lighting Code.	
	<b>AO6.3</b> 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	

Performance outcomes	Acceptable outcomes	Assessment response
	<p>communal place; or</p> <p>(b) are in clear unobstructed view of a road, public place, or communal place; or</p> <p>(c) front a well-defined, unobstructed and appropriately lit pathway which connects to a road, public place, or communal place.</p>	
	<p><b>AO6.4</b></p> <p>Building entrances facing onto roads, public places or communal places:</p> <p>(a) do not incorporate recesses of sufficient size to conceal a person; or</p> <p>(b) where the recess is of sufficient size to conceal a person it:</p> <p>(i) is well lit; and</p> <p>(ii) is:</p> <p>(A) gated with restricted access; or</p> <p>(B) has strategically placed mirrors.</p>	
	<p><b>AO6.5</b></p> <p>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.</p>	
	<p><b>AO6.6</b></p> <p>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:</p> <p>(a) a mirror to allow viewing around the blind corner; or</p> <p>(b) use of permeable material for the building or structure at the blind corner; or</p> <p>(c) reduction of the height of the 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>	

Performance outcomes	Acceptable outcomes	Assessment response
	<b>AO6.7</b> 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.	
	<b>AO6.8</b> The development has clearly defined boundaries between private and public space by use of one or more of the following elements: (a) fencing; or (b) changes in surface finishes; or landscape treatments.	
Location, design, siting, operation		
<b>PO7</b> 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.	<b>AO7.1</b> 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.	<b>AO7.1 - Complies</b> The property has direct access to Farnborough Road, an Urban Sub-Arterial Road. The safety, efficiency, effectiveness and operation of the transport network servicing the site and surrounding area will not be compromised by the change of use, which is considered minor in scale.
	<b>AO7.2</b> 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.	
<b>PO8</b> Development that generates use by a high quantity of people or frequent use by people is located at a highly accessible premises: (a) which is convenient for people needing to use the premises; and (b) which: (i) contains public transport facilities, or (ii) is in proximity to current or future public transport facilities; or (iii) is in proximity to current or future high order transport routes; and (c) which provides for the efficient travel of emergency vehicles; and (d) which can minimise adverse impacts on local amenity.	No acceptable outcome is nominated.	<b>PO8 - Complies</b> The subject site is located on Farnborough Road, a highly accessible Urban Sub-Arterial road

Performance outcomes	Acceptable outcomes	Assessment response
<b>PO9</b> Development that requires frequent use of heavy haulage vehicles, bulk freight of goods, or the transportation of dangerous or hazardous goods, liquids, materials and the like, is located at premises able to effectively utilise major transport facilities and routes, and other high order components of the transport network.	No acceptable outcome is nominated.	<b>PO9 - Not applicable</b> 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 and the like.
<b>PO10</b> Development occurs on sites that are safe from contaminants that may cause harm to people or property.	No acceptable outcome is nominated.	<b>PO10 – Complies</b> The subject site is safe from contaminants that may cause harm to people or property.
<b>PO11</b> The development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds including but not limited to the following: (a) large tracts of established native vegetation; or (b) inland and coastal waterways and wetlands; or (c) riparian vegetation; or (d) biodiversity corridors; or (e) visually prominent mainland and island mountains, hills, ridges, headlands, dunes, beaches; or (f) important urban green break areas; or (g) cultural heritage features.	No acceptable outcome is nominated.	<b>PO11 - Complies</b> The development does not significantly adversely affect valued natural environment and landscape features of the site and surrounds.

As evident from the above assessment, the proposal complies with the various requirements of the General development code.

### 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 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
<b>Access and parking</b>		

Performance outcomes	Acceptable outcomes	Assessment response																				
<p><b>PO1</b></p> <p>The development is provided with an on-site parking and movement system designed and constructed to:</p> <p>(a) be integrated with the site layout including:</p> <p>(i) direct access to a road providing an appropriate level of service required to accommodate traffic generated by the use;</p> <p>(ii) having appropriately designed footpath crossovers;</p> <p>(iii) provision for safe pedestrian movement between public footpath and facility entry points;</p> <p>(b) accommodate sufficient manoeuvring room for the safe entry and exit of all modes of transport generated by the use (including refuse collection vehicles, trucks, buses and the like as relevant to the development);</p> <p>(c) accommodate sufficient parking for the expected number and type of vehicles generated by the use;</p> <p>(d) facilitate non-discriminatory accessibility;</p> <p>(e) provide for safe and efficient loading and unloading of goods;</p> <p>(f) allow for vehicle queuing necessary for the use;</p> <p>(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><b>AO1.1</b></p> <p>The development is provided with sufficient on-site vehicle parking and queuing space in accordance with the standards relevant to the use in compliance with Table 9.3.2.4.3.</p> <p><b>AO1.2</b></p> <p>For development other than a use listed in the table below, an engineer who qualifies as a registered professional engineer of Queensland certifies that all vehicles likely to use the site are able to enter and leave the site in a forward gear, and that the on-site vehicle parking spaces, pick-up areas, loading and unloading areas, queuing areas, circulation and manoeuvring areas for the development are designed and constructed in accordance with the most up to date version of the Australian Standards as relevant to the development, including but not limited to the following:</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	<p><b>PO1 – Justified to comply</b></p> <p>The proposal does not comply with the acceptable outcome for vehicle parking of one (1) space per ten (10) square metres of gross floor area. However, the proposed change of use from a Shop (and ancillary café) to a Food and drink outlet is considered relatively minor in scale and is not anticipated to generate unreasonable traffic for the proposed use. Patrons visiting the site are anticipated to use the on-street car parking and the existing pedestrian and cyclist network that connects along Farnborough Road. It is also noted that patrons of the accommodation use and the nearby caravan park and backpackers are likely to be users of the Food and drink outlet and would not rely on parking spaces. Therefore, it is considered that on street parking along Farnborough Road is sufficient for the proposal.</p> <p>Further the existing commercial uses on the adjoining property (Beachside 66) and property approximately sixty (60) metres south of the site (Yeppoon Beach House and Mahalo Juice Bar) operate with predominately on-street parking which performs satisfactorily for the nature and context of the use and the road network.</p>
Accommodation activities																						
Caretaker's accommodation																						
Community residence																						
Dual occupancy																						
Dwelling house																						
Dwelling unit																						
Home based business																						
Recreation activities																						
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Special activities																						
Landing																						
Major electricity infrastructure																						
Substation																						
Telecommunications facility																						

Performance outcomes	Acceptable outcomes	Assessment response
	<p><b>AO1.3</b></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><b>PO2</b></p> <p>Access driveways are designed and sited:</p> <ul style="list-style-type: none"> <li>(a) to minimise disruption to public infrastructure;</li> <li>(b) to operate safely and efficiently taking into account the volume, frequency and type of vehicle traffic expected to be generated by the development;</li> <li>(c) to operate safely and efficiently taking into account the function of the adjoining road; and</li> <li>(d) to minimise impacts on the safety, efficiency, or function of the road network.</li> </ul>	<p><b>AO2.1</b></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, manhole, stormwater gully pit or other Council asset.</p> <p><b>AO2.2</b></p> <p>The access driveway of the development is not constructed over an access point to infrastructure under the control of a regulatory authority, including storm water pits, water meters, water hydrants and telephone pits.</p> <p><b>AO2.3</b></p> <p>The access driveway of the development does not enter the road carriageway at the location of an existing traffic island, speed control device, car parking bay, pedestrian crossing, bus stop or other infrastructure within the road carriageway.</p> <p><b>AO2.4</b></p> <p>The access driveway of the development is not located within:</p> <ul style="list-style-type: none"> <li>(a) two (2) metres of any adjoining property access driveway (excluding shared property accesses at the property line); and</li> <li>(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;</li> <li>(c) the closest half of the road frontage to a road intersection for any corner lot.</li> </ul> <p><b>AO2.5</b></p> <p>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</p>	<p><b>PO2 – Justified to comply</b></p> <p>No new access driveway is proposed for the development. The site currently has two cross overs constructed from Farnborough Road. one driveway access will be conditioned to be removed. No onsite parking is proposed, therefore an access driveway it is not considered necessary.</p>

Performance outcomes	Acceptable outcomes	Assessment response
	<p>following:</p> <p>(a) <i>Standard Drawing CMDG-R-040 Rural Road Access and Property Access over Table Drains;</i></p> <p>(b) <i>Standard Drawing CMDG-R-041 Residential Driveway Slab and Tracks;</i></p> <p>(c) <i>Standard Drawing CMDG-R-042 Commercial Driveway Slab (Type A) Two Way Access;</i></p> <p>(d) <i>Standard Drawing CMDG-R-043 Commercial Driveway Slab (Type B) Two Way Access.</i></p>	
	<p><b>AO2.6</b></p> <p>Where adjoining a state-controlled road or Key Resource Area transport route, the development provides:</p> <p>(a) a single site access driveway;</p> <p>(b) the access driveway to the lowest order road to which the site has frontage;</p> <p>(c) an access driveway which enables vehicles to enter and exit the site in a forward direction.</p>	
<b>Clearing of native vegetation</b>		
<p><b>PO6</b></p> <p>Clearing does not result in any significant adverse impacts on the following:</p> <p>(a) scenic landscape values; or</p> <p>(b) values associated with large tracts of native vegetation which serve as habitat or viable biodiversity corridors; or</p> <p>(c) the quality of land and water resources (including underground water).</p>	<p><b>AO6.1</b></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> <p>(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</p> <p>(b) the clearing is for the purpose of:</p> <p>(i) lawful development for forestry; or</p> <p>(ii) managing declared weeds; or</p> <p>(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</p>	<p><b>AO6.1 - Complies</b></p> <p>The site is mapped as containing Matters of Local Environmental Significance – Habitat and Vegetation. Vegetation clearing will be required to the rear (west) of the existing building to approximately the twelve (12) metre Australian Height Datum contour.</p> <p>An area of 7.1 metres from the rear of the existing building westward will be cleared of all vegetation for the purposes of the outdoor dining area and retaining wall. This area is not located within the mapped MLES area.</p> <p>An additional approximate 3.5 metres westward will be cleared of non-native species and declared pests. This clearing will be required within an area approximately 2.5 metres within the mapped MLES under OM07.</p> <p>The application material states that a site survey carried out determined that no species of ecological significance were located on the site. It is consider the clearing complies with the Development Works Code.</p>



Performance outcomes	Acceptable outcomes	Assessment response				
	<p>tallest adjacent tree, whichever is the greater; or</p> <p>(iv) maintaining existing infrastructure, including buildings, fences, roads and watering points; or</p> <p>(v) a necessary fire management line to a maximum width of ten (10) metres; or</p> <p>(vi) establishing a necessary road or vehicular track to a maximum width of ten (10) metres; or</p> <p>(vii) landscape gardening purposes;</p> <p>(viii) clearing of plants or plant material that has been 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><b>AO6.2</b></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><b>AO6.2 - Not applicable</b></p> <p>The subject site is located below the fifty (50) metres Australian Height Datum contour level,</p>				
	<p><b>AO6.3</b></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><b>AO6.3 - Not applicable</b></p> <p>The subject site is not located within a biodiversity corridor</p>				
	<p><b>AO6.4</b></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</td><td>10 metres</td></tr></table>	Location	Buffer distance	Top of the bank of a waterway	10 metres	<p><b>AO6.4 - Not applicable</b></p> <p>The development is not located within the buffer distances from a waterway or wetland</p>
Location	Buffer distance					
Top of the bank of a waterway	10 metres					

Performance outcomes		Acceptable outcomes		Assessment response
		classified as stream order one or stream order two		
		Top of the bank of a waterway classified as stream order three or stream order four	25 metres	
		Top of the bank of a waterway classified as stream order five or higher order	50 metres	
		Wetland	100 metres	
<b>PO7</b> Clearing does not result in land degradation due to soil erosion.	<b>AO7.1</b> 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.			<b>PO7 - Complies</b> The site is identified on an overlay map as a biodiversity matter of local environmental significance. Vegetation clearing will be required to the rear (west) of the existing building for the construction of a proposed retaining wall for an outdoor dining area. It is stated that only undergrowth of non-native or pest species is proposed Any clearing will be conditioned to be carried out in accordance with the recommendations of a site specific slope stability assessment report provided with the application material. An Erosion and Sediment Control Plan will be conditioned, as per the recommendation.
<b>Earthwork</b>				
<b>PO8</b> 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.	<b>AO8.1</b> The development does not require earthwork that result in batter slopes which exceed twenty-five (25) per cent.			<b>PO8 - Complies</b> The development proposes retaining to the rear of the property. An Operational Works for Earthworks will be conditioned as per the recommendation.
	<b>AO8.2</b> 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.			
	<b>AO8.3</b> 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			

Performance outcomes	Acceptable outcomes	Assessment response
	neighbouring properties.	
	<b>AO8.4</b> The development: <ul style="list-style-type: none"> <li>(a) does not require earthwork that results in the interference with or redirection of a natural drainage line; or</li> <li>(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.</li> </ul>	
	<b>AO8.5</b> 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 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.	
	<b>AO8.6</b> 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.	
	<b>AO8.7</b> 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"> <li>(a) the retaining wall or terraced retaining walls are located behind buildings and are not visible from the road frontage property boundary; or</li> <li>(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</li> </ul>	

Performance outcomes	Acceptable outcomes	Assessment response
	and within in each tier of the terrace.	
<b>Energy supply</b>		
<b>PO9</b> An energy supply is provided in a manner which: (a) is safe; and (b) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location; and (c) does not compromise other infrastructure.	<b>AO9.1</b> The development is provided with an energy supply in accordance with the requirements of Table 9.3.2.4.7.	<b>AO9.1 - Complies</b> The development is within an existing building, which has an existing connection to reticulated grid electricity supply.
	<b>AO9.2</b> 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.	<b>AO9.2 - Complies</b> The development is within an existing building, which has an existing connection to reticulated grid electricity supply.
	<b>AO9.3</b> If the development requires an on-site energy supply in accordance 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.	<b>AO9.3 - Not applicable</b> The development is within an existing building, which has an existing connection to reticulated grid electricity supply.
<b>Sewage and waste water treatment and disposal</b>		
<b>PO10</b> The development is provided with sewage and wastewater treatment and disposal infrastructure which: (a) treats and disposes all generated sewage and waste water in a manner that protects public health and avoids environmental harm; (b) where practicable, is integrated with the existing public sewerage networks; (c) where practicable, facilitates the orderly provision of future public sewerage networks; and (d) is designed and constructed to be safe, operationally reliable and easily maintained.	<b>AO10.1</b> 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.	<b>AO10.1 - Complies</b> The development is within an existing building, which has existing connection to reticulated sewerage.
	<b>AO10.2</b> 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.	<b>AO10.2 - Complies</b> The development is within an existing building, which has existing connection to reticulated sewerage.
	<b>AO10.3</b>	<b>AO10.3 - Not applicable</b>

Performance outcomes	Acceptable outcomes	Assessment response
	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.	The development is within an existing building, which has existing connection to reticulated sewerage.
<b>Roof and allotment drainage</b>		
<b>PO11</b> 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.	<b>AO11.1</b> 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).	<b>PO11 - Complies</b> Appropriate roof and allotment drainage will be conditioned as per the recommendation.
<b>Telecommunications</b>		
<b>PO12</b> The development is provided with telecommunications infrastructure or equipment which: (a) is sufficient to support the needs of the development and the reasonable expectations for the development based on its location; (b) where practicable, is integrated with the existing public telecommunication networks; and (c) is designed and constructed to be safe, operationally reliable and easily maintained.	<b>AO12.1</b> The development is provided with telecommunications infrastructure or equipment in accordance with the requirements of Table 9.3.2.4.7.	<b>AO12.1 - Complies</b> The development is within an existing building, which has an existing connection to telecommunications infrastructure.
	<b>AO12.2</b> 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 infrastructure is provided in accordance with the requirements of the relevant telecommunications supply authority.	<b>AO12.2 - Complies</b> The development is within an existing building, which has an existing connection to telecommunications infrastructure.
	<b>AO12.3</b> 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.	<b>AO12.3 - Not applicable</b> The development is within an existing building, which has an existing connection to telecommunications infrastructure.
<b>Water supply</b>		
<b>PO13</b> 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	<b>AO13.1</b> The development is provided with a water supply in accordance with the requirements of Table 9.3.2.4.6.	<b>AO13.1 - Complies</b> The development is within an existing building, which has existing connection to reticulated municipal water supply.
	<b>AO13.2</b> If the development requires the	<b>AO13.2 - Complies</b> The development is within an

Performance outcomes	Acceptable outcomes	Assessment response
<p>for the development based on its location;</p> <p>(b) where practicable, is integrated with the existing public water supply networks;</p> <p>(c) where practicable, facilitates the orderly provision of future public water supply networks; and</p> <p>(d) is designed and constructed to be safe, operationally reliable and easily maintained.</p>	<p>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.</p>	<p>existing building, which has existing connection to reticulated municipal water supply.</p>
	<p><b>AO13.3</b></p> <p>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.</p>	<p><b>AO13.3 - Not applicable</b></p> <p>The development is within an existing building, which has existing connection to reticulated municipal water supply.</p>
<b>Stormwater management</b>		
<p><b>PO17</b></p> <p>The development:</p> <p>(a) collects and discharges stormwater in a manner that does not adversely affect the stability of buildings, structures, infrastructure or land, located on the site or off the site;</p> <p>(b) has a stormwater management system that is designed and constructed to be safe, operationally reliable, and easily maintained;</p> <p>(c) ensures that the stormwater management system and site work does not adversely impact flooding or drainage characteristics of premises which are located up-slope, down-slope, or adjacent to the site;</p> <p>(d) ensures that the stormwater management system and site work does not result in ponding or retention of water in a manner that is likely to result in loss of amenity for sensitive land use, or result in adverse impacts on public health and safety;</p> <p>(e) where practicable, is integrated with existing public stormwater management networks and planned future stormwater management networks; and</p> <p>(f) does not compromise the ability of the stormwater management system for the catchment to ensure that stormwater causes minimal nuisance, danger, and damage</p>	<p><b>AO17.1</b></p> <p>An engineer who qualifies as a registered professional engineer of Queensland certifies that the development has a stormwater management system which:</p> <p>(a) collects and discharges stormwater to a lawful point of discharge;</p> <p>(b) is compatible with and does not compromise the stormwater management system for the catchment; and</p> <p>(c) is designed and constructed in accordance with the Capricorn Municipal Development Guidelines and any requirements of the stormwater management planning scheme policy contained in schedule 7.13 of the planning scheme.</p>	<p><b>PO17 - Complies</b></p> <p>Appropriate stormwater management will be conditioned, as per the recommendation.</p>

Performance outcomes	Acceptable outcomes	Assessment response
to people, property, infrastructure and the environment due to the quantity of stormwater discharge.		
<p><b>PO18</b></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> <p>(a) identified stormwater quality design objectives for the location; or</p> <p>(b) current best practice environmental management.</p>	<p><b>AO18.1</b></p> <p>A site stormwater quality management plan has been prepared by a suitably qualified person and the plan:</p> <p>(a) is consistent with any local area stormwater management planning; and</p> <p>(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 9.3.2.4.9, or current best practice environmental management, reflecting land use constraints, such as:</p> <p>(i) erosive, dispersive, sodic and/or saline soil types;</p> <p>(ii) landscape features (including landform);</p> <p>(iii) acid sulfate soil and management of nutrient of concern;</p> <p>(iv) rainfall erosivity.</p>	<p><b>AO18.1 - Complies</b></p> <p>Appropriate stormwater management will be conditioned, as per the recommendation.</p>
	<p><b>AO18.2</b></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> <p>(a) is avoided for the nominated design storm; and</p> <p>(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>	<p><b>AO18.2 - Complies</b></p> <p>An Erosion and Sediment Control Plan will be conditioned, as per the recommendation.</p>
	<p><b>AO18.3</b></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><b>AO18.3 - Complies</b></p> <p>An Erosion and Sediment Control Plan will be conditioned, as per the recommendation.</p>
	<p><b>AO18.4</b></p> <p>Development incorporates stormwater flow control measures to achieve the design objectives</p>	<p><b>AO18.4 - Complies</b></p> <p>Appropriate stormwater management will be conditioned, as per the recommendation.</p>

Performance outcomes	Acceptable outcomes	Assessment response
	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.	

As evident from the above assessment, the proposal complies with the various requirements of the Development works code, despite minor non-compliance with PO1 and PO2. Suitable justification has been provided against the relevant criteria where deviation exists.

### **PUBLIC NOTIFICATION**

The proposal was the subject of public notification between 20 February 2019 and 13 March 2019, as per the requirements of the *Planning Act 2016*, and one submission was received, which is considered to be properly made in accordance with the *Planning Act 2016*.

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

Issue	Officer Comment
The development does not provide on-site car parking and relies solely on the existing on-street car parking within Farnborough Road.	<p>The proposal does not comply with the acceptable outcome for vehicle parking of one (1) space per ten (10) square metres of gross floor area under the <i>Livingstone Planning Scheme 2018</i>. However, the proposed change of use from a Shop (and ancillary café) to a Food and drink outlet is considered relatively minor in scale and is not anticipated to generate any additional traffic for the proposed use. Patrons visiting the site are anticipated to use the on-street car parking and the existing pedestrian and cyclist network that connects along Farnborough Road. It is also noted that patrons of the accommodation use and the nearby caravan park and backpackers are likely to be users of the Food and drink outlet and would not rely on parking spaces. Therefore, it is considered that on street parking along Farnborough Road is sufficient for the proposal.</p> <p>Further the existing commercial uses on the adjoining property (Beachside 66) and property approximately sixty (60) metres south of the site (Yeppoon Beach House and Mahalo Juice Bar) operate with predominately on-street parking which performs satisfactorily for the nature and context of the use and the road network.</p>

### **SUMMARY OF ASSESSMENT**

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



In response to the above, the assessment of this application concludes that the proposed development, subject to conditions, is not likely to conflict with Council's Strategic Framework. Furthermore, there are considered to be relevant matters that favour Council exercising its discretion to approve the application in this instance, even though the application is not consistent with the purpose of the Medium density residential zone Code.

The relevant matters are as follows:

- (a) The proposed development supports the surrounding accommodation uses by providing a small-scale complementary commercial offering for surrounding residents, as well as tourists and travellers accessing the nearby caravan park and short-term accommodation offerings.
- (b) The development is commensurate to the surrounding commercial development to the south and is not of a scale whereby impacts on the role and function of the Yeppoon Major Centre are anticipated.
- (c) The subject site is readily accessible to existing vehicular, bicycle and pedestrian networks.
- (d) The development does not jeopardise the overall outcomes of the Medium density residential zone.

Having regard to all of the above, it is recommended Council, from a land use perspective, consider the proposed development favourably as, pursuant to Section 60(2)(b) of the *Planning Act 2016*, there are considered to be relevant matters that favour Council exercising its discretion to approve the alternative land uses proposed herein and the development is capable of occurring in a manner that is not likely to conflict with Council's Strategic Framework.

Further to the assessment summary above and pursuant to section 63 (5) of the *Planning Act 2016*, the reasons for the decision are based on findings on material questions of fact and must be included in the statement of reasons accompanying the decision notice as follows:

- (i) The development does not comply with Performance Outcome PO1 and PO2 of the Development Works Code as the development does not provide onsite carparking.
- (ii) Despite the non-compliance, it is considered that on street parking along Farnborough Road is sufficient for the proposal due to the change of use from a Shop to a Food and drink outlet being considered relatively minor.
- (iii) Despite the non-compliance with Performance Outcome PO1 and PO2, the application complies with the overall outcomes sought for the Development Works Code.
- (iv) The development complies with the relevant outcomes of the Strategic Framework, Medium density residential zone code, Biodiversity overlay code, Bushfire hazard overlay code, Coastal hazard overlay code, Landslide hazard overlay code, Scenic amenity overlay code and General development code.
- (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 one aspect of the assessment benchmarks.

### **INFRASTRUCTURE CHARGES**

Infrastructure charges are levied pursuant to the *Adopted Infrastructure Charges Resolution (No.3) LSC 2018*. The development is not increasing the gross floor area or impervious area, and as such is not subject to an Infrastructure Charge.

### **PREVIOUS DECISIONS**

It is noted that Council has previously approved a development application D-163-2017 for a Development Permit for a Material Change of Use for a Shop and Restaurant on 21

November 2017 within the vicinity of the subject site which failed to meet the requirements for onsite parking *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. 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 either a submitter (should Council approve the development application) or from the developer (should Council refuse the development application). These potential legal implications also bring unknown budget implications.

### **STAFFING IMPLICATIONS**

No staffing implications have been identified in the assessment.

### **RISK ASSESSMENT**

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

### **CORPORATE/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 generally consistent with the various zone and code requirements prescribed by the planning scheme for this development. It represents a logical development given the existing commercial uses and short term accommodation uses occurring on and in proximity to the subject site. 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 A  
FOOD AND DRINK OUTLET (CAFE) AT  
66 FARNBOROUGH ROAD,  
MEIKLEVILLE HILL**

**Locality plan**

**Meeting Date: 7 May 2019**

**Attachment No: 1**





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The State Government of Queensland (Dept. of Natural Resources and Mines) 2015.  
Other data © Livingstone Shire Council 2019.

## Locality Plan

Map Created by: Web AppBuilder for ArcGIS

0.025 0.05 0.1 Km 1:2 257 at A3



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**12.7 - DEVELOPMENT APPLICATION  
FOR A DEVELOPMENT PERMIT FOR A  
MATERIAL CHANGE OF USE FOR A  
FOOD AND DRINK OUTLET (CAFE) AT  
66 FARNBOROUGH ROAD,  
MEIKLEVILLE HILL**

**Proposal Plans**

**Meeting Date: 7 May 2019**

**Attachment No: 2**

AREA SCHEDULE		
<b>SITE COVER</b>		
Existing Site Cover	349.57 <sup>2</sup>	15.5%
Proposed Site Cover	349.7	16.5
<b>Existing Floor Areas</b>		
Existing Dwelling	148.2m <sup>2</sup>	
Existing Shop	201.5m <sup>2</sup>	
<b>Existing Gross Floor Area</b>	<b>349.7m<sup>2</sup></b>	
<b>PROPOSED FLOOR AREAS</b>		
<b>Ground Floor</b>		
Existing Shop	84m <sup>2</sup>	
Proposed Cafe	117m <sup>2</sup>	
<b>Total Ground Floor</b>	<b>201.5m<sup>2</sup></b>	
<b>TOTAL PROPOSED GFA: 349.7m<sup>2</sup></b>		

**A2 DRAWING**  
NOTED SCALES RELATE  
TO A2 DRAWINGS

**LEGEND**

A/C	SELECTED AIR CONDITIONER
BAL	BALASTRADES
BIN	PULL OUT BIN
BR	BROOM CUPBOARD
CA	BUILT-IN CABINET
COL	COLUMN
CS	CAVITY SLIDING DOOR
DH	DOUBLE HUNG WINDOW
DP	90mm DIA. DOWNPIPE
DW	DISHWASHER (UNDER BENCH)
EX	VENTED EXHAUST FAN
FR	FRIDGE / FREEZER
H	HEAT LAMP
HWS	HOT WATER SYSTEM
MI	MICROWAVE
OBS	OBSCURE OR OPAQUE GLASS
OP	OPENING
P	PANTRY
PIT	SW DRAINAGE PIT
SA	HARDWIRED SMOKE ALARM
SGD	SLIDING GLASS DOOR
SGW	SLIDING GLASS WINDOW
SHF	BUILT-IN SHELVING
SK	SINK
SL	SKY LIGHT
ST	STOVE / OVEN / RANGEHOOD
TUB	WASHTUB
VB	VANITY BASIN
WC	DUAL FLUSH TOILET
WM	WASHING MACHINE

Rev	Description	Date
SK1.0	Sketch issue	14.06.2018



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BDAQ Member: #0001235

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**PROPOSED RENOVATIONS & ADDITIONS TO SHOP / CAFE**

Project Name:

Client:  
**D. LAWRENCE**

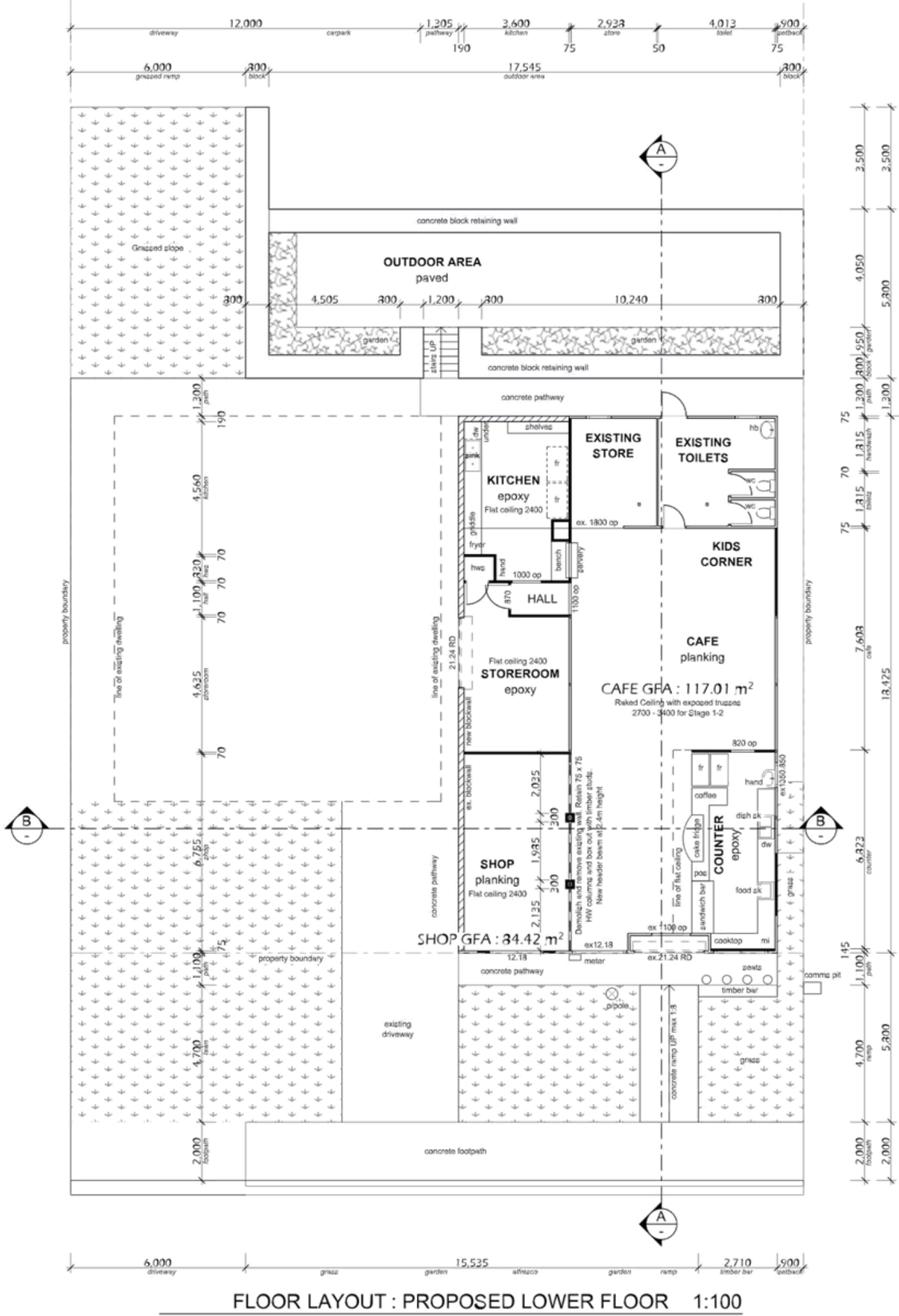
Project Address:  
**66 FARNBOROUGH ROAD,  
MEILKLEVILLE HILL 4703**

Drawing Title:  
**FLOOR PLAN : PROPOSED  
LOWER FLOOR**

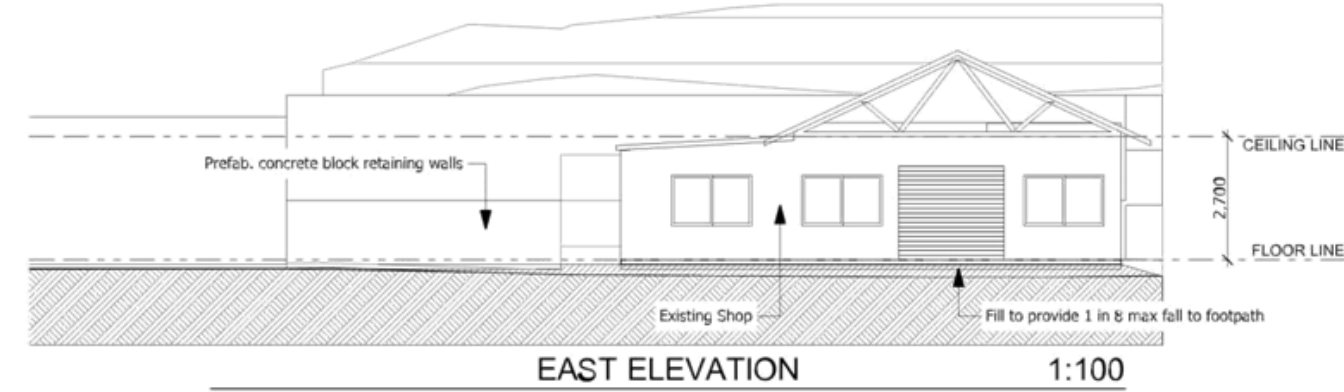
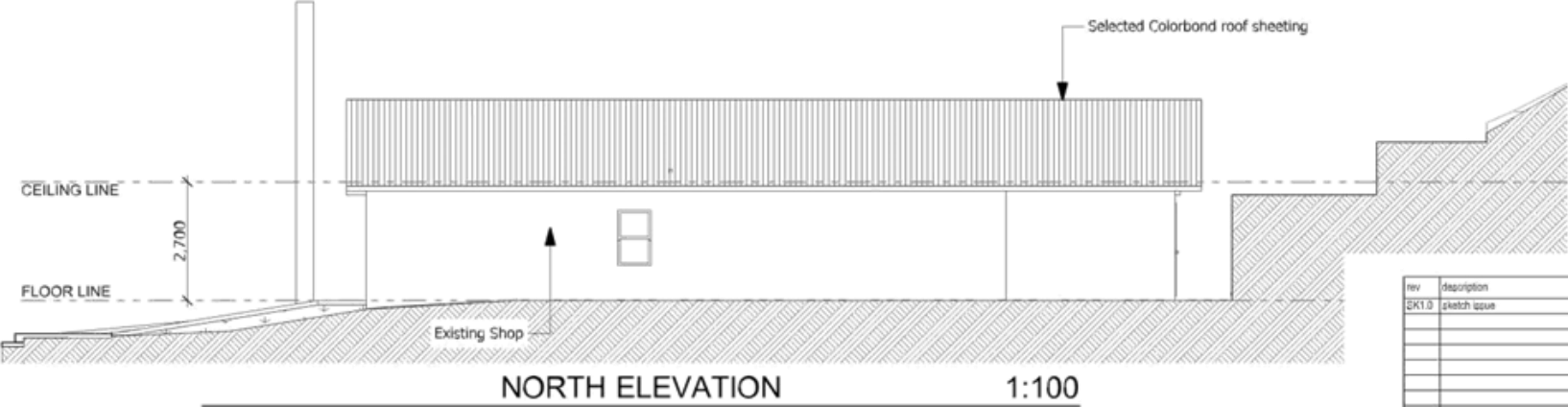
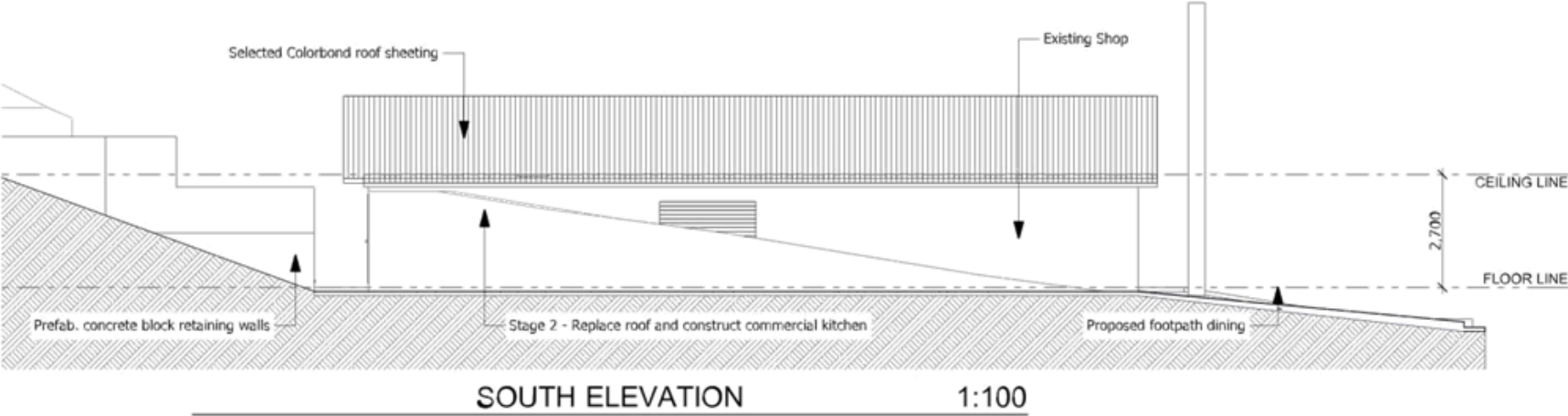
Shows: MCU Issue

Issue #: DA1.2	Job Number:
Scale: as shown	<b>1805-02</b>
Sheet: 4 of 56	Page Number:
Drawn By: rjt	<b>SH - 03</b>

Plot: 1221.PLT 13/02/2019



FLOOR LAYOUT : PROPOSED LOWER FLOOR 1:100



Rev	Description	Date
SK1.0	Sketch issue	14.06.2018

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**BAEL**  
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**PROPOSED  
RENOVATIONS &  
ADDITIONS TO SHOP /  
CAFE**

Project Name:

Client:  
**D. LAWRENCE**

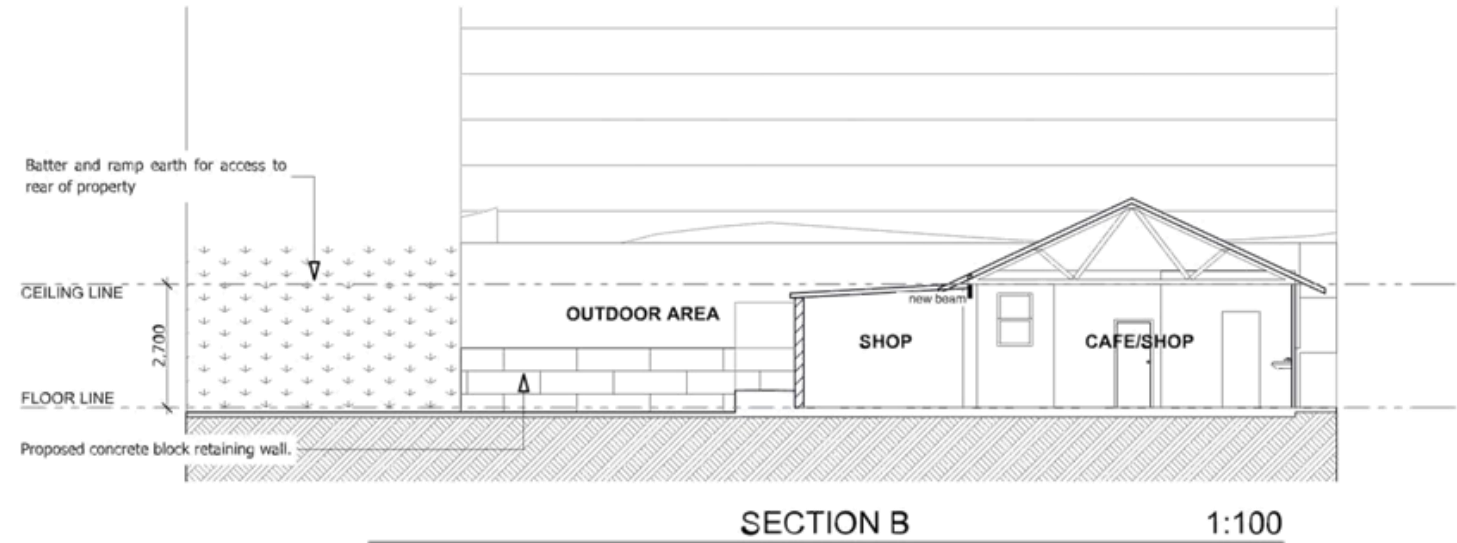
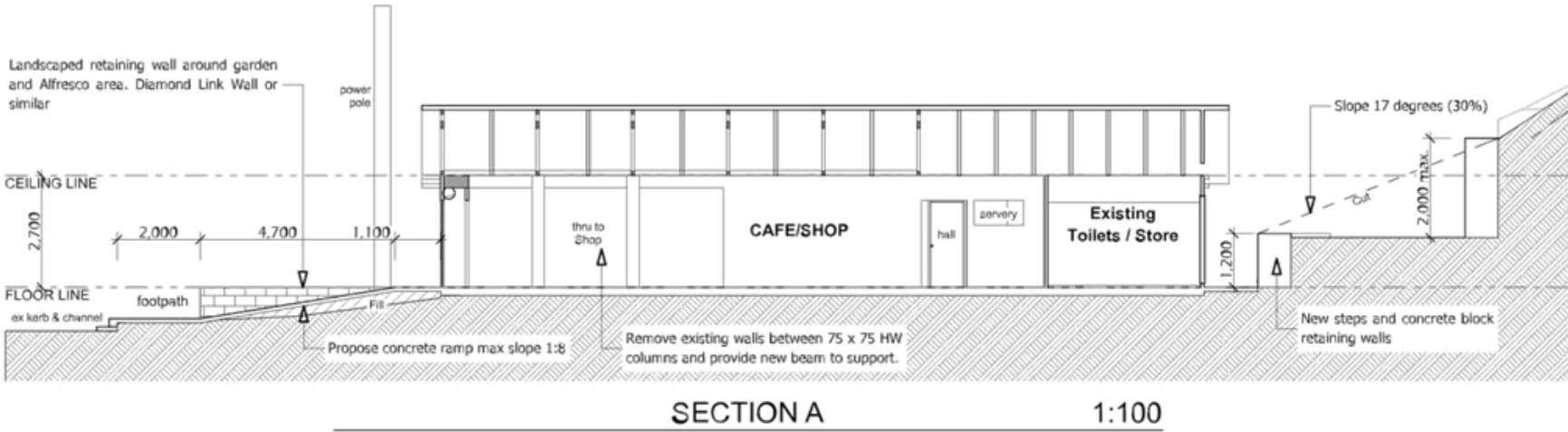
Project Address:  
**66 FARNBOROUGH ROAD,  
MEILKLEVILLE HILL 4703**

Drawing Title:  
**ELEVATIONS : TYPICAL**

Status: MCU Issue	
Issue #: DA1.2	Job Number: <b>1805-02</b>
Scale: as shown	Page Number: <b>SH - 04</b>
Sheet: 5 of 56	Drawn By: rjt

Plot: 1221 Plot 13022019

A2 DRAWING  
NOTED SCALES RELATE  
TO A1 DRAWINGS



Rev	Description	Date
SK1.0	Sketch Issue	14.06.2018

**BAEL**  
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**PROPOSED RENOVATIONS & ADDITIONS TO SHOP / CAFE**

Project Name:

Client:  
**D. LAWRENCE**

Project Address:  
**66 FARNBOROUGH ROAD,  
MEILKLEVILLE HILL 4703**

Drawing Title:

**SECTIONS : TYPICAL A - B**

Issue	Job Number
Issue # DA1.2	1805-02
Scale: as shown	
Sheet: 6 of 16	Page Number:
Drawn By: rjt	<b>SH - 06</b>

Rev: 12/21 PM 13/02/2019



## 13 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

### RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

#### 14.1 PAINT POT GALLERY ACCOMMODATION

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 14.2 ROMAN CATHOLIC CHURCH LAND - MARLBOROUGH

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

#### 14.3 Opening of Todds Road Through Greenlake Station

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 14.4 Great Keppel Island Revitalisation Project

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 14.5 Kerr Park - Purchasing policy Compliance for Installation of Playground Equipment and Shade Structure

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

## 14 CONFIDENTIAL REPORTS

### 14.1 PAINT POT GALLERY ACCOMMODATION

**File No:** LEA264

**Attachments:**

1. Paint Pot Gallery Report - 2 October 2018
2. Paint Pot Gallery Resolution - 2 October 2018

**Responsible Officer:** David Mazzaferri - Manager Disaster Management,  
Recovery and Resilience  
Brett Bacon - Executive Director Liveability and  
Wellbeing

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

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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### SUMMARY

*This report provides information in relation to the provision of accommodation for the Paint Pot Gallery.*

**14.2 ROMAN CATHOLIC CHURCH LAND - MARLBOROUGH****File No:** CP5.9.2-227**Attachments:** 1. Plan and Aerial - Catholic Church Land  
Marlborough**Responsible Officer:** David Mazzaferri - Manager Disaster Management,  
Recovery and Resilience  
Brett Bacon - Executive Director Liveability and  
Wellbeing**Author:** Mark McLean - Principal Property Officer  
Maddie Crigan - Property Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

---

**SUMMARY**

*This report pertains to the possible purchase of property within Marlborough which is currently owned by The Roman Catholic Trust Corporation for the Diocese of Rockhampton.*

**14.3 OPENING OF TODDS ROAD THROUGH GREENLAKE STATION****File No:** 5.2.5-006**Attachments:**

1. Greenlake Station report
2. RP614943
3. SP293755

**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Michael Prior - Manager Infrastructure Operations

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

---

**SUMMARY**

*This report provides Council with an update on the matter of a road opening that would connect Todds Road with Ingrey Road through Greenlake Station.*

**14.4 GREAT KEPPEL ISLAND REVITALISATION PROJECT****File No:** P.18-065**Attachments:** 1. Submarine Pipelines Briefing Paper**Responsible Officer:** Chris Murdoch - Chief Executive Officer**Author:** Dan Toon - Executive Director Infrastructure

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

---

**SUMMARY**

*This report provides an update for the Great Keppel Island Revitalisation Project and seeks a Council resolution for several matters.*

**14.5 KERR PARK - PURCHASING POLICY COMPLIANCE FOR INSTALLATION OF PLAYGROUND EQUIPMENT AND SHADE STRUCTURE****File No:** P-17-100**Attachments:**

1. Tender Response for Tender No: 2018.049  
Design and Supply of Playground Equipment  
and Shade Structure
2. Playscape Creations Installation Quotation
3. Fabritecture Australia Installation Quotation

**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Craig Jepson - Civil Design

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

---

**SUMMARY**

*This report presents the background information to the purchase of playground equipment and shade structures for Kerr Park and evaluates the submissions received for installation of those components.*

**15 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.*

## **16 CLOSURE OF MEETING**