



# **ORDINARY MEETING**

## **AGENDA**

**16 APRIL 2024**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 16 April 2024 commencing at 9.00am for transaction of the enclosed business.*

Cale Dendle  
**CHIEF EXECUTIVE OFFICER**  
11 April 2024

Next Meeting Date: 21.05.24

**Please note:**

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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## 1 OPENING

### **Acknowledgement of Country**

*"I would like to take this opportunity to respectfully acknowledge the Darumbal People. The traditional custodians and elders past, present and emerging of the land on which this meeting is taking place today."*

### **Opening Prayer**

\_\_\_\_\_ will deliver an opening prayer.

## 2 ATTENDANCE

### Members Present:

Mayor, Councillor Adam Belot (Chairperson)  
Councillor Glenda Mather  
Councillor Rhodes Watson  
Councillor Wade Rothery  
Councillor Lance Warcon  
Councillor Andrea Friend  
Councillor Pat Eastwood

### Officers in Attendance:

Cale Dendle - Chief Executive Officer  
Chris Ireland – General Manager Communities  
Michael Kriedemann – General Manager Infrastructure  
Andrea Ellis – Chief Financial Officer  
Matthew Willcocks - Chief Technology Officer  
Kristy Mansfield - Chief Human Resources Officer

**3 LEAVE OF ABSENCE / APOLOGIES**

Nil

**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Minutes of the Meeting held 12 March 2024.

Minutes of the Post Election Meeting held 8 April 2024.

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

## 6 DEPUTATIONS

### 6.1 9.00AM - DEPUTATION - ARTHUR HUNT AND IAN HERBERT - V2L (VEHICLE TO LOAD)

**File No:** qA24261

**Attachments:** 1. V2L [↓](#)

**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

**Author:** Renee Dwyer - Executive Support Officer

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#### SUMMARY

*Mr Arthur Hunt and Mr Ian Herbert would like to present to Council the benefits of V2L (Vehicle to Load) during power outages following a Cyclone.*

#### OFFICER'S RECOMMENDATION

THAT the deputation be received.

**6.1 - 9.00AM - DEPUTATION - ARTHUR  
HUNT AND IAN HERBERT - V2L  
(VEHICLE TO LOAD)**

**V2L**

**Meeting Date: 16 April 2024**

**Attachment No: 1**



## EV Diary #4

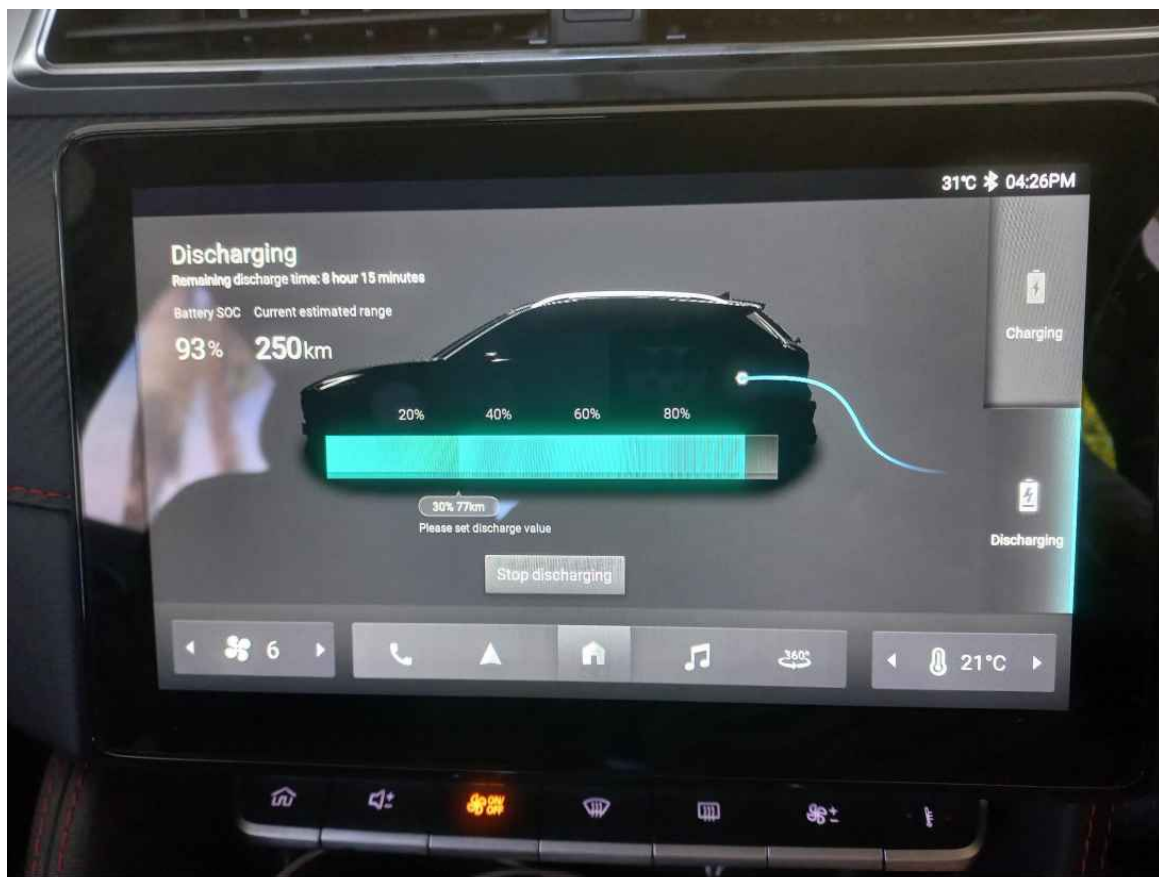
As another cyclone threatens to cross the Queensland coast, our household is preparing for the possibility of strong winds, heavy rain and a power outage. We already have a small generator, purchased some years ago and we will ensure that we have fuel for it. However, this time we will be even better prepared because we have recently purchased the optional power discharge kit to fit our daughter's MG ZS EV. The device plugs into the same socket that is used to charge the car. This will enable us to draw 240-volt power from the car to run lights and household appliances. We have already tested it with a lamp and electric kettle to ensure that it works. This technology is called Vehicle -to-Load or V2L. If we ensure that the car's battery is fully charged beforehand, we will be able to draw up to 40 kWh of energy from the battery. This will be sufficient to provide emergency power for some days. If there is a prolonged power outage in our area, we will retain enough energy in the battery so that we can drive to a working charger elsewhere to top up the battery. A typical household battery would store only about 10 kWh so an EV battery can cope with a longer outage or higher demand.

The resilience of Queensland communities during natural disasters will be enhanced by the increasing ownership of vehicles with V2L. *Clean Technica* newsletter contained a Facebook post by Bob Burton, "We are in Doonan near Noosa and had a black out for 10 hours. We used our BYD V2L feature to run the water pump, fridge, internet, phone charging, fan, TV and of course the Xmas tree to keep us happy. A few extension cords and 10 hours later the car had used only 2% of its battery. Way better than the smelly, noisy generator that we used to use!" Unfortunately, Tesla has not yet announced any plans to include the V2L function in its cars although it is provided in the Cybertruck utility which is available in North America. Brands offering V2L include BYD, Hyundai, Kia, MG, and Nissan.

Battery electric car sales more than doubled in Australia in 2023 with 87,217 vehicles sold. A further increase is expected in 2024. Prospective buyers will no doubt be asking whether there will be charging facilities for the increasing EV fleet. The first point to make is that most EVs will usually be charged at home as this is cheaper and more convenient. Public chargers are only used when home charging is not possible, eg in an apartment, or during a long trip. The second point is that there are already public chargers in many locations, but they are not signposted and so not obvious to ordinary motorists. The charger at Mt Larcom is obvious but the chargers at Calliope, Miriam Vale, Gin Gin, Childers and Gympie are one block off the highway and not signposted. In Rockhampton there is a public charger hidden behind the City Council building, plus the bank of seven chargers at Red Hill. *The Driven* newsletter reports that 397 fast car-charging sites with 755 new charging points were built in Australia during 2023, and it is expected there will be 1,600 sites by the end of 2024. The Queensland Government has announced that the Queensland EV Superhighway which already includes 31 sites, will have 23 new fast chargers installed in Stage 3 in towns across the state, linking regional and rural locations. The Queensland EV Super Highway will connect a range of routes, such as from Brisbane to Mount Isa via the Dinosaur Trail locations, Goondiwindi to Emerald, Cunnamulla to Barcaldine, and Longreach to Cairns.

To help other drivers, EV drivers often leave a "check in" on the Plugshare app when they are using a public charger. This serves a number of purposes. It can inform other drivers how long they expect to use the charger and when it will be vacant again, especially if they leave the car unattended. They also usually report what level of charge is being supplied so other drivers can anticipate what to expect and how long they will take to charge. Drivers also warn if there are any technical issues with the charger. Finally, they may comment on the nearby facilities and the quality of the coffee available from a coffee shop! Some record their visit by posting a photo of their car at the charger. In the first five weeks at the new Tesla Supercharger at Red Hill in Rockhampton, there have been 35 voluntary check ins and 12 photos added, including: 18 Jan Tesla Model 3; 12 Jan Tesla Model 3 here for 30 min 105kW; 12 Jan Tesla Model 3 Lapping Australia towing a caravan; 10 Jan Tesla Model Y Easy to find, great café beside chargers.

Tesla offers a \$750 discount to new buyers who are referred by an existing owner. I will be happy to provide a referral for any reader who wishes to receive the discount on a new Tesla car. In return I would receive from Tesla some credits for free charging at Tesla superchargers. Please contact me by email for a referral or if you have any EV questions– [arthurhunt@ozemail.com.au](mailto:arthurhunt@ozemail.com.au).





**6.2 9.30AM DEPUTATION - D355-2023 GIDEON TOWN PLANNING**

**File No:** GV  
**Attachments:** Nil  
**Responsible Officer:** Cale Dendle - Chief Executive Officer  
**Author:** Amanda Ivers - Coordinator Executive Support

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**SUMMARY**

*Gideon Genade (Project Town Planner) and Matthew Svenson (Client) request a deputation with Council regarding Development Application D355-2023, 70 Wards Lane.*

**OFFICER'S RECOMMENDATION**

THAT the deputation be received.

**6.3 10.00AM - DEPUTATION - CYRIL THOMASSON****File No:** GV**Attachments:** Nil**Responsible Officer:** Cale Dendle - Chief Executive Officer**Author:** Amanda Ivers - Coordinator Executive Support

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**SUMMARY**

*Mr Cyril Thomasson has requested Deputation to Council regarding his proposal to purchase a portion of land on Morris Street, Yeppoon.*

**OFFICER'S RECOMMENDATION**

THAT the Deputation be received.

## **7 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

### **7.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

**File No:** GV

**Attachments:** 1. Business Outstanding Table - April 2024 [📄](#)

**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

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#### **SUMMARY**

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

#### **OFFICER'S RECOMMENDATION**

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

## **7.1 - BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

### **Business Outstanding Table - April 2024**

**Meeting Date: 16 April 2024**

**Attachment No: 1**

**\*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

Item	Date	Report Title	Resolution	Comments
1	16/03/2021	Local Law Reviews	<p>THAT Council</p> <p>1) Resolve to incorporate the proposed amendments to Subordinate Local Laws 2 and 4 as part of the complete review and redrafting of Council's Local Laws which will be commencing late March 2021 with an emphasis placed as priority for Local Laws 2 and 4; and</p> <p>2) Waive the requirement for fees for applications for specified animal permits other than dogs and cats and take no enforcement action where the driver of the motor vehicle is using a boat ramp to launch, retrieve or supply a vessel.</p>	<p><b>05 Jan 2024</b></p> <p>Responses have been received for the State interest check, however due to caretaker period community consultation will not commence until after the election. Matter will be brought back to Council to further consider next steps in April/May meeting.</p>
2	20/06/2023	Petition - Mobile Phone Base Stations Planning Requirements and Community Consultation	THAT in accordance with s.5.2.4(2) of the Livingstone Shire Council Petition Guidelines, the petition be received and referred to a briefing session.	<p><b>11 Apr 2024</b></p> <p>Email has been sent to Catherine King, Minister for Infrastructure, Transport, Regional Development and Local Government – have been advised that a response can take 3-4 months.</p>
3	20/06/2023	Petition - Enforcement of telecommunications individual and cumulative radiation frequency	THAT in accordance with s.5.2.4(2) of the Livingstone Shire Council Petition Guidelines, the petition be received and referred to a briefing session.	<p><b>11 Apr 2024</b></p> <p>Email has been sent to Catherine King, Minister for Infrastructure, Transport, Regional Development and Local Government – have been advised that a response can take 3-4 months.</p>



**\*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

4	24/10/2023  21/11/2023	Notice of Motion - Mayor Ireland - Cooe Bay Master Plan Upgrade  Notice of Motion - Councillor Belot - Daniel Park Master Plan	THAT in order to deliver the most relevant and up-to-date Cooe Bay Precinct Concept Master Plan, Council includes a refreshed engagement plan in the 2024/2025 budget prior to formally adopting the Master Plan.  THAT: 1. Lot 10 SP251132, Lot 11 SP251132 and Lot 18 SP251132 being 27-31 Matthew Flinders Drive, Cooe Bay and council owned land, be included within the Cooe Bay Masterplan Engagement Process to determine the community's preferred use of these lots; and 2. A wide range of community input be sought to determine the most preferred use of these lots.	<b>04 Apr 2024</b> Report scheduled for 7th May briefing session.
7	16/01/2024	Notice of Motion - Councillor Friend - Survey The Caves, Rockyview, Glenlee and Glendale Communities for Extended Weekend Operating Hours of The Caves Transfer Station	THAT Council conduct a survey of The Caves, Rockyview, Glenlee and Glendale Communities, being for an option of extended weekend operating hours of The Caves Transfer Station and a report returns to Council with options of extended times and details.	<b>11 Apr 2024</b> Officers from the Waste Team and Corporate Communications have met to develop an Engagement Plan. This plan will be discussed with Council in June 2024 prior to releasing the survey to the community.
8	16/01/2024	Naming of Wetland off Bottlebrush Drive	That pursuant to s2.18.1(d) and s2.18.11 of Livingstone Shire Council's Meeting Procedures Policy the matter Item 11.7 – Naming of Wetland off Bottlebrush Drive lay on the table pending a survey to surrounding residents regarding the name change and the results to return to a Council Meeting.	<b>11 Apr 2024</b> Officers discussed the communication strategy with Councillors at the April 2024 briefing session and the survey will be finalised and released to residents in the next few weeks.

**\*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

9	24/01/2024	Notice of Motion - Councillor Adam Belot - Water Charges	<p>THAT Council</p> <ol style="list-style-type: none"> <li>1. review the Residential Rebate for Water Saving Products to include water-efficient irrigation products and to supply a report to council.</li> <li>2. convenes public workshops to educate people on how to reduce water use in gardens.</li> </ol> <p>THAT Council prepare a report identifying the impacts of current water schemes of an additional allocation of up to 15kL/quarter at the middle tier rate for Council to understand the financial impacts the new system of tiers will currently have on consumers.</p>	<p><b>11 Apr 2024</b></p> <p>Officers from the Water Team have reviewed the Water Rebate Procedure and will discuss this with Council during budget workshops in May &amp; June 2024. The financial analysis of water pricing and impacts was distributed to Councillors on 5 February 2024 by the Chief Financial Officer. Officers from the Water Team are reviewing the Water Rebate Procedure and will discuss this with Council at a future briefing session. The financial analysis of water pricing and impacts was distributed to Councillors on 5 February 2024 by the Chief Financial Officer.</p>
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**\*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

10	06/02/2024	NOM - Mayor Ireland - Ocean Park Avenue Road Safety	<p><b>THAT:</b></p> <ol style="list-style-type: none"> <li>Although not necessarily supported by traffic data collected over the past 12 months, Council recognises the concerns of some residents of Ocean Park Avenue about road safety caused by non-resident traffic "rat running" this through-route increasing traffic volume and speed and vehicle size on a road not intended for such purpose.</li> <li>Accordingly, Council directs that: <ol style="list-style-type: none"> <li>A permanent closure of the road is not an acceptable outcome.</li> <li>Council prefers other Local Area Traffic Management solutions such as vertical deflection (eg. speed humps) and will consult further on the preferred solution once detailed design has been completed.</li> <li>The outcome of the consultation, along with previous options analysis will be presented to as recommendations to Council.</li> </ol> </li> <li>While the latest review and consultation is undertaken, other traffic calming (temporary one lane slow point) will be installed along Ocean Park Avenue to enable the trial road closure to be discontinued.</li> </ol>	<p><b>11 Apr 2024</b></p> <p>Officers sent a letter to residents of Central Park Estate on 7 February 2024 outlining the Council decision. The road closure was modified to 3 x one-lane slow points on 23 February 2024 and remains in place. The draft resident survey was discussed with Councillors at the April 2024 briefing session.</p> <p>Councillors have also agreed to meet with one or more residents about the issue.</p>
11	12/03/2024	Centenary Celebrations of the Emu Park Jetty	<p>THAT the Mayor writes to invite the Prime Minister of Australia to attend the Centenary Celebrations of the Emu Park Jetty planned for 25 October 2024.</p>	<p><b>11 Apr 2024</b></p> <p>Letter being prepared to be signed by Mayor.</p>
12	12/03/2024	Notice of Motion - Councillor Andrea Friend - LSC sponsorship applications inclusion that food vendors have membership in the Plastic Free CQ Program	<p>THAT Council changes its eligibility criteria to make membership of Plastic Free CQ a prerequisite for:</p> <ol style="list-style-type: none"> <li>Any food vendors at any Council-controlled, or Council funded events.</li> <li>Any applicants for Council events sponsorship.</li> </ol>	<p><b>02 Apr 2024</b></p> <p>Sponsorship guidelines and criteria in process of being amended to include this requirement. Will be complete prior to next round of Sponsorship opening (approx July 2024). Any Livingstone Shire Council delivered events from April onwards will use Plastic Free CQ members only. Livingstone Shire Council itself is also now a member of Plastic Free CQ.</p>

**\*Please note that the notes contained within the Business Outstanding Table are correct at the time of the Agenda being published.**

13	12/03/2024	Petition - Reposition the Sewerage Dump Point at Ross Creek	THAT the petition requesting the repositioning of the sewerage dump point at Ross Creek be received.	<b>11 Apr 2024</b> The existing dump point has been incorporated into the upgrade of the new amenity facility and will be designed and constructed with appropriate screening.
14	12/03/2024	Notice of Motion - Councillor Adam Belot - Temporary Swimming Facilities	THAT in order to provide continuation of much needed swimming lessons and associated hydro therapy ie. physio, rehabilitation for LSC residents, Council undertake urgent review of options including budgetary options to provide temporary swimming facility throughout duration of Olympic Pool Closure.	<b>11 Apr 2024</b> Mayor Belot has requested further communications with stakeholders at the earliest opportunity.

**8 PRESENTATION OF PETITIONS**

Nil

**9 COUNCILLOR/DELEGATE REPORTS**

Nil

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## 10 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

### 10.1 REVIEW BY MAYOR ADAM BELOT - COMPLAINTS AGAINST THE CHIEF EXECUTIVE OFFICER POLICY

File No: GV

Attachments:

1. NOM - Cr Adam Belot - Complaints against the Chief Executive Policy [↓](#)
2. Previous Item - 24 January 2024 [↓](#)
3. LSC - Policy [↓](#)
4. Ipswich City Council Policy [↓](#)
5. Complaints about the Chief Executive Officer Policy (v3.1) Marked up [↓](#)

Responsible Officer: Amanda Ivers - Coordinator Executive Support

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#### SUMMARY

*Mayor Adam Belot seeking changes to Complaints against the Chief Executive Officer Policy.*

#### COUNCILLOR RECOMMENDATION

THAT:

1. Council adopts the revised *Complaints about the Chief Executive Officer Policy* (Section 48A of the *Crime and Corruption Act 2001*) noting the changes to the Nominated Persons and inclusions similar to Ipswich City Council policy in Section 5.2 (attachment 5 version 3.1).
2. Council's amended policy be presented to the Crime and Corruption Commission as required under s48A of the *Crime and Corruption Act 2001*.

#### COUNCILLOR BACKGROUND

The Mayor's position is that it is vitally important that Council strive continuously toward transparent and accountable practices that facilitate trustworthy governance.

Upon reviewing the current Complaints about the CEO Policy, changes are recommended which are embedded in Ipswich City Council's equivalent policy. Primarily these changes relate to information that is able to be shared between the Nominated Person and the elected councillors (refer page 4 of 5).

Attached are copies of:

1. Ipswich City Council Policy.
2. Revised (marked-up) version of Livingstone Shire Council policy.
3. Earlier Notice of Motion from Cr Adam Belot on the topic (24 January 2024).

**10.1 - REVIEW BY MAYOR ADAM  
BELOT - COMPLAINTS AGAINST THE  
CHIEF EXECUTIVE OFFICER POLICY**

**NOM - Cr Adam Belot - Complaints  
against the Chief Executive Policy**

**Meeting Date: 16 April 2024**

**Attachment No: 1**

## Notice of Special Meeting of Council

To Mr Cale Dendle Chief Executive Officer of Livingstone Shire Council,

I Cr Adam Belot, hereby serve notice of my request to hold a Special Meeting of Council to deal with the following item of business and provide the following signatures required to do so.

## Notice of Motion

That in order to improve industrial relations/ governance Policies and further promote transparent and accountable decision making in the public's interest. Council adopt the Ipswich City Councils 'Complaints against the Chief Executive Policy'.

## Background

It is vitally important that Council strive continuously toward transparent and accountable practices that facilitate trustworthy governance. Upon reviewing the current LSC Complaint's against the CEO Policy, changes are recommended which are embedded in Ipswich City Councils Complaints involving the CEO Policy. Primarily these changes relate to information that is able to be shared between the Nominated Person and the elected Councillors. See page 4 of 5.

Cr Adam Belot..... 

Cr Pat Eastwood..... 

Cr Glenda Mather..... 

meeting for Thursday 9.0AM  
25/01/2024

16/01/2024

~~Meeting to occur in conjunction with  
Special Meeting already scheduled for  
Wednesday 24/01/2024.~~



# **10.1 - REVIEW BY MAYOR ADAM BELOT - COMPLAINTS AGAINST THE CHIEF EXECUTIVE OFFICER POLICY**

**Previous Item - 24 January 2024**

**Meeting Date: 16 April 2024**

**Attachment No: 2**

## SPECIAL MEETING MINUTES

24 JANUARY 2024

**8 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS****8.1 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - COMPLAINTS AGAINST THE CHIEF EXECUTIVE OFFICER POLICY****File No:** GV

**Attachments:**

1. NOM - Cr Adam Belot - Complaints against the Chief Executive Policy
2. LSC Policy
3. Ipswich Policy
4. Email between CEO & Cr Adam Belot

**Responsible Officer:** Amanda Ivers - Coordinator Executive Support

**SUMMARY**

*Councillor Adam Belot has submitted a 'Notice of Motion' in relation to Complaints against the Chief Executive Officer Policy.*

***Suspension of Standing Orders*****COUNCIL RESOLUTION**

11.26AM

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be suspended to allow adequate time for informal discussion on Item 8.1 – Notice of Motion – Councillor Adam Belot – Complaints Against the Chief Executive Officer Policy prior to entering into formal debate.

**Moved by:** Deputy Mayor, Councillor Belot

**MOTION CARRIED UNANIMOUSLY*****Resumption of Standing Orders*****COUNCIL RESOLUTION**

11.32AM

That pursuant to s2.18.1(i) and s2.18.27 of Livingstone Shire Council's Meeting Procedures Policy the provisions of the Meeting Procedures be resumed.

**Moved by:** Mayor, Councillor Ireland

**MOTION CARRIED UNANIMOUSLY****COUNCIL RESOLUTION**

THAT in order to improve industrial relations/governance Policies and further promote transparent and accountable decision making in the public's interest. Council adopt the Ipswich City Council's 'Complaints against the Chief Executive Policy'.

**AMENDED RECOMMENDATION BY COUNCILLOR BELOT****THAT:**

1. The *Complaints about the Chief Executive Officer Policy (Section 48A of the Crime and Corruption Act 2001)* most recently adopted on 15 August 2023 be amended by inserting in Section 5.4 (Resourcing the Nominated Person) words equivalent to that contained in Section 11(iii) of Ipswich City Council's equivalent policy.

## SPECIAL MEETING MINUTES

24 JANUARY 2024

**EXTRACT FROM IPSWICH POLICY SECTION 11 (iii)**

(iii) the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:

- purposes of the CC Act<sup>10</sup>;
- the importance of promoting public confidence in the way suspected corrupt conduct in Ipswich City Council is dealt with<sup>11</sup>; and
- Ipswich City Council's statutory, policy and procedural framework.

Subject to the Local Government Act 2009, the nominated person, in dealing with the complaint may direct senior executive employees, where appropriate, to provide assistance.

If the nominated person has responsibility to deal with the complaint, they must:

- disclose the complaint to the Council
- deal with the complaint, and
- before finally dealing with the complaint, report to the Council about
  - the action taken or not taken;
  - the reasons the nominated person considers the action to be appropriate in the circumstances; and
  - the results of the action taken that are known at the time of the report <sup>12</sup>

2. Council's amended policy be presented to the Crime and Corruption Commission as required under s48A of the *Crime and Corruption Act 2001*.

**Moved by:** Deputy Mayor, Councillor Belot

**Seconded by:** Councillor Mather

**MOTION LOST**

Crs A Belot, P Eastwood and G Mather voted in the affirmative.

Crs A Friend, A Ireland, Swadling and R Watson voted in the negative.

# **10.1 - REVIEW BY MAYOR ADAM BELOT - COMPLAINTS AGAINST THE CHIEF EXECUTIVE OFFICER POLICY**

## **LSC - Policy**

**Meeting Date: 16 April 2024**

**Attachment No: 3**



## COMPLAINTS ABOUT THE CHIEF EXECUTIVE OFFICER POLICY (SECTION 48A OF THE *CRIME AND CORRUPTION ACT 2001*) (STATUTORY POLICY)

### 1. Scope

The Complaints about the Chief Executive Officer Policy (Section 48A of the *Crime and Corruption Act 2001*) (this 'Policy') applies if there are grounds to suspect that a complaint may involve corrupt conduct of the Chief Executive Officer and to all persons who hold an appointment in, or are employees of Livingstone Shire Council.

### 2. Purpose

The purpose of this Policy is to set out how Livingstone Shire Council will deal with a complaint (also information or matter) that involves or may involve corrupt conduct of the Chief Executive Officer as defined in the *Crime and Corruption Act 2001*.

### 3. References (legislation/related documents)

#### Legislative reference

*Crime and Corruption Act 2001*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Public Interest Disclosure Act 2010*

*Public Sector Ethics Act 1994*

#### Related documents

Corruption in Focus (A guide to dealing with corrupt conduct in the Queensland public sector) <http://www.ccc.qld.gov.au/corruption-prevention/corruption-in-focus>  
Investigation Procedure

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

CCC	Crime and Corruption Commission.
CEO	Chief Executive Officer.
Council	Livingstone Shire Council.
Complaint	Includes information or matter. See definition provided by s 48A(4) of the <i>Crime and Corruption Act 2001</i> .
Contact details for Nominated person	Written correspondence can be forwarded to either nominated person via Council's postal address: PO Box 2292 Yeppoon QLD 4703

Complaints About the Chief Executive Officer Policy (Section 48A of the *Crime and Corruption Act 2001*)

Adopted/Approved: Adopted, 15 August 2023

Version: 3.0

Portfolio: Office of the CEO

Business Unit: Finance and Governance

	<b>Mayor Andrew Ireland</b> Email: <a href="mailto:Mayor@livingstone.qld.gov.au">Mayor@livingstone.qld.gov.au</a> Mobile: 0459 101 130  <b>Chief Financial Officer</b> Andrea Ellis PO Box 2292, Yeppoon QLD 4703 Email: <a href="mailto:Andrea.Ellis@livingstone.qld.gov.au">Andrea.Ellis@livingstone.qld.gov.au</a> Mobile: 0438222791
Corruption	See Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i> .
Corrupt Conduct	See s.15 of the <i>Crime and Corruption Act 2001</i> .
Deal with	To deal with a complaint about corruption or information or matter involving corruption, includes— (a) investigate the complaint, information or matter; and (b) gather evidence for – (i) prosecutions for offences; or (ii) disciplinary proceedings; and (c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and (d) start a disciplinary proceeding; and (e) take other action, including managerial action, to address the complaint in an appropriate way.
Nominated person	Person nominated to deal with the complaint under the <i>Crime and Corruption Act 2001</i> , refer to section 5.1 of this Policy.

## 5. Policy Statement

This Policy is designed to assist Council to:

- Comply with s. 48A of the *Crime and Corruption Act 2001*;
- Promote public confidence in the way suspected corrupt conduct of the CEO is dealt with (s. 34(c) of the *Crime and Corruption Act 2001*); and
- Promote accountability, integrity and transparency in the way Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

### 5.1 Nominated Person

Having regard to s. 48A(2) and (3) of the *Crime and Corruption Act 2001*, this Policy nominates the Mayor and Chief Financial Officer as the nominated persons to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the *Crime and Corruption Act 2001*.<sup>1</sup>

In the event of circumstances that the Mayor cannot perform the function of the nominated person in a complaint against the Chief Executive Officer due to a conflict of interest, the Deputy Mayor will assume this responsibility.

The nominated persons will, with or without consulting the CCC decide who will be the nominated person for a particular complaint; and the nominated person for that particular complaint will inform the CCC that they are the nominated person.

<sup>1</sup> Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the Crime and Corruption Act 2001

#### Complaints About the Chief Executive Officer Policy (Section 48A of the *Crime and Corruption Act 2001*)

**Adopted/Approved:** Adopted, 15 August 2023  
**Version:** 3.0

**Portfolio:** Office of the CEO  
**Business Unit:** Finance and Governance

The *Crime and Corruption Act 2001* applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the nominated person<sup>2</sup>.

## 5.2 Complaints about the CEO

If a complaint may involve an allegation of corrupt conduct of the CEO of Council, the complaint must be reported to:

- the nominated persons; or
- a person to whom there is an obligation to report under an Act<sup>3</sup> (this does not include an obligation imposed by s. 37, 38 and 39(1) of the *Crime and Corruption Act 2001*).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated persons.

If the nominated persons reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

- (a) notify the CCC of the complaint<sup>4</sup>; and
- (b) deal with the complaint, subject to the CCC's monitoring role, when -
  - directions issued under s. 40 apply to the complaint, if any, or
  - pursuant to s. 46, the CCC refers the complaint to the nominated person to deal with<sup>5</sup>.

If the CEO is in receipt of a complaint and reasonably suspects that the complaint may involve corrupt conduct on their part, the CEO must:

- (a) report the complaint to the nominated person as soon as practicable and may also notify the CCC; and
- (b) take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor.

If directions issued under s. 40 apply to the complaint:

- (a) the nominated person is to deal with the complaint; and
- (b) the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor.

## 5.3 Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the CEO is not required to be notified to the CCC under s. 38 of the *Crime and Corruption Act 2001*, the nominated person must make a record of the decision that complies with s. 40A of the *Crime and Corruption Act 2001*.

## 5.4 Resourcing the Nominated Person

If pursuant to s. 40 or 46, the nominated person has the responsibility to deal with the complaint<sup>6</sup>:

- (a) Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately<sup>7</sup>; and

<sup>2</sup> See s. 48A(3) *Crime and Corruption Act 2001*

<sup>3</sup> See s. 39(2) of the *Crime and Corruption Act 2001*.

<sup>4</sup> Under ss. 37 or 38, subject to s40 of the *Crime and Corruption Act 2001*

<sup>5</sup> Under ss. 41 and 42 and/or ss. 43 and 44 of the *Crime and Corruption Act 2001*.

<sup>6</sup> Under ss. 41 and 42 and/or ss. 43 and 44 of the *Crime and Corruption Act 2001*.

<sup>7</sup> See the CCC's corruption purposes and function set out in ss. 4(1)(b), 33, 34, 35 of the *Crime and Corruption Act 2001* and Councils relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.

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### Complaints About the Chief Executive Officer Policy (Section 48A of the *Crime and Corruption Act 2001*)

**Adopted/Approved:** Adopted, 15 August 2023  
**Version:** 3.0

**Portfolio:** Office of the CEO  
**Business Unit:** Finance and Governance

- (b) the nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
  - authorisation under a law of the Commonwealth or the State; or
  - the consent of the nominated person responsible for dealing with the complaint.
- (c) the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
  - purposes of the Crime and Corruption Act 2001<sup>8</sup>;
  - the importance of promoting public confidence in the way suspected corrupt conduct in Council is dealt with<sup>9</sup>; and
  - Council's statutory, policy and procedural framework.

If the nominated person has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the CEO to direct and control staff of Council as if the nominated person is the CEO of Council for the purpose of dealing with the complaint only;
- are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of Council for the purpose of dealing with the complaint; and
- do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Mayor or the CEO, to the nominated person.

#### 5.4 Liaising with the CCC

The CEO is to keep the CCC and the nominated persons informed of:

- the contact details for the CEO and the nominated persons; and
- any proposed changes to this Policy.

#### 5.5 Consultation with the CCC

The CEO will consult with the CCC when preparing any policy about how Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.<sup>10</sup>

### 6. Changes to this Policy

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

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

### 7. Review Date

This Policy must be reviewed every two years.

### 8. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Complaints about the Chief Executive Officer Policy: Section 48A of the *Crime and Corruption Act 2001*' (v2.0).

<sup>8</sup> See s. 57 of the Crime and Corruption Act 2001 and the CCC's corruption purposes and function set out in ss. 4(1)(b), 33, 34, 35 of the Crime and Corruption Act 2001.

<sup>9</sup> See s. 34(c) Crime and Corruption Act 2001.

<sup>10</sup> Section 48A of the Crime and Corruption Act 2001

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#### Complaints About the Chief Executive Officer Policy (Section 48A of the *Crime and Corruption Act 2001*)

**Adopted/Approved:** Adopted, 15 August 2023  
**Version:** 3.0

**Portfolio:** Office of the CEO  
**Business Unit:** Finance and Governance



Version	Date	Action
1.0	09/06/2015	Adopted
2.0	04/09/2018	Amended Policy Adopted
3.0	15/08/2023	Amended Policy Adopted - contact details for Nominated person inserted into the definitions, section 5.1 amended to reflect the Deputy Mayor as a nominated person, section 5.3 inserted - Recordkeeping Requirements and footnotes updated



**CALE DENDLE**  
**CHIEF EXECUTIVE OFFICER**

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**Complaints About the Chief Executive Officer Policy (Section 48A of the *Crime and Corruption Act 2001*)**

**Adopted/Approved:** Adopted, 15 August 2023  
**Version:** 3.0

**Portfolio:** Office of the CEO  
**Business Unit:** Finance and Governance

# **10.1 - REVIEW BY MAYOR ADAM BELOT - COMPLAINTS AGAINST THE CHIEF EXECUTIVE OFFICER POLICY**

## **Ipswich City Council Policy**

**Meeting Date: 16 April 2024**

**Attachment No: 4**



## Dealing with a Complaint involving the Chief Executive Officer Policy



Collaboration



Communication



Integrity



Efficiency



Leadership

<b>Version Control and Objective ID</b>	Version No: 3	Objective ID: A7457315
<b>Adopted at Council Ordinary Meeting on</b>	16 October 2018	
<b>Date of Review</b>	4 August 2025	

### 1. Statement

- 1.1. The Chief Executive Officer (CEO) or person acting in the role is the public official of the Ipswich City Council.
- 1.2. The objective of this policy is to set out how Ipswich City Council will deal with a complaint (also information or matter) <sup>1</sup> that involves or may involve corrupt conduct of its CEO as defined in the Crime and Corruption Act 2001 (CC Act)

### 2. Purpose and Principles

The policy is designed to assist Ipswich City Council to:

- 2.1 Comply with s48A of the CC Act 2001.
- 2.2 Promote public confidence in the way suspected corrupt conduct of the CEO for Ipswich City Council is dealt with (s34(c) CC Act).
- 2.3 Promote accountability, integrity and transparency in the way Ipswich City Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

### 3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

### 4. Regulatory Authority

*Crime and Corruption Act 2001, S48A*

### 5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

<sup>1</sup> See s48A of the CC Act and definitions below

## IPSWICH CITY COUNCIL | Dealing with a Complaint Involving the Chief Executive Officer Policy

**6. Scope**

This policy applies:

- if there are grounds to suspect that a complaint may involve corrupt conduct of the CEO of Ipswich City Council.
- to all persons who hold an appointment in, or are employees of, Ipswich City Council.

For the purpose of this policy a complaint includes information or matter;<sup>2</sup>

If there is not a reasonable basis upon which to suspect that a complaint may involve corrupt conduct of the CEO of Ipswich City Council, the complaint will be directed to the appropriate officer in accordance with Ipswich City Council's policies and procedures, including but not limited to the Reporting and investigating suspected missing, stolen or maliciously damaged Council property or asset and corrupt conduct procedure.

**7. Key Stakeholders**

The Mayor and Legal and Governance Branch are to be consulted if any major changes are made. Others such as the CEO, Chief Audit Executive and Ethical Standards Manager will be involved in the review of this policy.

**8. Roles and Responsibilities**

Having regard to s48A(2) and (3) of the CC Act, if a complaint may involve an allegation of corrupt conduct against the CEO of Ipswich City Council, this policy nominates the Mayor as the person/s to notify<sup>3</sup> the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the CC Act.<sup>4</sup>

Once Ipswich City Council nominates a person, the CC Act applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the nominated person<sup>5</sup>

**9. Complaints about the public official/CEO**

If a complaint may involve an allegation of corrupt conduct of the CEO of Ipswich City Council, the complaint may be reported to:

- the nominated person in accordance with section 7 of this Policy, or
- a person to whom there is an obligation to report under an Act<sup>5</sup> (this does not include an obligation imposed by ss37, 38 and 39(1) of the CC Act).

The following non-exhaustive list includes indicators of the types of conduct which may form a reasonable basis to suspect corrupt conduct:

- fraud and theft;
- extortion;
- unauthorised release of information.
- obtaining or offering a secret commission; and

<sup>2</sup> See s48(4) CC of the CC Act

<sup>3</sup> Under ss37 or 38 of the CC Act

<sup>4</sup> Under Chapter 2, part 3, Division 4, Subdivisions 1 & 2 of the CC Act

<sup>5</sup> See s39(2) of the CC Act

## IPSWICH CITY COUNCIL | Dealing with a Complaint Involving the Chief Executive Officer Policy

- (e) nepotism.

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated person.

If the nominated person reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

- (a) notify the CCC of the complaint<sup>6</sup>; and
- (b) deal with the complaint, subject to the CCC's monitoring role, when
  - directions issued under s40 apply to the complaint, if any; or
  - pursuant to s46, the CCC refers the complaint to the Mayor to deal with<sup>7</sup>

If the CEO reasonably suspects that the subject matter of the complaint may involve corrupt conduct on their part, the CEO must:

- (i) report the complaint to the nominated person as soon as practicable and may also notify the CCC; and
- (ii) take no further action to deal with the complaint unless requested to do so by the nominated person.

Where there is a nominated person, and if directions issued under s40 apply to the complaint:

- (i) the nominated person is to deal with the complaint; and
- (ii) the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person.

#### 10. Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the CEO is not required to be notified to the CCC under s. 38 of the CC Act, the nominated person make a record of the decision that complies with s. 40A of the CC Act.

#### 11. Resourcing the CEO or the nominated person

If pursuant to ss40 or 46, the nominated person has responsibility to deal with the complaint<sup>8</sup>:

- (i) Ipswich City Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately<sup>9</sup>; and
- (ii) the nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
  - authorisation under a law of the Commonwealth or the State; or
  - the consent of the nominated person responsible for dealing with the complaint.

<sup>6</sup> Under ss37 or 38, subject to s40 of the CC Act

<sup>7</sup> Under ss41 and 42 and/or ss43 and 44 of the CC Act

<sup>8</sup> Under ss41 and 42 and/or ss43 and 44 of the CC Act

<sup>9</sup> See CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 and the Ipswich City Council's relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.

## IPSWICH CITY COUNCIL | Dealing with a Complaint Involving the Chief Executive Officer Policy

(iii) the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:

- purposes of the CC Act<sup>10</sup>;
- the importance of promoting public confidence in the way suspected corrupt conduct in Ipswich City Council is dealt with<sup>11</sup>; and
- Ipswich City Council's statutory, policy and procedural framework.

Subject to the *Local Government Act 2009*, the nominated person, in dealing with the complaint, may direct senior executive employees, where appropriate, to provide assistance.

If the nominated person has responsibility to deal with the complaint, they must:

- disclose the complaint to the Council
- deal with the complaint, and
- before finally dealing with the complaint, report to the Council about
  - the action taken or not taken;
  - the reasons the nominated person considers the action to be appropriate in the circumstances; and
  - the results of the action taken that are known at the time of the report<sup>12</sup>.

### 12. Liaising with the CCC

The CEO is to keep the CCC and the nominated person informed of:

- the contact details for the CEO and the nominated person (if there is a nominated person);
- any proposed changes to this policy.

### 13. Consultation with the CCC

The CEO will consult with the CCC when preparing any policy about how Ipswich City Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.

### 14. Monitoring and Evaluation

This policy's use will be reviewed as part of the matter that has to be reported to the CCC and any updates as suggested by them.

### 15. Definitions

Crime and Corruption Commission (CCC)	the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
CC Act	<i>Crime and Corruption Act 2001</i>
Complaint	includes information or matter. See definition provided by s48A(4) of the <i>Crime and Corruption Act 2001</i>
Contact details	should include a direct telephone number, email address and postal address to enable confidential communications
Corruption	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>

<sup>10</sup> See ss57 and the CCC's corruption purposes and function set out in ss4(1)(b), 33, 34, 35 of the CC Act

<sup>11</sup> See s34(c) CC Act

<sup>12</sup> See ss42 and 44 of the CC Act

## IPSWICH CITY COUNCIL | Dealing with a Complaint Involving the Chief Executive Officer Policy

Corrupt conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
<i>Corruption in Focus</i>	<a href="https://www.ccc.qld.gov.au/publications/corruption-focus">https://www.ccc.qld.gov.au/publications/corruption-focus</a> ; see chapter 2, page 2.6
Deal with	see Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i>
Nominated person	see item 5 of this policy
Public Official/CEO	see Schedule 2 (Dictionary) and also s48A of the <i>Crime and Corruption Act 2001</i>
Unit of public administration (UPA)	see s20 of the <i>Crime and Corruption Act 2001</i>

**16. Policy Owner**

The Internal Audit Branch (Office of the CEO) is the policy owner and the Chief Audit Executive is responsible for authoring and reviewing this policy.

# **10.1 - REVIEW BY MAYOR ADAM BELOT - COMPLAINTS AGAINST THE CHIEF EXECUTIVE OFFICER POLICY**

## **Complaints about the Chief Executive Officer Policy (v3.1) Marked up**

**Meeting Date: 16 April 2024**

**Attachment No: 5**





## COMPLAINTS ABOUT THE CHIEF EXECUTIVE OFFICER POLICY (SECTION 48A OF THE *CRIME AND CORRUPTION ACT 2001*) (STATUTORY POLICY)

### 1. Scope

The Complaints about the Chief Executive Officer Policy (Section 48A of the *Crime and Corruption Act 2001*) (this 'Policy') applies if there are grounds to suspect that a complaint may involve corrupt conduct of the Chief Executive Officer and to all persons who hold an appointment in, or are employees of Livingstone Shire Council.

### 2. Purpose

The purpose of this Policy is to set out how Livingstone Shire Council will deal with a complaint (also information or matter) that involves or may involve corrupt conduct of the Chief Executive Officer as defined in the *Crime and Corruption Act 2001*.

### 3. References (legislation/related documents)

#### Legislative reference

*Crime and Corruption Act 2001*

*Local Government Act 2009*

*Local Government Regulation 2012*

*Public Interest Disclosure Act 2010*

*Public Sector Ethics Act 1994*

#### Related documents

Corruption in Focus (A guide to dealing with corrupt conduct in the Queensland public sector) <http://www.ccc.qld.gov.au/corruption-prevention/corruption-in-focus>

Investigation Procedure

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

CCC	Crime and Corruption Commission.
CEO	Chief Executive Officer.
Council	Livingstone Shire Council.
Complaint	Includes information or matter. See definition provided by s 48A(4) of the <i>Crime and Corruption Act 2001</i> .
Contact details for Nominated person	Written correspondence can be forwarded to either nominated person via Council's postal address: PO Box 2292 Yeppoon QLD 4703

Complaints About the Chief Executive Officer Policy (Section 48A of the *Crime and Corruption Act 2001*)

Adopted/Approved: Adopted, 15 August 2023

Version: 3.0

Portfolio: Office of the CEO

Business Unit: Finance and Governance

	<p><b>Mayor <del>Andrew Ireland</del> Adam Belot</b>  Email: <a href="mailto:Mayor@livingstone.qld.gov.au">Mayor@livingstone.qld.gov.au</a>  Mobile: <del>0459 101 1300</del> 427 311 430</p> <p><b><del>Deputy Mayor Cr Pat Eastwood</del> Chief Financial Officer</b>  <del>Andrea Ellis</del>  PO Box 2292, Yeppoon QLD 4703  Email:  <a href="mailto:Andrea.Ellis@livingstone.qld.gov.au">Andrea.Ellis@livingstone.qld.gov.au</a> <a href="mailto:pat.eastwood@livingstone.qld.gov.au">pat.eastwood@livingstone.qld.gov.au</a>  Mobile: <del>0438222794</del> 437 410 833</p>
Corruption	See Schedule 2 (Dictionary) of the <i>Crime and Corruption Act 2001</i> .
Corrupt Conduct	See s.15 of the <i>Crime and Corruption Act 2001</i> .
Deal with	<p>To deal with a complaint about corruption or information or matter involving corruption, includes—</p> <p>(a) investigate the complaint, information or matter; and</p> <p>(b) gather evidence for –</p> <p>(i) prosecutions for offences; or</p> <p>(ii) disciplinary proceedings; and</p> <p>(c) refer the complaint, information or matter to an appropriate authority to start a prosecution or disciplinary proceeding; and</p> <p>(d) start a disciplinary proceeding; and (e) take other action, including managerial action, to address the complaint in an appropriate way.</p>
Nominated person	Person nominated to deal with the complaint under the <i>Crime and Corruption Act 2001</i> , refer to section 5.1 of this Policy.

## 5. Policy Statement

This Policy is designed to assist Council to:

- Comply with s. 48A of the *Crime and Corruption Act 2001*;
- Promote public confidence in the way suspected corrupt conduct of the CEO is dealt with (s. 34(c) of the *Crime and Corruption Act 2001*); and
- Promote accountability, integrity and transparency in the way Council deals with a complaint that is suspected to involve, or may involve, corrupt conduct of the CEO.

### 5.1 Nominated Person

Having regard to s. 48A(2) and (3) of the *Crime and Corruption Act 2001*, this Policy nominates the Mayor and ~~Chief Financial Officer~~ [Deputy Mayor](#) as the nominated persons to notify the Crime and Corruption Commission (CCC) of the complaint and to deal with the complaint under the *Crime and Corruption Act 2001*.<sup>1</sup>

In the event of circumstances that the Mayor cannot perform the function of the nominated person in a complaint against the Chief Executive Officer due to a conflict of interest, the Deputy Mayor will assume this responsibility.

The nominated persons will, with or without consulting the CCC decide who will be the nominated person for a particular complaint; and the nominated person for that particular complaint will inform the CCC that they are the nominated person.

<sup>1</sup> Under Chapter 2, Part 3, Division 4, Subdivisions 1 & 2 of the *Crime and Corruption Act 2001*

#### Complaints About the Chief Executive Officer Policy (Section 48A of the *Crime and Corruption Act 2001*)

**Adopted/Approved:** Adopted, 15 August 2023  
**Version:** 3.0

**Portfolio:** Office of the CEO  
**Business Unit:** Finance and Governance

The *Crime and Corruption Act 2001* applies as if a reference about notifying or dealing with the complaint to the CEO is a reference to the nominated person<sup>2</sup>.

## 5.2 Complaints about the CEO

If a complaint may involve an allegation of corrupt conduct of the CEO of Council, the complaint must be reported to:

- the nominated persons; or
- a person to whom there is an obligation to report under an Act<sup>3</sup> (this does not include an obligation imposed by s. 37, 38 and 39(1) of the *Crime and Corruption Act 2001*).

If there is uncertainty about whether or not a complaint should be reported, it is best to report it to the nominated persons.

If the nominated persons reasonably suspects the complaint may involve corrupt conduct of the CEO, they are to:

(a) notify the CCC of the complaint<sup>4</sup>; and

~~(a)(b)~~ provided it is lawful to do so, disclose the complaint to councillors; and

~~(b)(c)~~ deal with the complaint, subject to the CCC's monitoring role, when -

- directions issued under s. 40 apply to the complaint, if any, or
- pursuant to s. 46, the CCC refers the complaint to the nominated person to deal with<sup>5</sup>.

If the CEO is in receipt of a complaint and reasonably suspects that the complaint may involve corrupt conduct on their part, the CEO must:

- report the complaint to the nominated person as soon as practicable and may also notify the CCC; and
- take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor.

If directions issued under s. 40 apply to the complaint:

- the nominated person is to deal with the complaint; and
- the CEO is to take no further action to deal with the complaint unless requested to do so by the nominated person in consultation with the Mayor.

## 5.3 Recordkeeping requirements

Should the nominated person decide that a complaint, or information or matter, about alleged corrupt conduct of the CEO is not required to be notified to the CCC under s. 38 of the *Crime and Corruption Act 2001*, the nominated person must make a record of the decision that complies with s. 40A of the *Crime and Corruption Act 2001*.

## 5.4 Resourcing the Nominated Person

If pursuant to s. 40 or 46, the nominated person has the responsibility to deal with the complaint<sup>6</sup>:

- Council will ensure that sufficient resources are available to the nominated person to enable them to deal with the complaint appropriately<sup>7</sup>; and

<sup>2</sup> See s. 48A(3) *Crime and Corruption Act 2001*

<sup>3</sup> See s. 39(2) of the *Crime and Corruption Act 2001*.

<sup>4</sup> Under ss. 37 or 38, subject to s40 of the *Crime and Corruption Act 2001*

<sup>5</sup> Under ss. 41 and 42 and/or ss. 43 and 44 of the *Crime and Corruption Act 2001*.

<sup>6</sup> Under ss. 41 and 42 and/or ss. 43 and 44 of the *Crime and Corruption Act 2001*.

- (b) the nominated person is to ensure that consultations, if any, for the purpose of securing resources sufficient to deal with the complaint appropriately are confidential and are not disclosed, other than to the CCC, without:
  - authorisation under a law of the Commonwealth or the State; or
  - the consent of the nominated person responsible for dealing with the complaint.
- (c) the nominated person must, at all times, use their best endeavours to act independently, impartially and fairly having regard to the:
  - purposes of the Crime and Corruption Act 2001<sup>8</sup>;
  - the importance of promoting public confidence in the way suspected corrupt conduct in Council is dealt with<sup>9</sup>; and
  - Council's statutory, policy and procedural framework.

If the nominated person has responsibility to deal with the complaint, they:

- are delegated the same authority, functions and powers as the CEO to direct and control staff of Council as if the nominated person is the CEO of Council for the purpose of dealing with the complaint only;
- are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of Council for the purpose of dealing with the complaint; and
- do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Mayor or the CEO, to the nominated person.

#### 5.4 Liaising with the CCC

The CEO is to keep the CCC and the nominated persons informed of:

- the contact details for the CEO and the nominated persons; and
- any proposed changes to this Policy.

#### 5.5 Consultation with the CCC

The CEO will consult with the CCC when preparing any policy about how Council will deal with a complaint that involves or may involve corrupt conduct of the CEO.<sup>10</sup>

### 6. Changes to this Policy

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

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

### 7. Review Date

This Policy must be reviewed every two years.

### 8. Repeals/Amendments

<sup>7</sup> See the CCC's corruption purposes and function set out in ss. 4(1)(b), 33, 34, 35 of the Crime and Corruption Act 2001 and Councils relevant statutory, policy and procedural framework which help inform decision making about the appropriate way to deal with the complaint.

<sup>8</sup> See s. 57 of the Crime and Corruption Act 2001 and the CCC's corruption purposes and function set out in ss. 4(1)(b), 33, 34, 35 of the Crime and Corruption Act 2001.

<sup>9</sup> See s. 34(c) Crime and Corruption Act 2001.

<sup>10</sup> Section 48A of the Crime and Corruption Act 2001

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#### Complaints About the Chief Executive Officer Policy (Section 48A of the *Crime and Corruption Act 2001*)

**Adopted/Approved:** Adopted, 15 August 2023  
**Version:** 3.0

**Portfolio:** Office of the CEO  
**Business Unit:** Finance and Governance

This Policy repeals the Livingstone Shire Council Policy titled 'Complaints about the Chief Executive Officer Policy: Section 48A of the *Crime and Corruption Act 2001*' (v2.0).

Version	Date	Action
1.0	09/06/2015	Adopted
2.0	04/09/2018	Amended Policy Adopted
3.0	15/08/2023	Amended Policy Adopted - contact details for Nominated person inserted into the definitions, section 5.1 amended to reflect the Deputy Mayor as a nominated person, section 5.3 inserted - Recordkeeping Requirements and footnotes updated
<a href="#">4.0</a>	<a href="#">16/04/2024</a>	<a href="#">Revised following 2024 local government election.</a>



CALE DENDLE  
CHIEF EXECUTIVE OFFICER

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Complaints About the Chief Executive Officer Policy (Section 48A of the *Crime and Corruption Act 2001*)

Adopted/Approved: Adopted, 15 August 2023  
Version: 3.0

Portfolio: Office of the CEO  
Business Unit: Finance and Governance

**10.2 NOTICE OF MOTION - CR MATHER - RESIGNATION FROM DEPUTY CHAIR  
LDMG****File No:** qA24221**Attachments:** 1. NOM - Cr Mather - Resignation Deputy  
LDMG [↓](#)**Responsible Officer:** Cale Dendle - Chief Executive Officer

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**SUMMARY**

*Councillor Glenda Mather has submitted a 'Notice of Motion' in relation to her Resignation from Deputy Chair of LDMG.*

**COUNCILLOR RECOMMENDATION**

THAT the resignation of Cr Glenda Mather as Deputy Chairperson on the Local Disaster Management Group be accepted, and Council's Deputy Mayor Pat Eastwood, be appointed to that position.

**COUNCILLOR BACKGROUND**

It's a better "fit" that both Mayor and Deputy Mayor be the ones to oversee operations and interact with local groups in the event of potential disaster events.

As a Deputy's Deputy on the Group is not prescribed by legislation, there is no requirement to appoint one.

**10.2 - NOTICE OF MOTION - CR  
MATHER - RESIGNATION FROM  
DEPUTY CHAIR LDMG**

**NOM - Cr Mather - Resignation Deputy  
LDMG**

**Meeting Date: 16 April 2024**

**Attachment No: 1**

PO Box 5186  
Red Hill PO  
Rockhampton Q 4701  
9 April 2024

Chief Executive Officer  
Livingstone Shire Council  
Yeppoon Q 4703

cc: Mayor Adam Belot

Dear Sir,

I wish to give Notice of my resignation as Deputy Chairperson to the recently appointed position on the Local Disaster Management Group.

Notice of Motion

In doing so, I wish to give formal Notice of my intention to move the following motion:

“that the resignation of Cr Glenda Mather as Deputy Chairperson on the Local Disaster Management Group be accepted, and Council's Deputy Mayor Pat Eastwood, be appointed to that position.”.

Background:

It's a better “fit” that both Mayor and Deputy Mayor be the ones to oversee operations and interact with local groups in the event of potential disaster events.

As a Deputy's Deputy on the Group is not prescribed by legislation, there is no requirement to appoint one.

Many thanks,

Glenda Mather Cr



## 11 REPORTS

### 11.1 D-355-2023 – DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) AT 70 WARDS LANE, FARNBOROUGH

**File No:** D-355-2023

**Attachments:**

1. [Locality Plan](#)
2. [Proposal Plan](#)
3. [Code Assessment](#)
4. [Statement of Reasons](#)

**Responsible Officer:** Brendan Standen - Coordinator Development Assessment  
 Greg Abbotts - Manager Development and Environment  
 Chris Ireland - General Manager Communities

**Author:** Gretta Cowie - Planning Officer  
 Aleena Suosaari - Support Services Officer  
 Rachael Halson - Support Services Officer

#### SUMMARY

**Applicant:** AC& MM Farmer

**Consultant:** Gideon Town Planning

**Real Property Address:** Lot 3 on RP615320 **Area of Site:** 129,570 square metres (12.957 hectares)

**Planning Scheme:** Livingstone Planning Scheme 2018 (Version 3)

**Planning Scheme Zone:** Rural zone

**Planning Scheme Overlays:** OM02 Agricultural land classification  
 OM12 Bushfire hazard area  
 OM15 Drainage problem area  
 OM20 Road hierarchy  
 OM21 Scenic amenity area  
 OM27 Height limits

**Existing Development:** Dwelling house and ancillary buildings

**Category of Assessment:** Assessable (Impact)

**Submissions:** 12 Submissions received

**Referral matters:** Nil

**Infrastructure Charge Area:** Outside the Priority Infrastructure Area

#### Application progress:

APPLICATION MILESTONE	DATE
Application received:	25 October 2023
Application properly made:	30 October 2023
Development control unit meeting:	1 November 2023
Confirmation notice issued:	8 November 2023
Information request issued:	20 November 2023

<i>Information request response received:</i>	<i>29 January 2024</i>
<i>Public notification period:</i>	<i>3 February 2024 – 23 February 2024</i>
<i>Notice of compliance received:</i>	<i>26 February 2024</i>
<i>Submission consideration period:</i>	<i>27 February – 12 March 2024</i>
<i>Decision period commenced:</i>	<i>11 March 2024</i>
<i>Council workshop date:</i>	<i>3 April 2024</i>
<i>Council meeting date:</i>	<i>16 April 2024</i>
<i>Statutory determination date:</i>	<i>19 April 2024</i>

## OFFICER'S RECOMMENDATION

THAT in relation to the application for a Development Permit for a Reconfiguring a Lot for (one lot into two lots), made by AC & MM Farmer, on Lot 3 on RP615320 and located at 70 Wards Lane, Farnborough, Council resolves to Refuse the application pursuant to Section 60(3)(c) of the *Planning Act 2016*.

## BACKGROUND

Council has no record of a pre-lodgement meeting request from the landowner (Applicant) or their consultant.

Council provided Duty Planner advice on two separate occasions relating to enquiries about subdividing the land. The advice in both instances was Council officers would not support subdivision of the land given the proposed lot sizes were significantly below the minimum lot size; however, a secondary dwelling ("granny flat") on the existing may be permissible.

## COMMENTARY

The proposal is to subdivide the existing 12.957-hectare (ha) lot into two (2) lots. The minimum lot size for the Rural zone in this instance is 150 hectares, as required by the Planning Scheme. An overview of the proposed subdivision is included in **Table 1**.

**TABLE 1 – OVERVIEW OF SUBDIVISION**

LOT	SIZE
Proposed Lot 1	10 hectares (100,000 square metres)
Proposed Lot 2	2.89 hectares (28,900 square metres)

Proposed Lot 1 will contain the existing dwelling house and associated outbuildings. Proposed Lot 2 will be vacant. Access to both lots is proposed from Wards Lane, which is classified as a Rural Access road.

## SITE AND LOCALITY

The site is located at 70 Wards Lane, Farnborough. The site is 12.957 ha in area and is an irregular shape, narrowing down as it extends south. The site is improved by a detached dwelling house and ancillary outbuildings in the northern portion. There is an approximate 550 metre frontage to Wards Lane, which is a gravel road that is classed as a Rural access road.

The site is approximately eight kilometres (km) north of the Yeppoon Major Centre Zone. The surrounding area is characterised by predominantly residential uses (single detached dwellings), some containing "hobby farm" activities. The immediate lots to the east and north-east are approximately 61ha and 190ha respectively, under the same ownership and have cattle grazing activity. The lots to the west are smaller, generally ranging from 1 – 12ha.

The site is not connected to urban services (reticulated water or sewer) because of the rural location. The nearest reticulated water and sewer network is approximately 4.5km to the south and there are no priority future trunk infrastructure works proposed to extend urban services north.

The related permits over the subject site and permits and development on adjoining properties are detailed **Table 2**:

**TABLE 2 – RELEVANT DEVELOPMENT APPROVALS**

<b>EXISTING DEVELOPMENT OVER THE SITE</b>	
Lot 3 on RP615320 70 Wards Lane, Farnborough	Building and Plumbing and Drainage Permits associated with the existing dwelling house and ancillary buildings on the site.
<b>DEVELOPMENT OVER ADJOINING PROPERTIES</b>	
Lot 1 on RP615320 76 Wards Lane, Farnborough (to the north)	Building and Plumbing and Drainage Permits associated with the existing dwelling house and ancillary buildings on the site.
Lot 2 on RP615320 14 Wards Lane, Farnborough (to the south)	Building Permits associated with the existing dwelling house and ancillary buildings on the site.

## PLANNING ASSESSMENT

The assessment has been carried out against the matters identified in section 45(5) of the *Planning Act 2016* (**Table 3**).

**TABLE 3 – ASSESSMENT IN ACCORDANCE WITH S45(5) OF THE ACT**

<b>ASSESSMENT BENCHMARKS IN THE CATEGORISING INSTRUMENT</b>	
<i>Livingstone Planning Scheme 2018</i> Version 3, in effect 15 February 2021	Strategic Framework – Settlement pattern theme: Rural places  Reconfiguring a lot code  Development works code  Bushfire hazard overlay code  Scenic amenity overlay code
<b>MATTERS PRESCRIBED BY REGULATION</b>	
<i>Central Queensland Regional Plan</i> October 2013	Chapter 4 – Regional outcomes and policies
<i>State Planning Policy</i> , July 2017	Part E: State interest policies and assessment benchmarks
Local Government Infrastructure Plan in the <i>Livingstone Planning Scheme 2018</i> Version 3, in effect 15 February 2021	Chapter 4 – Local Government Infrastructure Plan
Any development approval for, and any lawful use of, the premises or adjacent premises	The relevance of existing approvals on the subject site and adjoining properties in respect of the land use pattern and commensurate development
Common material	All material about the application Council has received before the application is decided.

RELEVANT MATTERS
<p>The Applicant has not demonstrated any relevant matters, such as an overriding community, economic or planning need, to support the proposal despite the high level conflicts with the Planning Scheme.</p>

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

### **Internal Advice and Assessment**

#### **Development Engineering – 26 October 2024**

Support, subject to conditions

#### **Natural Resource Management**

No comments provided as the site does not contain any mapped Biodiversity overlays under the Planning Scheme.

#### **Public and Environmental Health – 26 October 2024**

Support; subject to conditions

#### **Growth Management – 13 February 2024**

Comments provided; the proposal has not been supported. The following concerns were raised by Growth Management:

- *Fragmentation of land well below lot sizes intended in the settlement pattern.*
- *The intended character in the current Planning Scheme has been signed off by the State confirming that the State's interests are embedded in the Planning Scheme. Fragmentation of rural land is a State matter, along with bushfire hazard.*
- *The application relies on previous fragmentation in proximity to the site to justify the proposal. This is not reflective of the current settlement pattern policy.*
- *Precedence set for further fragmentation to lot sizes significantly lower than the approved fragmentation sizes signed off by the state without justification.*
- *The application has not demonstrated an overriding need in terms of public benefit for the development, with opportunities available near townships for small rural lots*
- *The application does not provide an in-depth assessment of the Strategic Framework and has not demonstrated how the proposal does not compromise the settlement pattern.*
- *The development application relies in part to the fragmentation in proximity to the subject site. Those policies [that enabled those historical subdivisions] are no longer reflected in the current planning scheme and cannot be relied upon to fragment land further.*

### **Information Request**

An information request was issued by Council on 20 November 2023. The Information Request advised the proposal was inconsistent with the Planning Scheme because of the minimum lot sizes being significantly below that prescribed for the Rural zone.

It was further advised that nearby subdivisions the Applicant was relying on to support the proposed lot sizes were undertaken in 1959 and 1988, and that Council officers did not support the development application.

The Applicant provided a response (in full) on 29 January 2024.

### Further Advice

Council issued Further Advice to the Applicant on 13 February 2024 reiterating:

- The proposal did not comply with the relevant assessment benchmarks within the Rural zone code, Reconfiguring a lot code and the Strategic Framework.
- The opportunity for the Applicant to withdraw the application and receive a partial refund of the application fees.

The Applicant provided a response (in full) on 28 February 2024.

### **State Planning Policy – July 2017**

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

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

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

Liveable Communities: Not applicable

Environment and Heritage - Water quality: Not applicable

Natural hazards, risk and resilience: A response to the State interests is in **Table 4**.

**TABLE 4 – ASSESSMENT AGAINST PART E STATE PLANNING POLICY**

<b>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: Applicable</b>	
Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.	<p><b>Complies</b></p> <p>Proposed Lot 1 contains an established residential use on the site. Onsite water is provided along with a sufficient internal driveway and access.</p> <p>Proposed Lot 2 adjoins Wards Lane, a Rural access road capable of catering for emergency services vehicles. Clearing can occur to achieve a suitable Bushfire Attack Level.</p> <p>The development can be conditioned to mitigate the risks to people and property to an acceptable or tolerable level.</p>
<b>All natural hazard areas: Applicable</b>	
Development supports and does not hinder disaster management response or recovery capacity and capabilities.	<p><b>Complies</b></p> <p>The subject site adjoins Wards Lane, a Rural access road capable of catering for emergency services vehicles.</p>

Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.	<b>Complies</b> The addition of a future residential use on proposed Lot 2 will not directly, indirectly and cumulatively increase the severity of the natural hazard or the potential for damage on the site or to other properties.
Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.	<b>Complies</b> Proposed Lot 1 contains an established residential use on the site with proposed Lot 2 also expected to contain a residential use in the future. Hazardous material greater than that of a residential use is not expected to be kept onsite.
The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.	<b>Complies</b> The site does not contain mapped vegetation, minimal clearing can occur mitigating risk associated with natural hazards.

### **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 (Version 3)**

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

### **Strategic Framework**

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

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

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

- (i) *Settlement pattern*; and
- (vi) *Natural resources and economic development*.

The following Strategic outcomes and Specific outcomes have been addressed with regards to their relevance to the development application (**Table 5**):

**TABLE 5 – STRATEGIC FRAMEWORK ASSESSMENT**

ASSESSMENT BENCHMARK	RESPONSE
<b>3.3 Settlement Pattern Theme</b>	
<p><b>3.3.1 Strategic outcomes</b></p> <p>...</p> <p><i>(5) Population growth is predominantly accommodated within urban and urban infill places, as identified on the strategic framework maps SFM-01 to SFM-04.</i></p> <p><i>(10) The design of development is consistent with the desired built form and character of specific places and the existing or intended role and function of the place in the settlement pattern.</i></p> <p><i>(19) Rural places are predominantly used for purposes that contribute to primary production.</i></p> <p><i>(20) Development does not limit or compromise agricultural land or uses involved in primary production.</i></p>	<p><b>Does Not Comply –</b></p> <p>The proposed development does not advance, but compromises the Strategic outcomes listed because:</p> <ul style="list-style-type: none"> <li>• It seeks to accommodate population growth in a Rural area, through the creation of additional lots significantly below the minimum lot size rather than in an area that is more appropriately designated and zoned.</li> <li>• The subdivision layout and lot sizes do not reflect the existing or intended role and function of Rural places. The intended role and function of Rural places is to primarily accommodate rural activities.</li> <li>• Council officers acknowledge there have been historical development approvals in the locality to subdivide Rural land, but this is not deemed to be the existing role or function of the Rural zone more broadly. The role and function of Rural places is not to be incrementally fragmented for dwellings, particularly where there is no demonstrated need.</li> <li>• Further fragmentation of the sit would limit the ability of it to accommodate a viable agricultural pursuit.</li> </ul>
<p><b>3.3.5 Rural places</b></p> <p><b>3.3.5.1 Specific outcomes</b></p> <p>...</p> <p><i>(5) Development in rural places does not result in fragmentation of land which is suitable for primary production by virtue of the following:</i></p> <p><i>(a) being identified as agricultural land Class A or Class B; or</i></p> <p><i>(b) being identified as rural land needing retention in larger lot sizes; or</i></p> <p><i>(c) being identified as having known minerals or other natural resources.</i></p> <p><i>(6) A range of lot sizes in rural places is identified based on the capabilities of the land for primary production, with rural places predominantly being retained in larger lots except for the Capricorn Coast Rural Precinct, where minimum lot sizes of ten (10) hectares or greater are provided for.</i></p> <p>...</p>	<p><b>Does Not Comply –</b></p> <p>The proposed development does not advance but compromises the Specific outcomes listed because:</p> <ul style="list-style-type: none"> <li>• The site is shown as being partly mapped with agricultural land classification, which identifies the site as being suitable for primary production and cropping. Land of this classification should be protected from fragmentation to maintain agricultural capabilities. Fragmentation of the site increases potential for conflicting land uses on adjoining sites. Subdivision of the site would further reduce the capacity of the site for agricultural pursuits.</li> <li>• Rural places can support a range of lot sizes, with minimum lot sizes starting at ten (10) hectares, however this is only supported within the Capricorn Coast Rural Precinct or where adjacent to the townships of Cawarral, Mount Chalmers, or The Caves. The subject site is not located within these nominated areas.</li> </ul>

(8) <i>The development of small rural residential lots does not occur unless there is a demonstrated need for an additional supply of lots only where located adjacent to the townships of Cawarral, Mount Chalmers, or The Caves.</i>	
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The performance assessment of the proposal demonstrates the development compromises relevant outcomes of the Strategic Framework.

### Reconfiguring a Lot code

The proposed lot sizes of 2.89 hectares and 10 hectares are both below the minimum lot size for the site of 150 hectares. The proposal does not comply with performance outcomes PO10 and PO11 of the Reconfiguring a Lot code.

The fragmentation of Rural land increases the likelihood of significant land use conflicts, compromises the potential to use the subject site and adjoining land for its zone purpose (rural activities) and is not consistent with the intended character of the Rural zone as fragmentation of lots below the minimum lot size is not supported.

Because the application cannot be conditioned to comply with the relevant Performance Outcomes the proposal cannot be supported. As evident from the code assessment (refer attachment 3), the proposal does not comply with the relevant Acceptable and Performance Outcomes of the Reconfiguring a lot code.

### Rural zone code

The proposal does not comply with Overall outcome (6) and (7)(b) of the Rural zone code:

- (6) **land that is identified as Agricultural Land Class A or Class B:**
  - (a) **is retained for development that is unlikely to limit or compromise the capacity of the land to be used for primary production;**
  - (b) **is protected from fragmentation due the creation of inappropriate lot sizes for the location;**
  - (c) **is protected from inappropriate and incompatible development, unless:**
    - (i) **there is a proven overriding need in terms of public benefit for the development and no other site is suitable for that particular development; or**

....
- (7) **development maximises the potential to undertake uses from within the rural activities group by retaining lots in a suitable size and shape** ((unless there is a demonstrated need adjacent to an identified township in accordance with Overall Outcome (7)(c) or if located in the Capricorn Coast Rural Precinct)) as specified in the minimum lot sizes and dimensions of the reconfiguration of a lot code and in this code as follows:
  - (a) **a minimum area of sixty (60) hectares only where located upon land identified as being entirely within Agricultural Land Class A or Class B; or**
  - (b) **a minimum area of one-hundred and fifty (150) hectares where located upon land that is not as being entirely within Agricultural Land Class A or Class B;**
  - (c) **a minimum area of two (2) hectares where located adjacent to the township of Cawarral, Mount Chalmers, or The Caves, and all of the following circumstances exist:**

....

The proposed lot sizes of 2.89 hectares and 10 hectares are both below the minimum lot size for the site of 150 hectares.

The proposal does not comply with Performance Outcome PO24(c) as it results in the creation of a lot having an area less than sixty (60) hectares (refer to attachment 3). Given the application cannot be conditioned to comply with the minimum lot size the proposal cannot be supported.



### Bushfire hazard overlay code

The site is affected by the medium potential bushfire intensity and potential impact buffer. The proposal complies or can be conditioned to comply with the various requirements of the Bushfire hazard overlay code apart from a deviation from performance outcome PO11 and PO12 as a bushfire hazard assessment and management plan has not been prepared to inform the proposal.

Future land uses, such as a Dwelling house, will require a Development Application if within the mapped overlay area due to no report being prepared as part of this application therefore suitable justification has been provided and the proposal is able to comply with performance outcome PO11 and PO12. Further, the proposal complies or can be conditioned to comply with the relevant Acceptable and Performance Outcomes within the code. As evident from the code assessment (refer attachment 3), the proposal complies with the Performance Outcomes of the Bushfire hazard overlay code.

### Scenic amenity overlay code

Proposed Lot 1 is partially mapped with the Scenic amenity overlay code. Proposed Lot 2 is not mapped. Proposed Lot 1 is an established site with an existing dwelling house and ancillary buildings. The site is located within the Rural zone and no alterations are proposed to the building or site therefore no Acceptable Outcomes are applicable. As evident from the code assessment (refer attachment 3), the proposal complies with the Performance Outcomes of Scenic amenity overlay code.

### Development works code

The development can be appropriately conditioned to comply with the relevant outcomes of the Development works code regarding relevant infrastructure necessary for the required for the zone, connection to telecommunications and energy supply. As evident from the code assessment (refer attachment 3), the proposal complies with the Performance Outcomes of Development works code.

### PUBLIC NOTIFICATION

The proposal was the subject of public notification between 3 February and 23 February 2024, as per the requirements of the *Planning Act 2016*, and 12 submissions were received. Of these submissions, 11 were properly made in accordance with the *Planning Act 2016*.

The following is a summary of the submissions lodged, with Council officer comments (**Table 6**):

**TABLE 6 – SUBMISSIONS AND OFFICER RESPONSE**

ISSUE	OFFICER COMMENT
Conflicts with the <i>Livingstone Planning Scheme 2018</i> are minor and justifiable.	Although suitable justification for some aspects of the proposal can be provided the minimum lot size is not considered a minor non-compliance and cannot be justified against the Strategic Framework – Settlement pattern theme: Rural places, Reconfiguring a Lot code and Rural zone code.
The proposal is in line with surrounding lot sizes and land uses and does not threaten the Rural nature of the area.	Mixed lot sizes are scattered throughout the Farnborough locality however the proposal does not reflect the existing and intended lot sizes within the Rural zone under the current planning scheme.
Does not impact the surrounding community.	Additional lots within the rural zone impact road networks and their ability to function as intended. Increased traffic movements may alter the frequency of maintenance required for those roads. Council may not have the

ISSUE	OFFICER COMMENT
	<p>capacity to meet maintenance expectations.</p> <p>Further, where surrounding lots are or intend to undertake rural activities the increase in lots multiply the potential for land use conflicts within the area and may compromise the ability to use the land for its intended purpose.</p>

### PREVIOUS DECISIONS

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

### ACCESS AND INCLUSION

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

### ENGAGEMENT AND CONSULTATION

The proposal was subject to public notification between 3 February and 24 February 2024, as per the requirements of the *Planning Act 2016*. 12 submissions were received, and the grounds of these submissions and how they have been considered in the assessment of the development application are included in this report.

### HUMAN RIGHTS IMPLICATIONS

Consideration of the 23 fundamental human rights protected under the *Human Rights Act 2019* has been undertaken as part of this decision. It has been determined that this decision does not limit human rights.

### BUDGET IMPLICATIONS

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

Any decision (approval or refusal) may be the subject of an appeal, which brings unknown budget implications.

Increasing the number of lots outside planned growth areas may result in accelerated maintenance of rural roads, beyond what is anticipated by Council's Planning Scheme.

### 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 refuse the development application) or from the developer (should Council refuse the development application). These potential legal implications also bring unknown budget implications.

### STAFFING IMPLICATIONS

No staffing implications have been identified in the assessment.

### RISK ASSESSMENT

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

### CORPORATE PLAN REFERENCE

***Future Livingstone***

*Community Plan Goal 5.1 - Balanced environmental and development outcomes*

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

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

## **CONCLUSION**

As demonstrated in the above assessment, the proposal is inconsistent with the Strategic Framework, and Performance outcomes and overall outcomes of the Reconfiguring a lot code and Rural zone code. Regard to relevant matters does not outweigh these conflicts. In the absence of relevant matters to outweigh the high-level conflicts with the Strategic Framework, Council officers cannot support the proposed development.

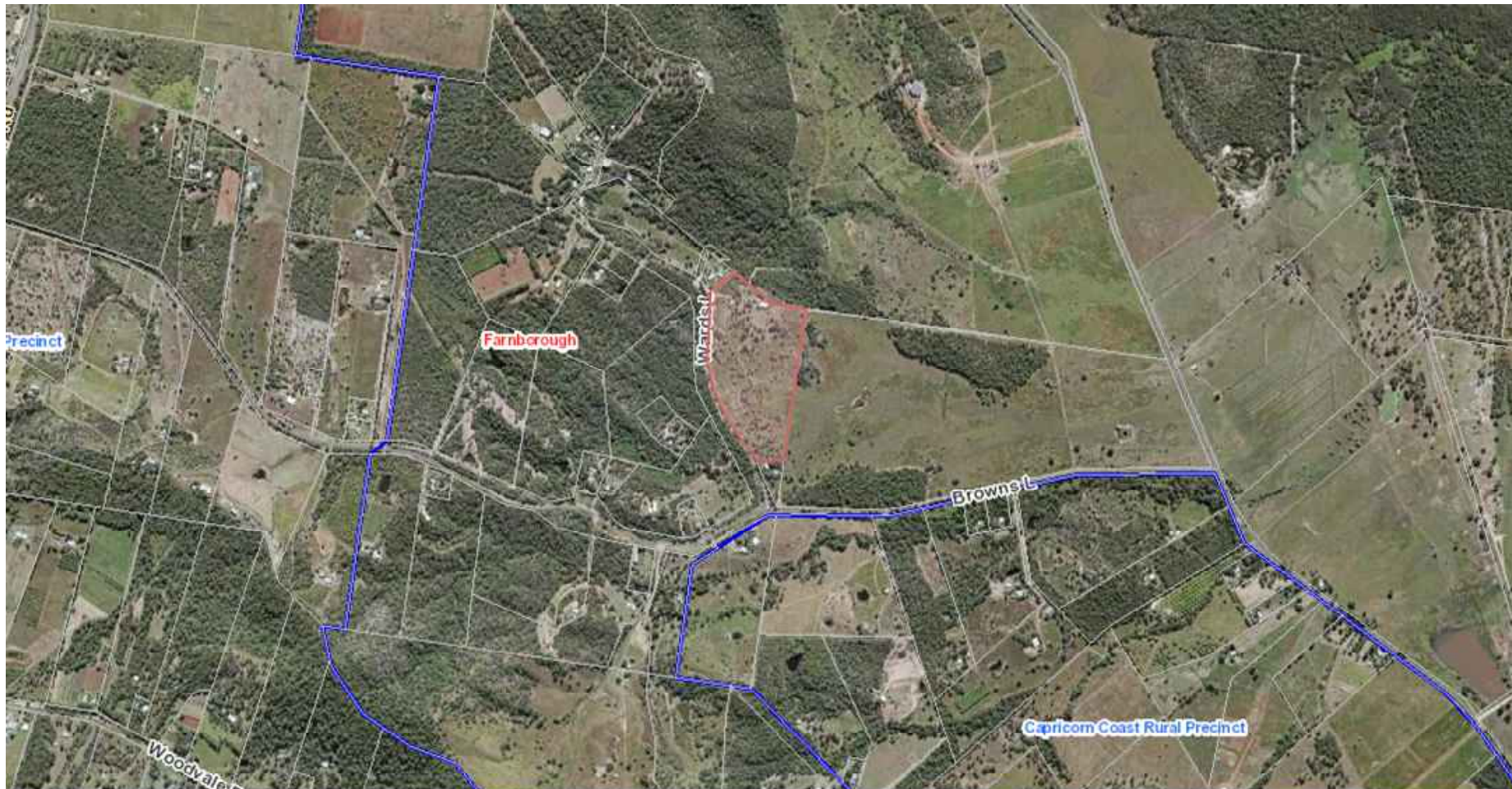
**11.1 - D-355-2023 – DEVELOPMENT  
APPLICATION FOR RECONFIGURING  
A LOT (ONE LOT INTO TWO LOTS) AT  
70 WARDS LANE, FARNBOROUGH**

**Locality Plan**

**Meeting Date: 16 April 2024**

**Attachment No: 1**

## Locality Plan



D-355-2023 – Development Permit for reconfiguring a Lot (one lot into two lots) – 70 Wards Lane, Farnborough

# **11.1 - D-355-2023 – DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) AT 70 WARDS LANE, FARNBOROUGH**

## **Proposal Plan**

**Meeting Date: 16 April 2024**

**Attachment No: 2**







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1 LOCATION PLAN  
1 : 5000 @ A3

## GENERAL LEGEND

 APPROX BOUNDARY LINE  
 EASEMENT

**GENERAL NOTE:**

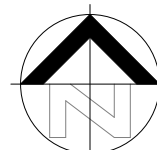
ALL BOUNDARIES, LOCATIONS AND  
DIMENSIONS ARE APPROXIMATES

GENERAL NOTE:

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- THESE DRAWINGS ARE APPROXIMATE AND HIGHLY CONCEPTUAL
- TRAFFIC/STORMWATER/OPERATIONAL WORKS: AS PER CIVIL ENGINEER DOCUMENTS AND DRAWINGS IF REQUIRED
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- REFER TO TOWNPLANNING APPLICATION AND OPERATIONAL WORKS DOCUMENTATION WHEN VIEWING THESE PLANS
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- IF THE SITE OR PROJECT ARE TRIGGERED OR LOCATED IN BUSHFIRE AREA, THEN THE BUILDINGS TO COMPLY WITH BUSHFIRE REQUIREMENTS OR AS PER COUNCIL REQUIREMENTS

rawing title:  
LOCATION PLAN

rawing no: SK\_001



project: A3 DRAWING NOTED SCALE  
**PROPOSED SUBDIVISION**

location:  
70 WARDS LANE,  
FARNBOROUGH, QLD, 4703

client:
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REVISIONS		
REVISION	DESCRIPTION	DATE
2	PRELIMINARY	18/08/2023
4	PRELIMINARY	17/01/2023
5	PRELIMINARY	30/01/2023

**PRELIMINARY SKETCH PLANS:**  
If the drawings are labelled and issued 'preliminary', below, they are not suitable for Building Application, tender or construction purposes!  
The intent of preliminary sketch plans are only for presenting the concept for the specific project to the client as nominated in the title sheet.

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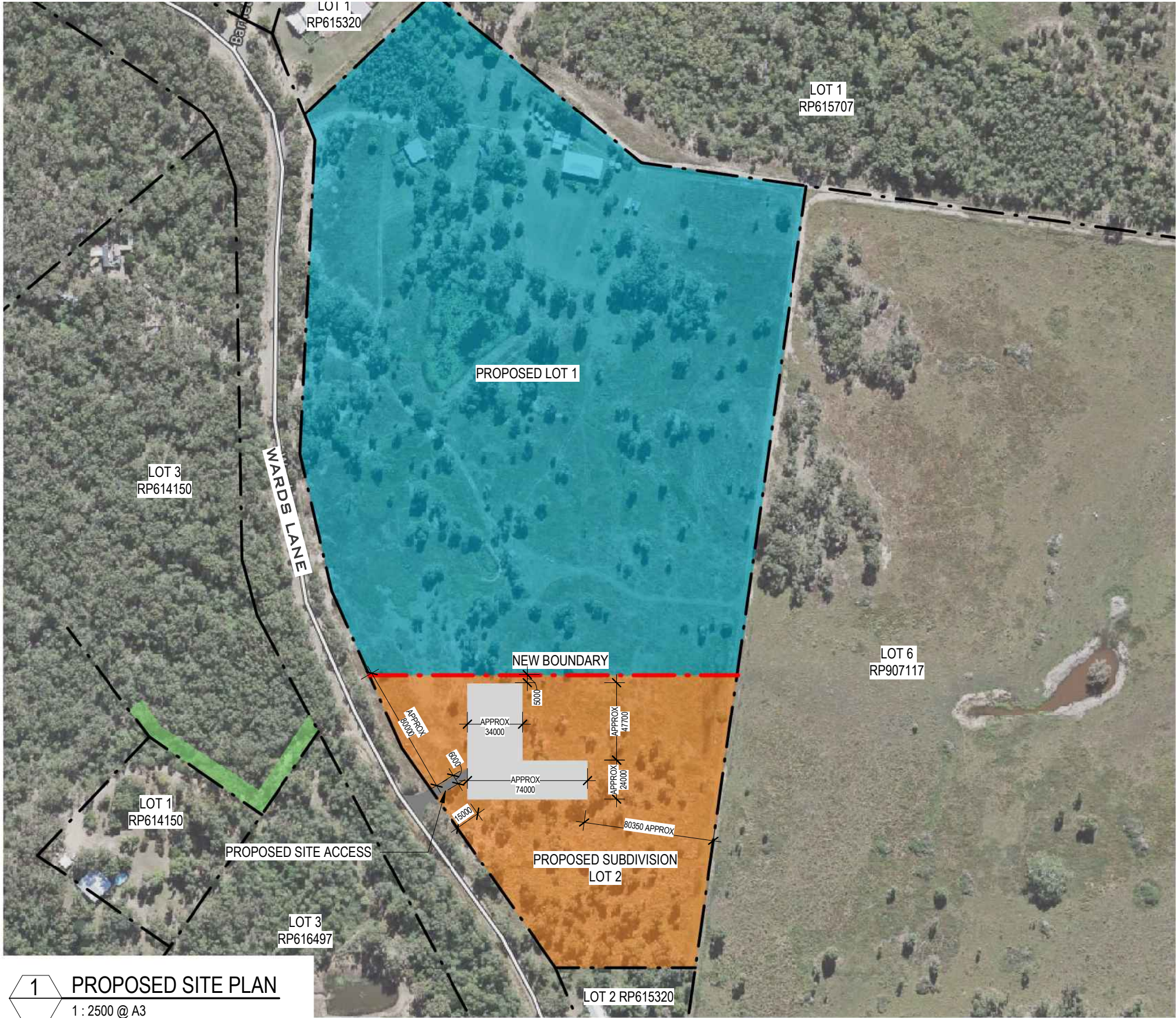
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ISSUED FOR  
PRELIMINARY

project no:	scale As indicated	rev
GG H	date JAN 24	





GENERAL LEGEND	
	APPROX BOUNDARY LINE
	PROPOSED SUBDIVISION LOT 2 ( APPROX 28,900 m² )
	PROPOSED LOT 1 ( APPROX 100,000 m² )
	EASEMENT
	PROPOSED BUILDING ENVELOPE

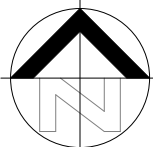
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rawing title:  
**'ROPOSED SITE PLAN**

rawing no: **SK\_002**



project:  
**PROPOSED SUBDIVISION**

location:  
70 WARDS LANE,  
FARNBOROUGH, QLD, 4703

client:  
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REVISIONS		
REVISIO	DESCRIPTION	DATE
N		
2	PRELIMINARY	18/08/2023
3	PRELIMINARY	19/12/2023
4	PRELIMINARY	17/01/2023
5	PRELIMINARY	30/01/2023

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**GIDEON**  
TOWN PLANNING  
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project no:	scale As indicated	rev
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**11.1 - D-355-2023 – DEVELOPMENT APPLICATION FOR  
RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) AT 70  
WARDS LANE, FARNBOROUGH**

**Code Assessment**

**Meeting Date: 16 April 2024**

**Attachment No: 3**

Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

**Reconfiguring a lot code**

**Table 9.3.3.4.1 Outcomes for development that is accepted subject to developments and assessable development**

Performance outcomes	Acceptable outcomes	Assessment Response
If boundary realignment		
<b>PO1</b> Boundary realignment: (a) does not result in the creation of additional lots; (b) does not create the potential to introduce uses or activities which conflict with the intent of the applicable zone for all or part of the site.	<b>AO1.1</b> No additional lots are created by the re-alignment of boundaries. <b>AO1.2</b> Boundary realignment is contained entirely within a single zone, precinct or sub precinct.	<b>PO1, PO2 and PO3 – Not applicable</b>
<b>PO2</b> All existing connections to water, sewer, electricity and other infrastructure are retained and additional infrastructure connections or augmentation is not required.	<b>AO2.1</b> Boundary realignment does not require any change to infrastructure or services.	
<b>PO3</b> Boundary realignment results in lots which meet the minimum lot area, dimensions and frontage width, applicable to the zone in which the site is located.	<b>AO3.1</b> The size of the resulting lots complies with the Table 9.3.3.4.2.	
If reconfiguring a lot associated with a prior related Material Change of Use		
<b>PO4</b> Lots have a regular shape and consistent dimensions to facilitate the development of the land in accordance with a prior related Material Change of Use, and the lots have sufficient area to provide for: (a) the approved density of development; (b) buildings and structures; (c) usable open space and landscaping; (d) ventilation and sunlight for buildings; (e) privacy for residents; (f) suitable vehicle access and on-site parking where required; and (g) any on-site services and infrastructure.	<b>AO4.1</b> The lots are designed in accordance with the density of development of a prior related Material Change of Use. <b>AO4.2</b> The lots have an appropriate size and dimension to cater for the needs of the development including the needs for private lots and communal lots, in accordance with the prior related Material Change of Use.	<b>PO4 – Not applicable</b>
All other reconfiguring a lot applications		
Lot design – general		
<b>PO5</b> Development included in the table below requires the preparation of a structure plan to accompany the development application.	No acceptable outcome is nominated.	<b>PO5 - Does not comply</b> A structure plan was not provided.

Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

Performance outcomes		Acceptable outcomes		Assessment Response	
Zone	Proposed additional lots in the stage/development	Small structure plan	Large structure plan		
All residential category zones	7 – 15	<input type="checkbox"/>			
	16 or more		<input type="checkbox"/>		
All centres category zones and all industrial category zones	5 - 10	<input type="checkbox"/>			
	11 or more		<input type="checkbox"/>		
All other zones where reconfiguring a lot requires impact assessment	1 or more		<input type="checkbox"/>		
<b>PO6</b> Development which requires a structure plan is undertaken in accordance with the structure plan, and the structure plan is prepared in accordance with the requirements of Schedule SC7.14.		No acceptable outcome is nominated.		<b>PO6 - Complies</b> A reconfiguration plan was provided to support the application and is sufficient to undertake the assessment.	
<b>PO7</b> Lot design is well integrated with the surrounding locality, having regard to: <ul style="list-style-type: none"> <li>(a) roads, streets, pedestrian and cycle networks;</li> <li>(b) utility installations and other infrastructure networks;</li> <li>(c) open space networks, significant vegetation and habitat areas, waterways and wetlands, and valued biodiversity corridors;</li> <li>(d) connections to centres and employment areas;</li> <li>(e) surrounding landscaping and streetscape treatments; and</li> <li>(f) the interface with established land uses.</li> </ul> Editor's note: When assessing the location and design for lot reconfiguration, consideration should be given to the standards for separating conflicting land use specified in Schedule 4 of the planning scheme. Where standards are not specified, a specialist report may be required to demonstrate the suitability of the development.		No acceptable outcome is nominated.		<b>PO7 - Complies</b> The site is located within the Rural zone where pedestrian and cycle networks and landscaping and streetscape treatments are not established. The surrounding established land uses are residential with small scale rural uses occurring on some sites. The subject site is located within 12 kilometres of the Yeppoon CBD and has an alternate route to Yeppoon Road bypassing Yeppoon CBD where occupants are employed within Rockhampton.	
<b>PO8</b> Lot design: <ul style="list-style-type: none"> <li>(a) protects areas with significant environmental values;</li> <li>(b) appropriately utilises the natural topography of the site as far as practicable and</li> </ul>		No acceptable outcome is nominated.		<b>PO8 - Complies</b> The proposed property boundaries and future residential use on proposed Lot 2 is not located within an area containing significant environmental values, biodiversity, wetlands, waterways, drainage lines or biodiversity corridors..	

Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

Performance outcomes	Acceptable outcomes	Assessment Response
<p>minimises the need for significant earthworks for future development;</p> <p>(c) avoids crossing or otherwise interfering with natural drainage lines, waterways, wetlands, habitat areas or biodiversity corridors; and</p> <p>(d) retains key site characteristics, landmarks, and places of heritage significance.</p>		Earthworks are not required to be achieved to achieve future development.
<p><b>PO9</b></p> <p>Lot reconfiguration does not facilitate development which would be visually obtrusive on skylines, headlands or prominent landscape features.</p>	No acceptable outcome is nominated.	<p><b>PO9 - Complies</b></p> <p>Proposed lot 1 contains an established residential use. Proposed lot 2 is not located on a skyline, headland or prominent landscape feature.</p>
<p><b>PO10</b></p> <p>Lot reconfiguration does not:</p> <p>(a) increase the likelihood of significant land use conflict;</p> <p>(b) compromise the potential to use adjoining land for its zoned purpose;</p> <p>(c) compromise the use of stock routes;</p> <p>(d) compromise the safe and efficient operation of major transport networks and other major infrastructure networks.</p>	No acceptable outcome is nominated.	<p><b>PO10 – Does not comply</b></p> <p>The adjoining lot to the east is currently vacant and has potential for rural uses to occur given the flat unconstrained land. The addition of another lot which has rights for a sensitive land use to occur on the site increases the likelihood of significant land use conflicts.</p>
<b>Lot design - size and dimension</b>		
<p><b>PO11</b></p> <p>Reconfiguration only occurs if it creates lot sizes and dimensions that:</p> <p>(a) are consistent with the intended character of the zone, precinct or sub-precinct in which the land is located;</p> <p>(b) do not limit or compromise the ability to use rural land for its preferred uses;</p> <p>(c) do not limit or compromise the ability to use industrial zoned land or special purpose zoned land for their preferred uses;</p> <p>(d) protect resources (including potential mining and extractive resources), environmental and landscape values of rural land;</p> <p>(e) protect ground and surface water quality in the rural residential zone;</p> <p>(f) protect areas with significant biodiversity values; and</p>	<p><b>AO11.1</b></p> <p>The lots are designed in accordance with the minimum lot sizes and dimensions specified within Table 9.3.3.4.2.</p>	<p><b>AO11.1 - Does not comply</b></p> <p>Lot 1 is proposed to be 10 hectares and lot 2 is 2.89 hectares. Both lots are below the minimum lot size of 150 hectares.</p> <p><b>PO11 – Does not comply</b></p> <p>The proposal is not consistent with the intended character of the Rural zone as fragmentation of lots below the minimum lot size is not supported.</p> <p>The proposal limits and compromises the ability of the subject site to be used for a rural activity by increasing the potential for land use conflicts.</p>

Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

Performance outcomes	Acceptable outcomes	Assessment Response
(g) protect areas of high scenic amenity value.		
<b>PO12</b> Lots have a regular shape and consistent dimensions to facilitate the efficient development of the land for its intended purpose, and have sufficient area to provide for: (a) buildings and structures; (b) usable open space and landscaping (c) ventilation and sunlight for buildings; (d) privacy for residents; (e) suitable vehicle access and on-site parking where required; and (f) any on-site services and infrastructure such as effluent disposal areas if required.	<b>AO12.1</b> The lots are designed in accordance with the minimum lot sizes and dimensions specified within Table 9.3.3.4.2.	<b>AO12.1 - Does not comply</b> The proposed road frontage property boundary length of Proposed Lot 2 is approximately 205 metres which does not meet the required frontage length of 450 metres.  <b>PO12 – Complies</b> Proposed Lot 2 provides sufficient space for buildings and structures to be located on the lot ensuring usable open space is provided for recreational space, privacy is maintained, on-site vehicle parking requirements can be achieved, and building have appropriate sunlight and ventilation.
	<b>AO12.2</b> All residential lots are able to contain a constraint free rectangular building location envelope, having dimensions no less than nine (9) metres by fifteen (15) metres.	<b>AO12.2 – Complies</b> Minimal clearing of native vegetation is required to achieve a constraint free rectangular building location envelope, having dimensions no less than nine (9) metres by fifteen (15) metres.
<b>Lot size and dimensions where located in the emerging community zone</b>		
<b>PO13 and PO14 – Not applicable</b> The site is not located within the Emerging community zone.		
<b>Lot design – rear lots</b>		
<b>PO15 – Not applicable</b> The proposal does not involve a rear lot.		
<b>Road and street network</b>		
<b>PO16, PO17, PO18 and PO19 – Not applicable</b> No roads or street networks are proposed.		
<b>Road and street design</b>		
<b>PO20, PO21 and PO22 – Not applicable</b> There are no new roads or streets.		
<b>Pedestrian and cycle networks</b>		
<b>PO23 and PO24 – Not applicable</b> The proposal is located within the Rural zone, bicycle and pedestrian footpaths are unreasonable.		
<b>Public transport</b>		
<b>PO25 – Not applicable</b> The proposal is not located within a residential category zone or emerging community zone and does not provide density consistent with a residential category zone.		
<b>Climatic response</b>		

Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

Performance outcomes	Acceptable outcomes	Assessment Response
<b>PO26 – Complies</b> The proposal is for one lot into two lots, no blocks are created and given the proposed lot sign provision of sun and breeze can enter buildings.		
<b>Development near infrastructure and special activities</b>		
<b>PO27</b> Reconfiguring minimises exposure to risks and amenity impacts from major infrastructure and enables the safe and efficient operation of infrastructure.	<b>AO27.1</b> Reconfiguration within one-hundred (100) metres of any trunk gas pipeline does not increase the density of development	<b>AO27.1 and AO27.2 – Complies</b> The subject site is not within 100 metres of any trunk gas pipelines or high voltage electricity easements.
	<b>AO27.2</b> Where adjoining a high voltage electricity easement (above 11kV), lot design and layout incorporates: (a) a vegetated buffer within a distance of twenty (20) metres from the boundary of the electricity transmission line easement; and (b) the orientation of the primary lot frontage away from transmission line easement	
	<b>AO27.3</b> Lots are designed and oriented to ensure that a habitable building or primary open space areas on each lot can comply with the separation distances set out in Schedule 4.	<b>AO27.3 - Complies</b> The proposed lots comply with the separation distances set out in Schedule 4.
	<b>AO27.4</b> Reconfiguring of land for residential purposes does not take place within five-hundred (500) metres of the following: (a) a sewage or waste water treatment plant; (b) a landfill site or major waste transfer station; and major outfall facilities.	<b>AO27.4 - Complies</b> The property is located in excess of six (6) kilometres from the nearest plants (treatment plants) and further from landfill sits and major transfer facilities.
<b>Infrastructure</b>		
<b>PO28</b> Infrastructure, including roads and streets, water supply, stormwater drainage, sewage disposal, waste disposal, electricity and communication facilities are provided in a manner that: (a) is efficient; (b) is adequate for the projected needs of the development; (c) is adaptable to allow for future infrastructure upgrades; (d) minimises risk of adverse environmental or amenity related impacts; (e) minimises whole of life cycle	No acceptable outcome is nominated. Editor's note: In the majority of instances, infrastructure is to be provided in accordance with the requirements of the Development Works Code. Noteworthy is that the acceptable outcomes for the provision of infrastructure, as specified in the Development Works Code, are considered to be acceptable assuming that the development is located in a suitable zone which is intended for that development. Although not desirable, should there be a situation where a reconfiguration of a lot results in lot sizes that are	<b>PO28 - Complies</b> The proposal is located within the Rural zone. Infrastructure such as water, sewer, energy and telecommunications can be provided on-site in an efficient manner.

Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

Performance outcomes	Acceptable outcomes	Assessment Response
costs for that infrastructure.	below the minimum lot sizes for the zone it is located in (as specified in this code) and the intended land use for the lots are different from that which is preferred for the zone it is located in, then the appropriateness of infrastructure is to be determined by an assessment against the relevant performance outcomes. It is likely that development for urban activities will in the majority of instances require the provision of infrastructure to a standard expected for development in urban zones.	
<b>Parks and open Space</b>		
Editor's note—Where acceptable outcomes are set out in this section, it is acknowledged that they may primarily be practicable in greenfield developments. Alternative outcomes are likely to be appropriate in existing developed areas. This may include works and embellishment to existing parks or recreational corridors to meet the development's demand, or as part of an infrastructure partnership agreement.		
<b>PO29 and PO30 – Not applicable</b>		
Schedule SC7.9 is in relation to urban residential lots and is not applicable to subdivision within the Rural zone. The proposal is for subdivision of one lot into two lots and is not considered a neighbourhood.		
<b>Hazards</b>		
<b>PO31</b> Reconfiguration of a lot avoids creating unacceptable risk to human safety, property and the environment due to natural hazards and contaminated land. Editor's note: Not all areas of the planning scheme area (which may be subject to risk from natural hazards) are identified by overlays. Determination of potential hazards and constraints should be undertaken through the development application process and appropriate analysis of the site and surrounding area. Editor's note: Where contamination is suspected (for example former cattle dip yards, industrial sites, landfill, areas of unexploded ordnances and the like), applicants may be requested to provide a preliminary contamination report when for residential, rural residential or emerging community zone subdivisions.	No acceptable outcome is nominated.	<b>PO31 - Complies</b> Propose lot 1 contains an established residential use. Proposed lot 2 is 232 metres at it's widest point (in the northern portion). The site adjoins Wards Lane a Rural access road capable of providing safe ingress and egress to the site for occupants and emergency services. Proposed Lot 2 is in the southern portion of the subject site, closest to the Rural major collector. The proposed lots avoid creating unacceptable risk to human safety, property and the environment due to natural hazards

#### Rural zone code

**Table 6.5.4.4.1 —Outcomes for development that is accepted subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Assessment Response
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Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

Performance outcomes	Acceptable outcomes	Assessment Response
<b>Where located in all areas of the zone (excluding the Yaamba Historic Township Precinct)</b>		
<b>Land use</b>		
<b>If a use within the accommodation activities group</b>		
<b>PO1</b> The development of a use within the accommodation activities group: (a) does not limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot; (b) does not limit or compromise the future development of rural zoned land on an adjoining lot for a use from within the rural activities group; and (c) is appropriately separated and buffered from uses that are likely to result in adverse impacts on amenity.	<b>AO1.1</b> The habitable buildings of a use from within the accommodation activities group have a setback from side and rear lot boundaries in accordance with the greater of the following: (a) if there is an established use from within the rural activities group located on an adjoining lot, a setback from the common boundary with that lot, which complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4; or (b) in compliance with the setback standards identified in Table SC10.1.1 of Schedule 10.	<b>AO1.1 - Not applicable</b> The proposal is for reconfiguring a lot.
	<b>AO1.2</b> The habitable buildings of a use within the accommodation activities group have a setback from road frontage lot boundaries in accordance with the greater of the following: (a) if there is an established use from within the rural activities group located on a lot on the opposite side of the road, a distance from the road frontage boundary, which complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4; or (b) in compliance with the setback standards identified in Table SC10.1.1 of Schedule 10.	<b>AO1.2 - Not applicable</b> The proposal is for reconfiguring a lot.
<b>If a use within the rural activities group</b>		
<b>PO2</b> The development of a use within the rural activities group is designed, sited and operated to minimise significant adverse impacts on sensitive land use.	<b>AO2.1</b> The development of a use within the rural activities group complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4.	<b>AO2.1 - Not applicable</b> The proposal is for reconfiguring a lot.
<b>If a roadside stall</b>		
<b>PO3</b> The roadside stall: (a) is small in scale; (b) does not impact on the amenity of adjoining land uses and the	<b>AO3.1</b> Any structure used for a roadside stall: (a) has a maximum floor area of twenty (20) square metres; and (b) is located entirely within the lot	<b>AO3.1 - Not applicable</b> The proposal is for reconfiguring a lot.



Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

Performance outcomes	Acceptable outcomes	Assessment Response
surrounding area; (c) does not adversely affect the safety and efficiency of the road network; (d) is ancillary to the farming use conducted on the same site; and (e) sells only fresh produce grown locally.	and not on the road reserve. <b>AO3.2</b> Site access, car parking and storage areas: (a) are located entirely within the lot and not on the road reserve; and (b) use the same driveway as the primary lot access	<b>AO3.2 - Not applicable</b> The proposal is for reconfiguring a lot.
<b>Built form</b>		
<b>PO4</b> The height of buildings and structures are consistent with the rural character of the locality and the reasonable expectations as to the operational needs of the use, and they do not adversely impact the character or amenity of the streetscape, adjoining sites or the immediate area.	<b>AO4.1</b> Building height does not exceed twelve (12) metres above ground level (excluding silos and similar structures that are ancillary to the operations of a use within the rural activities group).	<b>AO4.1 - Not applicable</b> The proposal is for reconfiguring a lot.
	<b>AO4.2</b> The height of structures does not exceed twenty-five (25) metres above ground level.	<b>AO4.2 - Not applicable</b> The proposal is for reconfiguring a lot.
<b>PO5</b> The design and siting of buildings and structures does not adversely impact the amenity of the streetscape or adjoining sites having regard to the following: (a) minimisation of potential sources of nuisance; (b) prevention of overshadowing of habitable buildings of any sensitive land use on adjoining lots; and (c) prevention of overshadowing of public places.	<b>AO5.1</b> Buildings or structures have a setback from side, rear and road frontage lot boundaries in compliance with the setback standards identified in Table SC10.1.1 of Schedule 10.	<b>AO5.1 - Not applicable</b> The proposal is for reconfiguring a lot.
<b>Where located in the Yaamba Historic Township Precinct</b>		
<b>Land use</b>		
<b>If a use within the rural activities group</b>		
<b>PO6</b> The development of a use within the rural activities group is designed, sited and operated to minimise significant adverse impacts on sensitive land use.	<b>AO6.1</b> The development of a use within the rural activities group complies with the minimum separation distances specified in Table SC4.1.1 and Table SC4.1.2 of Schedule 4.	<b>AO6.1 - Not applicable</b> Not located within the Yaamba Historic Township Precinct.
<b>If a roadside stall</b>		
<b>PO7</b> The roadside stall: (a) is small in scale; (b) does not impact on the amenity of adjoining land uses and the surrounding area; (c) does not adversely affect the	<b>AO7.1</b> Any structure used for a roadside stall: (a) has a maximum floor area of twenty (20) square metres; and (b) is located entirely within the lot and not on the road reserve.	<b>AO7.1 - Not applicable</b> Not located within the Yaamba Historic Township Precinct.

Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

Performance outcomes	Acceptable outcomes	Assessment Response
<p>safety and efficiency of the road network;</p> <p>(d) is ancillary to the farming use conducted on the same site; and</p> <p>(e) sells only fresh produce grown locally.</p>	<p><b>AO7.2</b></p> <p>Site access, car parking and storage areas:</p> <p>(a) are located entirely within the lot and not on the road reserve; and</p> <p>(b) use the same driveway as the primary lot access.</p>	<p><b>AO7.2 - Not applicable</b></p> <p>Not located within the Yaamba Historic Township Precinct.</p>
<b>Built form</b>		
<p><b>PO8</b></p> <p>The development does not result in the intensification of buildings and structures in the precinct unless they are associated with and necessary for preferred uses for the precinct.</p>	<p><b>AO8.1</b></p> <p>The development does not involve the construction of buildings and structures unless they are associated with and necessary for:</p> <p>(a) a park; or</p> <p>(b) a use within the rural activities group; or</p> <p>(c) a use within the special activities group undertaken at the site.</p>	<p><b>AO8.1 - Not applicable</b></p> <p>Not located within the Yaamba Historic Township Precinct.</p>
<p><b>PO9</b></p> <p>If buildings and structures are associated with and necessary for a park, a use within the rural activities group, or a use within the special activities group undertaken at the site, the height of the buildings and structures are consistent with the rural character of the locality and the reasonable expectations as to the operational needs of the use, and they do not adversely impact the character or amenity of the streetscape, adjoining sites or the immediate area.</p>	<p><b>AO9.1</b></p> <p>Building height does not exceed ten (10) metres above ground level (excluding silos and similar structures that are ancillary to the operations of a use within the rural activities group).</p>	<p><b>AO9.1 - Not applicable</b></p> <p>Not located within the Yaamba Historic Township Precinct.</p>
	<p><b>AO9.2</b></p> <p>The height of structures does not exceed twenty-five (25) metres above ground level.</p>	<p><b>AO9.2 - Not applicable</b></p> <p>Not located within the Yaamba Historic Township Precinct.</p>
<p><b>PO10</b></p> <p>The design and siting of buildings and structures does not adversely impact the amenity of the streetscape or adjoining sites having regard to the following:</p> <p>(a) minimisation of potential sources of nuisance; and</p> <p>(b) provision of access to natural light and ventilation for habitable buildings of any sensitive land use on adjoining lots and for public places.</p>	<p><b>AO10.1</b></p> <p>Buildings or structures have a setback from side, rear and road frontage lot boundaries in accordance with the following:</p> <p>(a) at any point where the 'outermost projection height' is between two (2) metres and 4.5 metres, a setback of at least twenty (20) metres; or</p> <p>(b) at any point where the 'outermost projection height' is greater than 4.5 metres, a setback of at least twenty (20) metres plus 0.3 of a metre for every additional metre or part thereof in height over 4.5 metres.</p>	<p><b>AO10.1 - Not applicable</b></p> <p>Not located within the Yaamba Historic Township Precinct.</p>

**Table 6.5.4.4.2 — Additional outcomes for assessable development**

Performance outcomes	Acceptable outcomes	Assessment Response
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Performance outcomes	Acceptable outcomes	Assessment Response
<b>Where located in all areas of the zone (excluding the Capricorn Coast Rural Precinct and excluding the Yaamba Historic Township Precinct)</b>		
<b>Land use</b>		
<b>PO11</b> The use contributes to the development of the rural zone which is comprised of the following: (a) preferred uses for the zone (as identified in the overall outcomes for the zone); or (b) uses within the accommodation activities group (where in accordance with the circumstances identified in the overall outcomes for the zone); or (c) other uses that are not within the rural activities group or accommodation activities group (where in accordance with the circumstances identified in the overall outcomes for the zone).	No acceptable outcome is nominated.	<b>PO11 - Not applicable</b> The proposal is for reconfiguring a lot.
<b>Where located in the Capricorn Coast Rural Precinct</b>		
<b>Land use</b>		
<b>PO12</b> The use contributes to the development of a Capricorn Coast Rural Precinct which is comprised of the following: (a) preferred uses for the precinct (as identified in the overall outcomes for the zone); or (b) intensive animal industry or intensive horticulture (where in accordance with the circumstances identified in the overall outcomes for the precinct); or (c) a use from within the accommodation activities group or other non-rural uses (where in accordance with the circumstances identified in the overall outcomes for the precinct).	No acceptable outcome is nominated.	<b>PO12 - Not applicable</b> Not located within the Capricorn Coast Rural Precinct.
<b>Where located in the Yaamba Historic Township Precinct</b>		
<b>Land use</b>		
<b>PO13</b> The use is a preferred use for the precinct (as identified in the overall outcomes for the precinct).	No acceptable outcome is nominated.	<b>PO13 - Not applicable</b> Not located within the Yaamba Historic Township Precinct.
<b>PO14</b> The use: (a) is small in scale and has a limited intensity; and	No acceptable outcome is nominated.	<b>PO14 - Not applicable</b> Not located within the Yaamba Historic Township Precinct.

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Performance outcomes	Acceptable outcomes	Assessment Response
(b) has low impacts on sensitive land use in the immediate area.		
<b>PO15</b> A new use from within the accommodation activities group, business activities group, community activities group, entertainment activities group, or industrial activities group does not establish in the zone.	No acceptable outcome is nominated.	<b>PO15 - Not applicable</b> Not located within the Yaamba Historic Township Precinct.
<b>Where located in all areas of the zone (excluding the Yaamba Historic Township Precinct)</b>		
<b>PO16</b> The development of a use within the rural activities group is designed and operated at an appropriate scale and intensity relative to the capacity of water resources and soil to sustain the development activity in an environmentally responsible manner.	No acceptable outcome is nominated.	<b>PO16 - Not applicable</b> The proposal is for reconfiguring a lot.
<b>PO17</b> The development of a use within the rural activities group or a use being veterinary services, where involving the boarding, accommodation, care, training, holding, keeping, production, or cultivation of animals and the like, ensures that the animals are confined within the site in secure fencing or other enclosures, and these confinements are sited, designed and managed in a manner which achieves the following: (a) accepted best practice for the welfare of animals; (b) prevention of the escape of animals; (c) best practice for the hygienic confinement of animals; and (d) minimal nuisance beyond the site boundaries by way of noise and odours produced by the animals.	No acceptable outcome is nominated.	<b>PO17 - Not applicable</b> The proposal is for reconfiguring a lot.
<b>PO18</b> The use does not result in land and water quality degradation (above ground and underground) due to the following: (a) movement of sediment, nutrients, pathogens, and pollutants; or (b) the handling, treatment and disposal of solid and liquid waste.	No acceptable outcome is nominated.	<b>PO18 - Not applicable</b> The proposal is for reconfiguring a lot.

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Performance outcomes	Acceptable outcomes	Assessment Response
<b>PO19</b> The use: (a) avoids unnecessary clearing of native vegetation and habitat; and (b) minimises major earthworks.	No acceptable outcome is nominated.	<b>PO19 - Not applicable</b> The proposal is for reconfiguring a lot.
<b>If an extractive industry</b>		
<b>PO20</b> To the extent practicable, scarred areas of the natural landscape resulting from extractive industry are screened from view of public roads, prominent public viewer places and neighbouring properties.	<b>AO20.1</b> A densely vegetated buffer area having a minimum depth from the lot boundary of twenty (20) metres is located along all boundaries of the site (excluding access points), and the buffer area contains vegetation having a foliage height and density capable of visually screening scarred areas of land when viewed from public roads, prominent public viewer places and neighbouring properties.	<b>AO20.1 - Not applicable</b> The proposal is not for an Extractive industry.
<b>PO21</b> Rehabilitation of the site occurs over the life of the project and the development is undertaken in accordance with a management plan which satisfies Council that premises that will be safe and useable upon completion and the following actions will be appropriately undertaken: (a) progressive rehabilitation works at the site; (b) appropriate clean-up works (including areas of possible soil or water contamination); (c) provision of stable and usable final landform and soil profiles; and (d) revegetation of the site using suitable native species.	No acceptable outcome is nominated.	<b>PO21 - Not applicable</b> The proposal is not for an Extractive industry.
<b>PO22</b> Noise generating activities occur at times that are unlikely to result in unreasonable disturbance to sensitive land use.	<b>AO22.1</b> Significant noise generating activities such as blasting, crushing, grinding, milling, loading or similar only occur between the hours of 9:00 and 17:00.	<b>AO22.1 - Not applicable</b> The proposal is not for an Extractive industry.
	<b>AO22.2</b> Noise generating activities (other than those listed in AO22.1) only occur between the hours of 06:00 and 18:00.	<b>AO22.2 - Not applicable</b> The proposal is not for an Extractive industry.
<b>If a transport depot</b>		
<b>PO23</b> Development for the purpose of a transport depot: (a) is located at an appropriate	<b>AO23.1</b> The transport depot does not store any more than four (4) vehicles.	<b>AO23.1 - Not applicable</b> The proposal is not for a Transport depot.

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Performance outcomes	Acceptable outcomes	Assessment Response
<p>sized site;</p> <p>(b) is ancillary to the use of the site primarily for rural purposes;</p> <p>(c) is small in scale;</p> <p>(d) is designed and sited to minimise adverse impacts on the amenity of any sensitive land use in the immediate area;</p> <p>(e) does not result in a significant amount of daily vehicle trips to and from the site; and</p> <p>(f) is located at a site adjoining an appropriate road in the planning scheme road hierarchy in order to:</p> <p>(i) minimise disturbance to adjoining land use from dust and vehicle noise;</p> <p>(ii) minimise costly damage to the road surface; and</p> <p>(iii) minimise any adverse impacts to the safety, efficiency and effectiveness of the road network.</p>	<p>(a)</p> <p><b>AO23.2</b> The transport depot:</p> <p>(b) is situated a minimum distance of fifty (50) metres from a side or rear lot boundary;</p> <p>(c) is situated a minimum distance of fifty (50) metres from a road frontage lot boundary;</p> <p>(d) is situated a minimum distance of 150 metres from a sensitive land use located on an adjoining site; and</p> <p>(e) is within a garage.</p> <p><b>AO23.3</b> Any maintenance of vehicles:</p> <p>(a) is minor in nature;</p> <p>(b) does not involve major body work; and</p> <p>(c) does not involve major engine or mechanical repairs.</p> <p><b>AO23.4</b> The transport depot is located at a site which gains access from a road having the following characteristics:</p> <p>(a) the road is bitumen sealed; and</p> <p>(b) the road is not classified in the road hierarchy as an access street or an access place.</p>	<p><b>AO23.2 - Not applicable</b> The proposal is not for a Transport depot.</p> <p><b>AO23.3 - Not applicable</b> The proposal is not for a Transport depot.</p> <p><b>AO23.4 - Not applicable</b> The proposal is not for a Transport depot.</p>
<b>Where located within Agricultural Land Class A and Class B identified on an overlay</b>		
<p><b>PO24</b> Land that is identified as Agricultural Land Class A or Class B is developed only in the following circumstances:</p> <p>(a) it is for a land use from within the rural activities group, which does not limit or compromise the capacity of the land to be used for primary production; or</p> <p>(b) it is for a land use that is not within the rural activities group, which is not irreversible, and which does not limit or compromise the capacity of the land to be used for primary production; or</p> <p>(c) it is proven that the land should not actually be identified as Agricultural Land Class A or Class B; or</p> <p>(d) other than in the Capricorn Coast Rural Precinct, it does not result in the creation of a lot having an area less than sixty (60) hectares and a width</p>	<p>No acceptable outcome is nominated.</p>	<p><b>PO24 – Does not comply</b> The proposal does not comply with (c) as the it results in the creation of a lot having an area less than sixty (60) hectares.</p>

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Performance outcomes	Acceptable outcomes	Assessment Response
<p>less than 450 metres; or</p> <p>(e) it is for a land use that is not within the rural activities group and there is an overriding need in terms of public benefit for the development and that the development cannot be located on alternative sites that are suitable for the development; or</p> <p>(f) the land is identified as Key Resource Area; or</p> <p>(g) the development is small-scale, has low impacts and is focussed on tourism which is directly associated with a rural activity undertaken on the site or involves education, promotion, or sales associated with primary produce sourced from the site or local area; or</p> <p>(h) the potential undertaking of agriculture on the subject land (alone or in association with surrounding land) is not practicable.</p>		
<b>Where located adjacent to the township of Cawarral, Mount Chalmers, or The Caves</b>		
<p><b>PO25</b></p> <p>Reconfiguration of rural zoned lots located adjacent to the townships of Cawarral, Mount Chalmers or The Caves only occurs when all of the following circumstances exist:</p> <p>(a) the site is not located within the Capricorn Coast Rural Precinct or is not located within Agricultural Land Class A or Class B land;</p> <p>(b) the site is not included in, or within five (5) kilometres of land designated as <i>urban, new urban, or future urban</i> as shown on the Strategic Framework maps;</p> <p>(c) the new lots do not limit or compromise the continuing operation of an established use from within the rural activities group on an adjoining lot;</p> <p>(d) it can be demonstrated that there are fewer than ten (10) existing vacant lots, which have areas of between one (1) and three (3) hectares in extent, within a five (5) kilometre radius of the township zone;</p> <p>(e) the site is within ten (10) kilometres of a primary school or within one (1) kilometre of a school bus route;</p>	<p>No acceptable outcome is nominated.</p>	<p><b>PO25 - Not applicable</b></p> <p>The proposal is not located within the township of Cawarral, Mount Chalmers, or The Caves.</p>

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Performance outcomes	Acceptable outcomes	Assessment Response
<p>(f) the site is within ten (10) kilometres of an existing useable hall or other acceptable meeting place such as a shop or sporting facility;</p> <p>(g) each new lot created has regular proportions and is not smaller than two (2) hectares in area and eighty (80) metres in width;</p> <p>(h) lots that adjoin rural zoned land are provided with adequate additional internal areas to provide separation and buffers between any established or future use of adjoining lots for rural activities and any future sensitive land use on the new lot;</p> <p>(i) new lots do not take direct access from a State main road;</p> <p>(j) a minimum of twenty (20) new lots is proposed in one estate;</p> <p>(k) the land is capable of adequately providing for the on-site treatment and disposal of effluent and wastewater (where reticulated municipal sewerage is unavailable); and</p> <p>(l) the following infrastructure and services are provided:</p> <p>(i) a bitumen sealed road to rural standard or higher;</p> <p>(ii) municipal water supply; and</p> <p>(iii) electricity and telecommunications.</p>		
<b>Appearance</b>		
<p><b>PO26</b></p> <p>The development is designed in a manner that does not significantly adversely affect visual amenity when viewed from the street, public places, and the surrounding area.</p>	No acceptable outcome is nominated.	<p><b>PO26 - Not applicable</b></p> <p>The proposal is not located within the township of Cawarral, Mount Chalmers, or The Caves.</p>
<b>Stock routes</b>		
<p><b>PO27</b></p> <p>The development does not limit or compromise the use of identified stock routes for stock movement or other compatible uses.</p>	No acceptable outcome is nominated.	<p><b>PO27 - Not applicable</b></p> <p>The proposal is not located within the township of Cawarral, Mount Chalmers, or The Caves.</p>
<b>Infrastructure</b>		
<p><b>PO28</b></p> <p>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</p>	<p><b>AO28.1</b></p> <p>The development complies with the requirements of the Development Works Code.</p>	<p><b>AO28.1 - Not applicable</b></p> <p>The proposal is not located within the township of Cawarral, Mount Chalmers, or The Caves.</p>



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Performance outcomes	Acceptable outcomes	Assessment Response
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>Where located in the Yaamba Historic Township Precinct</b>		
<b>Lot size and shape</b>		
<b>PO29</b> Development does not involve the reconfiguration of a lot below the minimum size and shape requirements for lots specified in the reconfiguring a lot code.	No acceptable outcome is nominated.	<b>PO29 - Not applicable</b> Not located within the Yaamba Historic Township Precinct.
<b>Appearance</b>		
<b>PO30</b> The development is designed in a manner that does not significantly adversely affect visual amenity when viewed from the street, public places, and the surrounding area.	No acceptable outcome is nominated.	<b>PO30 - Not applicable</b> Not located within the Yaamba Historic Township Precinct.

#### **Bushfire hazard overlay code**

**Table 8.2.4.4.1 Outcomes for development that is accepted subject to developments and assessable development**

<b>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</b> Note: The following performance outcomes and acceptable outcomes apply only to the following categories of development: <ul style="list-style-type: none"> <li>Reconfiguring a lot in the Rural zone and in the Emerging Community zone;</li> </ul> Reconfiguring a lot in any other zone where more than 6 additional lots are created and a new road is created.		
<b>Bushfire planning</b>		
<b>PO11</b> The lot layout is designed as a consequence of, and in accordance with the recommendations of a bushfire hazard assessment and management plan.  Editor's note: A bushfire hazard assessment and management plan should precede the reconfiguring design and inform the lot layout, not vice versa.  Editor's note: The recommendations of a bushfire hazard assessment and management plan (if considered)	No acceptable outcome is nominated.	<b>PO11 - Does not comply</b> No bushfire hazard assessment and management plan was provided to support the application.

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suitable) may be attached to the conditions of any development approval (if given).		
<p><b>P012</b></p> <p>A bushfire hazard assessment and management plan demonstrates that all future buildings are able to be separated from the bushfire hazard by a distance which is the greater of the following:</p> <ul style="list-style-type: none"> <li>(a) a sufficient distance to achieve a bushfire attack level no greater than 29kW/m<sup>2</sup>; or</li> <li>(b) no less than 1.5 times the mature tree canopy height in the hazard hazardous vegetation; or</li> <li>(c) for forest or woodland vegetation, a sufficient area to create a building protection zone which achieves the following: <ul style="list-style-type: none"> <li>(i) the inner zone and outer zone of the building protection zone have slopes under thirty-three (33) per cent; and</li> <li>(ii) the inner zone has the following characteristics: <ul style="list-style-type: none"> <li>(A) 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</li> <li>(B) tree canopy cover in the zone is less than ten (10) per cent; and</li> <li>(C) tree canopy is located greater than two (2) metres from any part of the roofline of a building; and</li> </ul> </li> <li>(iii) the outer zone has the following characteristics: <ul style="list-style-type: none"> <li>(A) it has a minimum distance of ten (10) metres plus one (1) metre for every degree of downslope vegetation; and</li> <li>(B) tree canopy cover in the zone is less than thirty (30) per cent.</li> </ul> </li> </ul> </li> </ul> <p>Editor's note: The separation area between buildings and the bushfire hazard may include:</p>	<p>No acceptable outcome is nominated.</p>	<p><b>P012 - Does not comply</b></p> <p>No bushfire hazard assessment and management plan was provided to support the application.</p> <p><b>P012 Complies</b></p> <p>Clearing of minimal native vegetation would be required to achieve a bushfire attack level of 29 or less and achieve an inner and outer protection zone.</p>

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<ul style="list-style-type: none"> <li>a cleared road reserve of adequate width; or</li> <li>open space acceptable to Council as a reserve contributed as part of the open space requirements of a development; or</li> <li>maintainable land retained in private ownership in lots which are large enough to contain the required separation distance; or</li> <li>maintainable open space or fire trail in a Community Management Scheme owned and maintained by the body corporate.</li> </ul>		
<b>PO13</b> Lot design minimises the number of lots which have a direct interface with the bushfire hazard.	<b>AO13.1</b> No more than twenty (20) per cent of the total number of lots in the development interface directly with the fire hazard.	<b>AO13.1 - Does not comply</b> 100 hundred percent of the total number of proposed lots directly interface with the fire hazard.  <b>PO13 - Complies</b> Despite the non compliance proposed Lot 2 which is currently vacant is located in the southern portion of the site with direct access from Wards Lane, an all weather road and is the closest portion of the lot to Browns Lane a sealed road. The hazardous vegetation is located on the western side of Wards Lanes with the road providing a partial fire break and suitable evacuation is provided.
<b>Access</b>		
<b>PO14</b> The reconfiguring design ensures that the road network, future driveways and access routes: <ul style="list-style-type: none"> <li>(a) avoid potential for entrapment during a bushfire;</li> <li>(b) provide safe and efficient movement of residents, workers and visitors out of the subdivision and away from an approaching bushfire;</li> <li>(c) provides alternative access and egress considering the most likely bushfire scenarios;</li> <li>(d) ensures that the location, siting, and design of development and associated driveways and access routes enables safe and efficient access for emergency services vehicles during and after a bushfire.</li> </ul>	<b>AO14.1</b> Where creating lots having an area less than two (2) hectares: <ul style="list-style-type: none"> <li>(a) all lots are separated from hazardous vegetation by a constructed all-weather, public road;</li> <li>(b) the road layout provides for at least one alternative access route connecting all lots in the development to a public road that meets the requirements in Table 8.2.4.4.2 and which is connects to a collector road; and</li> <li>(c) cul-de-sacs are avoided except where:               <ul style="list-style-type: none"> <li>(i) a perimeter road with a cleared width of twenty (20) metres separates the lots at the head of the cul-de-sac from hazardous vegetation; and</li> <li>(ii) the cul-de-sac is no longer than seventy (70) metres</li> </ul> </li> </ul>	<b>AO14.1 - Not applicable</b> Both lots exceeds two (2) hectares.

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<p>Editor's note: A bushfire hazard assessment and management plan can assist in demonstrating compliance with this performance outcome.</p>	<p>from the intersection with another road to the furthest future building.</p> <p>Editor's note: Where staged development occurs or development is in accordance with an approved master plan, a temporary perimeter road may be considered, subject to availability of reticulated water supply.</p>	
	<p><b>AO14.2</b></p> <p>Where creating lots having an area greater than two (2) hectares:</p> <p>(a) all lots have a driveway or private road access which connects directly to a constructed all-weather public road;</p> <p>(b) dead-end roads are a maximum length of 200 metres and an alternative emergency evacuation route is provided away from the most likely source of bushfire risk.</p>	<p><b>AO14.2 - Complies</b></p> <p>Proposed lot 1 contains an established residential use with a suitable private access and internal driveway gaining access from wards Lane, an all-weather public road.</p> <p>Proposed lot 2 can achieve suitable vehicle access and an internal driveway for future development and will also gain access via Wards Lane.</p>
	<p><b>AO14.3</b></p> <p>For all lots, private roads and access driveways comply with the requirements specified in Table 8.2.4.4.2.</p>	<p><b>AO14.3 - Conditioned to comply</b></p> <p>The requirements of Table 8.2.4.4.2 can be conditioned.</p>
	<p><b>AO14.4</b></p> <p>Where the lots:</p> <p>(a) are required to be supplied with reticulated municipal water supply, private roads and access driveways have a maximum length of seventy (70) metres from an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of fifteen (15) tonnes; or</p> <p>(b) are not required to be supplied with reticulated municipal water supply, private roads and access driveways have a maximum length of 200 metres from an all-weather public road designed with culverts and bridges constructed with a minimum load bearing of eight (8) tonnes.</p>	<p><b>AO14.4 - Conditioned to comply</b></p> <p>Given the maximum width of the lot is 232 metres it is likely a vehicle access will not access 200 metres from an all-weather public road. The maximum driveway can be conditioned.</p>
<b>Water for fire fighting purposes</b>		
<p><b>PO15</b></p> <p>Development involving new premises provides adequate infrastructure to support firefighting.</p>	<p><b>AO15.1</b></p> <p>Where the development is connected to a reticulated water supply, lots are provided with water supply and pressure in accordance with Australian Standard AS2419 Fire Hydrant Installations.</p>	<p><b>AO15.1 - Not applicable</b></p> <p>The sites are located within the Rural zone and therefore are not connected to reticulated water.</p>

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#### Scenic amenity overlay code

##### **Table 8.2.10.4.1 Outcomes for development that is accepted subject to developments and assessable development**

Proposed Lot 1 is mapped with scenic amenity and is characterised by an existing dwelling house and ancillary buildings. Any future development on Lot 1 will be subject to assessment against the scenic amenity overlay and will trigger an application is required.

The site is not located within a residential category zone.

Proposed Lot 2 is not mapped.

#### Development works code

##### **Table 9.3.2.4.1 Outcomes for development that is accepted subject to developments and assessable development**

Performance outcomes	Acceptable outcomes	Assessment Response
Access and parking		
PO1 and PO2 – Not applicable		
The proposal is for reconfiguring a lot. Any future non-compliant vehicle access will require a development permit for Operational works for access.		
Advertising devices		
PO3, PO4 and PO5 – Not applicable		
The proposal is for reconfiguring a lot.		
Clearing of native vegetation		
PO6	AO6.1	AO6.1 - Complies

Clearing does not result in any significant adverse impacts on the following:	With the exception of clearing for a purpose identified in AO6.3, clearing does not result in damage, removal or destruction of native vegetation located in proximity to a biodiversity corridor identified on a biodiversity overlay map in accordance with the following:	The nearest biodiversity corridor (local or regional) is located approximately 388 metres from proposed Lot 2.
(a) values associated with large tracts of native vegetation which serve as habitat or viable biodiversity corridors; or	(a) clearing native vegetation is not undertaken within 250 metres of a regional biodiversity corridor; or	
(b) the regeneration of biodiversity corridors; or	(b) clearing native vegetation is not undertaken within twenty-five (25) metres of a local biodiversity corridor.	
(c) wetlands, waterways and native riparian vegetation; or		
(d) the quality of land and water resources (including underground water).		

PO6	AO6.2	AO6.2 - Complies

With the exception of clearing for a purpose identified in AO6.3, clearing does not result in damage, removal or destruction of any native vegetation located in proximity to a waterway or wetland identified on a biodiversity overlay map, if it is within the buffer distances in the following table:	There are no waterways within fifty (50) metres of proposed Lot 2.

Location	Buffer distance
Top of the bank of a waterway classified as	10 metres

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Performance outcomes	Acceptable outcomes	Assessment Response
	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>AO6.3</b> If the development involves clearing of native vegetation, the clearing does not result in damage, removal or destruction of the native vegetation, unless the clearing satisfies the following circumstances: (a) the clearing involves lawful forestry; or (b) the clearing involves plants or plant material that had been planted for a 'cropping' use; or (c) the clearing is for landscape gardening purposes; or (d) the clearing is within a building location envelope or it is outside an environmental covenant area, which forms part of a prior approved development permit for material change of premises or a development permit for a reconfiguration of a lot.	<b>AO6.3 - Does not comply</b> Minimal clearing of native vegetation will occur on the site and are not for a purpose identified in AO6.3.  <b>PO6 – Complies</b> The existing vegetation within proposed Lot 2 is small relatively sparse patch. The vegetation doesn't adjoin a large tract of vegetation which serves as habitat. a viable biodiversity corridor or a wetland or waterway.
<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 the erosion and sediment control measures are in accordance with best practice.	<b>AO7.1 – Conditioned to comply</b> AO7.1 can be conditioned to comply.
<b>Earthwork and retaining walls</b>		

Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

Performance outcomes	Acceptable outcomes	Assessment Response
<b>PO8, PO9 and PO10 – Not applicable</b> There are no earthworks or retaining walls proposed.		
<b>Energy supply</b>		
<b>PO11</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>AO11.1</b> The development is provided with an energy supply in accordance with the requirements of Table 9.3.2.4.6.	<b>AO11.1 – Conditioned to comply</b> On-site energy supply can be conditioned.
	<b>AO11.2</b> If the development requires the provision of reticulated grid electricity supply in accordance with Table 9.3.2.4.6 or if the development is to be provided with a reticulated grid electricity supply, the reticulated grid electricity supply infrastructure is provided in accordance with the requirements of the relevant energy supply authority.	<b>AO11.2 - Not applicable</b> The site is not required to connect to reticulated energy.
	<b>AO11.3</b> If the development requires an on-site energy supply in accordance with Table 9.3.2.4.6 (and the development is not to be provided with a reticulated energy supply in accordance with AO11.2 above), the on-site energy supply is installed in accordance with all laws and regulations and current best practice.	<b>AO11.3 - Conditioned to comply</b> The energy supply can be conditioned to comply with AO11.3
<b>Sewage and waste water treatment and disposal</b>		
<b>PO12</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>AO12.1</b> The development is provided with sewage and waste water treatment and disposal infrastructure in accordance with the requirements of Table 9.3.2.4.5.	<b>AO12.1 – Not applicable</b> On-site sewer can be achieved on site however the application is for Reconfiguring a Lot and any future Material Change of use application will consider on-site sewer.
	<b>AO12.2</b> If the development requires the provision of reticulated sewerage in accordance with Table 9.3.2.4.5 or if the development is to be provided with reticulated sewerage, the reticulated sewerage is provided in accordance with the current version of the Capricorn Municipal Development Guidelines.	<b>AO12.2 - Not applicable</b> The site will not be connected to reticulated sewer.
	<b>AO12.3</b> If the development requires on-site sewerage infrastructure in accordance with Table 9.3.2.4.5 (and the development is not to be provided with reticulated sewerage in accordance with AO12.2 above),	<b>AO12.3 – Not applicable</b> On-site sewer can be achieved on site however the application is for Reconfiguring a Lot and any future Material Change of use applications will consider on-site sewer.

Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

Performance outcomes	Acceptable outcomes	Assessment Response
	the on-site sewerage infrastructure is provided in accordance with the current version of the Queensland Plumbing and Wastewater Code.	
<b>Roof and allotment drainage</b>		
<b>PO13</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>AO13.1</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>AO13.1 - Complies</b> Given the size of each proposed lot lawful drainage can be achieved onsite.
<b>Telecommunications</b>		
<b>PO14</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>AO14.1</b> The development is provided with telecommunications infrastructure or equipment in accordance with the requirements of Table 9.3.2.4.6.	<b>AO14.1 – Conditioned to comply</b> On-site telecommunications will be conditioned.
	<b>AO14.2</b> If the development requires the provision of reticulated telecommunications infrastructure in accordance with Table 9.3.2.4.6 or if the development is to be provided with a reticulated telecommunications infrastructure, the reticulated telecommunications infrastructure is provided in accordance with the requirements of the relevant telecommunications supply authority.	<b>AO14.2 - Not applicable</b> The site will not be connected to reticulated telecommunications.
	<b>AO14.3</b> If the development requires on-site telecommunications equipment in accordance with Table 9.3.2.4.6, the telecommunications equipment is sufficient to enable contact in normal circumstances with the each of the following nearest emergency services: (a) ambulance station; (b) police station; (c) fire brigade; and (d) state emergency service facility.	<b>AO14.3 - Conditioned to comply</b> On-site telecommunications will be conditioned in accordance with AO14.3.
<b>Water supply</b>		
<b>PO15</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 for the development based on its location; (b) where practicable, is integrated	<b>AO15.1</b> The development is provided with a water supply in accordance with the requirements of Table 9.3.2.4.5.	<b>AO15.1 – Not applicable</b> On-site water can be achieved however the application is for Reconfiguring a Lot and any future Material Change of use applications will consider water.
	<b>AO15.2</b> If the development requires the provision of reticulated municipal water supply in accordance	<b>AO15.2 - Not applicable</b> The site will not be connected to reticulated water.



Code assessment - D-355-2023 - Development Permit for a Reconfiguring a Lot for a (one lot into two lots) - 70 Wards Lane, Farnborough

Performance outcomes	Acceptable outcomes	Assessment Response
<p>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>with <a href="#">Table 9.3.2.4.5</a> or if the development is to be provided with a reticulated municipal water supply, the reticulated municipal water supply is provided in accordance with the current version of the <i>Capricorn Municipal Development Guidelines</i>.</p>	
	<p><b>AO15.3</b></p> <p>If the development requires an on-site water supply in accordance with <a href="#">Table 9.3.2.4.5</a> (and the development is not to be provided with a reticulated municipal water supply in accordance with AO15.2 above), the development is provided with an on-site water tank or multiple tanks for domestic water supply purposes, which have a minimum combined capacity of 50,000 litres.</p>	<p><b>AO15.3 – Not applicable</b></p> <p>On-site water can be achieved however the application is for Reconfiguring a Lot and any future Material Change of use applications will consider water.</p>

# **11.1 - D-355-2023 – DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (ONE LOT INTO TWO LOTS) AT 70 WARDS LANE, FARNBOROUGH**

## **Statement of Reasons**

**Meeting Date: 16 April 2024**

**Attachment No: 4**



## Attachment 2 - Statement of reasons

*Planning Act 2016, section 63 (5)*

The development application for a **Development Permit Reconfiguring a Lot (one lot into two lots)** is refused as per this Decision Notice (refusal) D-355-2023.

### 1. REASONS OF THE DECISION

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

1. The proposed development is inconsistent and incompatible with the existing and intended character of the Rural zone as it would result in lots significantly below the minimum lot size and therefore does not comply with the *Livingstone Planning Scheme 2018* (Version 3), specifically:
  - (a) Strategic outcomes (10) and (19) of the Settlement pattern theme of the Strategic Framework (section 3.3.).
  - (b) Specific outcomes (6) and (8) of Rural places under the Settlement pattern theme of the Strategic Framework (section 3.3.5.).
  - (c) Overall outcome (6) and (7) (b) of the Rural Zone Code.
2. The proposed development would result in lots significantly below the minimum lot size, which could not fulfil the intended role and function of land in Rural zone and therefore does not comply with the *Livingstone Planning Scheme 2018* (Version 3), specifically:
  - (a) Strategic outcomes (19) and (20) of the Settlement pattern theme of the Strategic Framework (section 3.3.).
  - (b) Specific outcomes (6) and (8) of Rural places under the Settlement pattern theme of the Strategic Framework (section 3.3.5.).
  - (c) Overall outcomes (6) and (7) (b) of the Rural Zone Code
3. The proposed development seeks to provide for population growth in a Rural place (outside Urban and Urban infill places) and therefore does not comply with the *Livingstone Planning Scheme 2018* (Version 3), specifically:
  - (a) Strategic outcome (5) of the Settlement pattern theme of the Strategic Framework (section 3.3.).
4. On balance, the application should be refused because the development does not comply with the relevant assessment benchmarks and no relevant matters exists that would outweigh the conflicts.

The evidence or other material on which the findings were based are:

- The common material for the development application;
- The assessment benchmarks identified in section 2 of this notice;
- The matters prescribed by regulation identified in section 6 of this notice.

## 2. ASSESSMENT BENCHMARKS

The following are the benchmarks applying for this development:

Benchmarks applying for the development	Benchmark reference
Local Government Infrastructure Plan	<i>Livingstone Planning Scheme 2018</i> Version 3, in effect 15 February 2021
Strategic Framework – Settlement pattern theme: Rural places	
Reconfiguring a lot code	
Rural zone code	
Bushfire hazard overlay code	
Scenic amenity overlay code	
Development works code	
Part E: State interest policies and assessment benchmarks (Planning for safety and resilience to hazards)	<i>State Planning Policy, July 2017</i>

## 3. COMPLIANCE WITH BENCHMARKS

The development complies with the benchmark as per the summary set out in the findings on material questions of fact in section 1 of this notice.

## 4. RELEVANT MATTERS

No relevant matters exist that outweigh the conflicts with the Planning Scheme.

## 5. MATTERS RAISED IN SUBMISSIONS

Matters raised in submission	Description of how matters were dealt with in reaching the decision
Conflicts with the <i>Livingstone Planning Scheme 2018</i> are minor and justifiable.	Although suitable justification for some aspects of the proposal can be provided the minimum lot size is not considered a minor non-compliance and cannot be justified against the Strategic Framework – Settlement pattern theme: Rural places, Reconfiguring a Lot code and Rural zone code.
The proposal is in line with surrounding lot sizes and land uses and does not threaten the Rural nature of the area.	Mixed lot sizes are scattered throughout the Farnborough locality however the proposal does not reflect the existing and intended lot sizes within the Rural zone under the current planning scheme.
Does not impact the surrounding community.	Additional lots within the rural zone impact road networks and their ability to function as intended. Increased traffic movements may alter the frequency of maintenance required for those roads. Council's may not have the capacity to meet maintained the current maintenance expectations.  Further, where surrounding lots are or intend to undertake rural activities the increase in lots multiply the potential for land use conflicts within the area and may compromise the ability to use the land for its intended purpose.

## 6. MATTERS PRESCRIBED BY REGULATION

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

- (i) The State Planning Policy – Part E;
- (ii) The Central Queensland Regional Plan;
- (iii) The Strategic Framework – Settlement pattern theme: Rural places in the *Livingstone Planning Scheme 2018*;
- (iv) The Reconfiguring a Lot Code, Development Works Code, Bushfire Hazard Overlay Code, Scenic amenity overlay code, Rural zone code in the *Livingstone Planning Scheme 2018*;
- (v) The land, the subject of the application has an existing dwelling house and ancillary buildings at the premises;
- (vi) The surrounding rural land, lot sizes and rural uses in terms of commensurate and consistent development; and
- (vii) The common material, being the material submitted with the application.

**11.2 INFRASTRUCTURE CHARGES RESOLUTION (NO 6) 2024**

<b>File No:</b>	<b>x</b>
<b>Attachments:</b>	<ol style="list-style-type: none"> <li><b>Proposed AICR (No.6) 2024 - With track changes</b><a href="#">↓</a></li> <li><b>Proposed AICR (No.6) 2024 - Without track changes</b><a href="#">↓</a></li> </ol>
<b>Responsible Officer:</b>	<b>Chris Ireland - General Manager Communities Michael Kriedemann - General Manager Infrastructure</b>
<b>Author:</b>	<b>Greg Abbotts - Manager Development and Environment Brendan Standen - Acting Coordinator Development Assessment Jessica Callow - Planning and Infrastructure Officer</b>

**SUMMARY**

*This report outlines amendments to the current Adopted Infrastructure Charges Resolution (No.5) 2022 (**AICR (No.5) 2022**). The report proposes a new charges resolution 'Adopted Infrastructure Charges Resolution (No. 6) 2024' (**AICR (No.6) 2024**).*

*Broadly, a Charges Resolution is a mechanism that allows local governments to collect infrastructure charges from new development to assist in the delivery of trunk infrastructure.*

*The purpose of the proposed AICR (No.6) 2024 is to ensure Council can appropriately levy charges based on the increased demand new development places on the trunk infrastructure network. The proposed changes between the 2022 and 2024 AICR documents are generally limited to:*

- (1) The timing of when the Charges Resolution has effect;*
- (2) The clarification of what charges apply to Charge Area 3 (outside the Priority Infrastructure Area) for certain types of development; and*
- (3) The criterion that applies to a conversion application (to convert non-trunk infrastructure to trunk infrastructure).*

*The process for an amendment of a Charge Resolution sits within the Planning Act 2016 (**the Planning Act**). Making a new resolution is not an amendment to the planning scheme and does not involve the amendments to be subject to submissions; however, Council is required to provide a summary of the amendments in relevant public notices and on Council's website.*

**OFFICER'S RECOMMENDATION**

THAT Council adopt *Infrastructure Charges Resolution (No.6) 2024*, to commence on 18 April 2024

**BACKGROUND**

Council has previously resolved and adopted the following Charges Resolutions to date:

**TABLE 1 – EVOLUTION OF CHARGES RESOLUTIONS**

<b>Commencement Date</b>	<b>Instrument which Levies Infrastructure Charges</b>
18 July 2014	<i>Adopted Infrastructure Charges Resolution (No.1) 2014</i>
30 June 2015	<i>Adopted Infrastructure Charges Resolution (No.2) 2015</i>
29 January 2018	<i>Adopted Infrastructure Charges Resolution (No.3) 2018</i>
11 November 2019	<i>Adopted Infrastructure Charges Resolution (No.4) 2019</i>
1 January 2023	<i>Adopted Infrastructure Charges Resolution (No. 5) 2022</i>

A Charges Resolution is an important mechanism that allows local governments to levy infrastructure charges on new development to assist in the delivery of future trunk infrastructure. Trunk infrastructure networks include:

1. Transport;
2. Parks and Community Facilities;
3. Stormwater;
4. Water Supply; and
5. Sewerage.

Infrastructure charges are calculated in accordance with the methodology outlined in the Charges Resolution. Generally, the charge amount is informed by the *type, scale, and location* of development.

Infrastructure charges can be levied on all development in a local government area where it results in increased demand on the trunk network, irrespective of whether it is inside or outside the Priority Infrastructure Area (**PIA**). Typically, charges outside the PIA are a reduced charge amount if they, for example, are not connected to the water supply or sewerage networks.

A Charges Resolution also sets out 'conversion criteria'. That is, criteria that must be met if a developer seeks to convert what Council believes is non-trunk infrastructure, required as part of an approved development, to trunk infrastructure. In short, it seeks to ensure Council is not financially contributing to infrastructure that only serves a single development rather than the wider catchment.

## COMMENTARY

The proposed notable changes to the AICR (No. 5) 2022 and the reason for the changes is outlined herein. Minor changes separate to the below have also been included but are administrative in nature. A track changed version of AICR (No. 5) 2022 is included as attachment 1.

Notable changes are:

- **Section 1.2 – to be amended to remove reference to the charges resolution applying to ‘...development applications submitted on or after this date’.**

The reason for the change is to ensure Council can levy infrastructure charges on development applications based on the Charges Resolution in effect when they are *decided* rather than when they are *lodged*. This change is consistent with the approach adopted by many other Councils. This change is also in line with the *Planning Act 2016*.

When a Charges Resolution has effect can have significant implications on the ultimate levied charge and ability for Council to subsequently fund trunk infrastructure. The prolonged assessment of a development application may mean the charges in a Charges Resolution in effect when it was lodged no longer reflect a reasonable amount Council can levy under the Planning Regulation to fund trunk infrastructure.

For example, if a development application for a subdivision was lodged in December 2022 and decided in December 2023, AICR (No.4) 2019 would apply when a decision is made, rather than AICR (No. 5) 2022. The difference in charge per additional lot between the two AICRs is approximately \$25,000 compared to \$31,080 respectively, with the higher figure more closely reflecting the cost to Council to provide trunk infrastructure due to the increased demand of that development on the trunk network.

- **Section 3.4.2 – to be amended to include Table 5 (Minimum infrastructure charge for development – Material Change of Use and Building Work partly outside or entirely outside the Priority Infrastructure Area)**

The reason for the change is that recent legal advice obtained by Council concluded the current structure and wording of the Charges Resolution may limit Council's ability to levy

and collect infrastructure charges for certain types of development (Material Change of Use and Building Work) in Charge Area 3. Charge Area 3 includes those areas outside Council's PIA.

- **Section 7.2 – Removal of the following advice:**

*(Note - Livingstone Shire Council is developing a template application form to assist applicants with the submission of a conversion application. For further advice, in this regard please contact the Council via the Duty Planner service through our customer service team.)*

And insertion of the following advice:

*(Note – The Application for Conversion is located on the Livingstone Shire Council website along with the requisite fees listed in the Fees and charges schedule.*

At the December 2023 briefing session it was advised a template had been developed. The fees and charges for this were adopted at the December 19, 2023, Ordinary Council meeting.

- **Section 7.4 – to be amended to align (with the *Planning Act 2016*) and strengthen the conversion criteria.**

The proposed conversion criteria include:

- (a) Capacity to service other development in accordance with desired standards of service.*
- (b) Infrastructure consistent with LGIP*
- (c) Not consistent with non-trunk infrastructure*
- (d) Cost-effectiveness*
- (e) Not for development incentives*
- (f) Not proposed as non-trunk infrastructure*
- (g) Not to upgrade to service development inconsistent with LGIP assumptions*
- (h) Services development consistent with LGIP assumptions*

The reason for the updated conversion criteria is to ensure that the criteria is clear and concise, not open to interpretation and limit the risk that infrastructure Council deems to be non-trunk cannot be converted to trunk once a development approval is given.

## **PREVIOUS DECISIONS**

Council's previous decisions relating to charges resolutions is contained in **Table 1** of this report.

## **ACCESS AND INCLUSION**

Not applicable.

## **ENGAGEMENT AND CONSULTATION**

Council is not required under the *Planning Act 2016* to undertake engagement or consultation on changes to a charges resolution.

## **HUMAN RIGHTS IMPLICATIONS**

There are no human rights implications associated with the recommendation of this report.

## **BUDGET IMPLICATIONS**

The proposed changes do not increase any of the charge rates prescribed under AIC (No. 5) 2022. However, potential additional revenue may be raised because of the changes as follows:

- The proposed change to section 1.2 means the AICR applies when a decision is made, rather than when an application is lodged; and



- Development applications lodged prior to 1 January 2023, when AICR (No. 4) was in effect, which have not yet been decided would be subject to a higher charge amount.

The above would be limited to development applications lodged prior to 1 January 2023 that have not yet been decided. To the extent a developer seeks a reduction in any infrastructure charge amount, this would be dealt with on a case-by-case basis and subject to a Council resolution.

Infrastructure Charges, and the application of them, are regulated by the *Planning Act 2016* and its subordinate legislation.

### LEGAL IMPLICATIONS

Not applicable.

### STAFFING IMPLICATIONS

All tasks will be carried out by existing staff and are within operational budgets.

### RISK ASSESSMENT

The following risks have been identified.

**TABLE 2 – RISK ASSESSMENT**

Action	Risks	Potential Consequences
Not raising Infrastructure Charges.	Additional burden on future budgets and Council's ability to deliver infrastructure projects.	<ul style="list-style-type: none"> <li>• Increase in loan borrowings to fund trunk infrastructure projects.</li> <li>• Increase in levied rates to fund necessary trunk infrastructure.</li> </ul>
	Rate increases to fund trunk infrastructure delivery.	Rate payer dissatisfaction.
	Delivery of trunk infrastructure projects delayed.	Development is stymied or delayed.
	Inadequate funds to deliver other projects.	<ul style="list-style-type: none"> <li>• Increase in risks associated with aging assets.</li> <li>• Community dissatisfaction with delays in project delivery.</li> </ul>
Increased Infrastructure Charges (through changes to section 1.2)	Reduced profit margins for developers.	<ul style="list-style-type: none"> <li>• Developer dissatisfaction.</li> <li>• Delayed development.</li> <li>• Stymied development.</li> </ul>
	Developers passing on increase to land purchasers.	<ul style="list-style-type: none"> <li>• Increased cost to prospective buyers.</li> </ul>

### CORPORATE PLAN REFERENCE

#### ***Future Livingstone***

*Community Plan Goal 5.1 - Balanced environmental and development outcomes*

*5.1.1 Maintain a clear and comprehensive planning vision for the region.*

The imbalance between trunk infrastructure revenue and the cost of delivering new trunk infrastructure, can be better balanced by increasing the charges to the maximum, allowed under the *Planning Act 2016*. The community desires Council to deliver infrastructure that is fit for purpose and for development to contribute to a sustainable economy.

**CONCLUSION**

The *Planning Act 2016* provides Council with the power to recover costs associated with the delivery of trunk infrastructure. The proposed changes to the charges resolution limits the financial risk to Council and ensure the resolution more closely aligns with the *Planning Act 2016* and other local governments in Central Queensland.

## **11.2 - INFRASTRUCTURE CHARGES RESOLUTION (NO 6) 2024**

### **Proposed AICR (No.6) 2024 - With track changes**

**Meeting Date: 16 April 2024**

**Attachment No: 1**

Livingstone Shire Council  
Adopted Infrastructure Charges Resolution (No. ~~65~~)



## Adopted Infrastructure Charges Resolution (No. ~~65~~) 202~~4~~<sup>2</sup>

Commencement date ~~1-18 April~~ January, 202~~4~~<sup>3</sup>

Resolved by Council ~~15-16 April~~ November, 202~~4~~<sup>2</sup> Resolution.

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Livingstone Shire Council  
Adopted Infrastructure Charges Resolution (No. 65)

## Part 1 Introduction

### 1.1 Planning Act 2016.

- (a) This adopted infrastructure charges resolution is made pursuant to section 113 of the *Planning Act 2016*.
- (b) This adopted infrastructure charges resolution is to be read in conjunction with the following:
  - i. the State Planning Regulatory Provision (adopted charges), July 2012; and
  - ii. the applicable local planning instrument for the local government area;
  - iii. the applicable statutory guidelines
- (c) This adopted infrastructure charges resolution is attached to but does not form part of the applicable local planning instrument for the local government area.

### 1.2 When Resolution has Effect

This adopted infrastructure charges resolution has effect on and from ~~18<sup>th</sup> January-April 2024~~ and applies to development applications submitted on or after this date.

### 1.3 Purpose of the Resolution

The purpose of this adopted infrastructure charges resolution is to establish an infrastructure charge in the Livingstone Shire Council local government area for the following trunk infrastructure networks:

- (a) water supply;
- (b) sewerage;
- (c) transport;
- (d) stormwater; and
- (e) public parks and land for community facilities.

### 1.4 Interpretation

- (a) **applicable local planning instrument** means the local government planning scheme in effect for the Livingstone Shire Council at the time.
- (b) **bedroom** means an area of a building or structure which:
  - i. is used, designed, or intended for use for sleeping but excludes a lounge room, dining room, living room, kitchen, water closet, bathroom, laundry, garage, or plant room; or
  - ii. can be used for sleeping such as a den, study, loft, media or home entertainment room, library, family or rumpus room or other similar space.
- (c) **Producer price index** means the Producer Price Index available from the Australian Bureau of Statistics.

*Livingstone Shire Council*  
*Adopted Infrastructure Charges Resolution (No. 65)*

- (d) **Conversion application** means the applicant may apply (a conversion application) to convert non-trunk infrastructure to trunk infrastructure.

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Livingstone Shire Council  
Adopted Infrastructure Charges Resolution (No. 65)

- (e) **Court Area** means the area of the premises where the leisure, sport or recreation activity is conducted (including buffer or safety clearance area as required by the activity rules) and excludes the area of the premises not used for conducting the leisure, sport or recreation activity, such as areas for spectators, office or administration, amenities or food and beverages.
- (f) **dwelling unit** means any part of a building used for residential accommodation of one household which is self-contained.
- (g) **establishment cost** for a provision about trunk infrastructure means the following:
- i. for existing infrastructure – the value of the infrastructure is the current replacement cost as reflected in the relevant local government's asset register, and the current value of the land acquired for the infrastructure.
  - ii. for proposed infrastructure – all costs of land acquisition, financing and design and construction, for the infrastructure.
- (h) **gross floor area (GFA)** means the total floor area of all storeys of the building, including any mezzanines, (measured from the outside of the external walls and the centre of any common walls of the building), other than areas used for:
- i. building services; or
  - ii. a ground floor public lobby; or
  - iii. a public mall in a shopping complex; or
  - iv. parking, loading, or manoeuvring of vehicles; or
  - v. balconies, whether roofed or not.
- (i) **impervious area** means an area within a site which does not allow natural infiltration of rain to the underlying soil and the majority of rainfall would become runoff e.g. roadways, car parks, footpaths, roofs, hardstand areas (sealed), compacted areas etcetera.
- (j) **local government** means the Livingstone Shire Council.
- (k) **local government area** means the Livingstone Shire Council local government area.
- (l) **maximum adopted charge** means the charge limit set out in the maximum charging framework established in Section 112 of *Planning Act 2016*.
- (m) **most cost-effective option** means, for non-trunk infrastructure to trunk infrastructure conversion, the lowest life cycle cost of the infrastructure required to meet service future development in the area at the desired standard of service.
- (n) **prescribed form** means a form prescribed by the local government.
- (o) **Planning Regulation 2017** means the *Planning Regulation 2017*, amended and current as at 23 September 2022.
- (p) **Planning Act 2016** means the *Planning Act 2016*. Any reference to this Act or sections of this Act means the Act or section of the Act that was current at the time of this resolution.

## Part 2 Application of the Resolution

### 2.1 Local Government Area

This infrastructure charges resolution applies to development in the *local government* area of Livingstone Shire, other than for the following:

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- (a) any work or use of land for which a charge cannot be levied under the *Planning Act 2016*, including work or use of land authorised under the *Mineral Resources Act 1989*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004*, or the *Greenhouse Gas Storage Act 2009*; or
- (b) development in a priority development area under the *Economic Development Act 2012*.

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## 2.2 Particular Development

This infrastructure charges resolution adopts different charges for particular development located in different parts of the local government area.

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## 2.3 Trunk Infrastructure Networks

- (a) The Local Government Infrastructure Plan (LGIP) identifies trunk infrastructure networks for the local government area of Livingstone Shire and the establishment cost of the identified trunk infrastructure. These details can be found in Part 4 of the Livingstone Planning Scheme 2018. Part 4 of the Livingstone Planning Scheme 2018 commenced on 25 June 2018.
- (b) *Trunk infrastructure* is determined by the Livingstone Shire Council with consideration given to relevant planning legislation. Any amendment made to the relevant legislation and any accompanying statutory guidelines, post the adoption of this charges resolution, will be reflected accordingly via an amendment to this resolution where required.
- (c) Additional details regarding trunk infrastructure is outlined in:
  - i. Part Eight – 'Desired Standards of Service (DSS)';
  - ii. Part Nine – 'Priority Infrastructure Area (PIA)', and
  - iii. Part Ten - 'Plans for Trunk Infrastructure (PFTI)'.
- (d) The infrastructure charge partly funds the establishment cost of the identified trunk infrastructure networks.

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## 2.4 Priority Infrastructure Area

- (a) A priority infrastructure area (PIA) for the Livingstone Shire local government area is identified on the maps listed in Schedule 3 of the Livingstone Planning Scheme 2018. These have been condensed into three maps within this charges resolution (refer to Table 1).
- (b) The identified priority infrastructure area includes land intended to accommodate between ten and fifteen years of anticipated growth for urban purposes (residential, retail, commercial, industrial, and any related community and government purposes).

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## 2.5 Charge Areas

- (a) There are three different charge areas that form part of this resolution, namely Charge Area 1, Charge Area 2, and Charge Area 3.

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- (b) Charge Area 1 and Charge Area 2 are located within the Priority Infrastructure Area. This is shown on the overview maps and on the map of the localities having land within the priority infrastructure area from the list in Tables 1.

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- (c) Charge Area 3 applies to areas located outside of the Priority Infrastructure Area – generally this is the balance of the Livingstone Shire Council *local government* area, excluding Charge Area 1 and Charge Area 2.

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**Table 1 – Maps showing the priority infrastructure area and charge areas for the Livingstone Shire Council local government area**

Map Description	Map Series Number
<a href="#">Capricorn Coast Priority Infrastructure Area</a>	A
<a href="#">Yeppoon and surrounds Priority Infrastructure Area</a>	B
<a href="#">Emu Park and surrounds Priority Infrastructure Area</a>	C

(Note – Schedule 3 of the Livingstone Planning Scheme 2018 also includes a set of three maps showing the Priority Infrastructure Area. However, maps in Schedule 3 of the Livingstone Planning Scheme 2018 do not show charge areas. Schedule 3 contains Plans for Trunk Infrastructure per locality.)

### Part 3 Adopted Infrastructure charges

#### 3.1 Purpose

This section states how infrastructure charges levied by the *local government* are to be applied and administered.

#### 3.2 Development subject to infrastructure charges under this resolution

- (a) Infrastructure charges are levied by the *Livingstone Shire Council* on the following development:
  - i. reconfiguring a lot; and
  - ii. a material change of use of premises; and
  - iii. carrying out building works.
- (b) If a development is subject to more than one use, the *local government* may levy an infrastructure charge for the development based on the use resulting in the highest potential demand on trunk infrastructure.
- (c) For an existing lawful use to which a development application is seeking to expand the gross floor area of the facility, the infrastructure charge is only to be applied on the part of the development which is subject to intensification or extension.

##### 3.2.1 Development located within the Priority Infrastructure Area

- (a) Where development is located within the priority infrastructure area:
  - i. A total infrastructure charge will be calculated on approved development.
  - ii. The total infrastructure charge will be calculated in accordance with the formula stated in section 3.3 at the time the decision is made and will be recalculated at the time of payment.
  - iii. Table 2 is to be used when calculating the total infrastructure [change-charge](#) for Reconfiguring a Lot.
  - iv. Table 3 is to be used when calculating the total infrastructure [change-charge](#) for a material change of use or carrying out buildings works.

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### 3.2.2 Additional Infrastructure Charge - Development located partly outside or entirely outside the priority infrastructure area

- (a) Where development is located partly outside or entirely outside the identified priority infrastructure area:
- i. The Council may at its discretion impose a condition requiring the payment of additional trunk infrastructure costs in accordance with the *Planning Act 2016*, Chapter 4 Section 133 or the equivalent part in the *Sustainable Planning Act*.
  - ii. Where Council chooses to impose a condition requiring the payment of additional infrastructure costs, Council shall undertake an infrastructure cost assessment to determine the infrastructure charge to be imposed on the development.
  - iii. The infrastructure cost assessment shall consider the following:
    - the scale and intensity, use type(s), nature, timing and location of the development;
    - the trunk infrastructure networks, and desired standard of service required for the development under the planning scheme and this infrastructure resolution;
    - the demand imposed by the development on trunk infrastructure networks.
  - iv. Where Council chooses not to apply (a)(i) above, Council shall apply an infrastructure charge in accordance with section 3.4.2 of this resolution.
  - v. The total minimum charge calculated is a combination of the trunk infrastructure networks accessed. The adopted charge will be calculated on the approved development in accordance with section 3.3 at the time the decision is made, and will be recalculated at the time of payment.

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### 3.3 Calculation of total infrastructure charge

Livingstone Shire Council levies infrastructure charges using the following calculations:

$$TIC = [(IC \times U) - (C)] \times I$$

Where:

*TIC* is the *total infrastructure charge* that may be levied by the Livingstone Shire Council.

*IC* is the *infrastructure charge* as identified in tables 3 to 5 inclusive.

*U* is the *unit of measure* as identified in tables 3 to 5 inclusive.

*C* is the *agreed credit* as set out in Part 4.0.

*I* is the *indexation rate* as outlined in Section 3.5.

However, the total infrastructure charge shall not exceed the maximum adopted charge that the Livingstone Shire Council could have levied for the development as set out in the maximum charging framework established in the relevant Planning Resolution.

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### 3.4 How infrastructure charges are applied

#### 3.4.1 Development located within the priority infrastructure area

Tables 2 and 3 specify the adopted infrastructure charges for development where located within

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the priority infrastructure area. [In addition, Table 3 references Charge Area 3 in some](#)

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~~circumstances as being applicable. Charge Area 3 are areas outside of the priority infrastructure area.~~

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**Table 2 – Adopted charge for Reconfiguring a Lot within the Priority Infrastructure Area**

Column 1 Charge Area	Column 2 Adopted Infrastructure Charge (\$)	Column 3 Unit
Charge Area 1	31,080	per lot
Charge Area 2	16,000	per lot

**Table 3 – Adopted charge for development – Material Change of Use and Building Work within the Priority Infrastructure Area**

Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>Caretaker's accommodation</li> <li>Dwelling House (without a secondary dwelling<sup>4</sup>)</li> <li>Dwelling House (includes a secondary dwelling<sup>5</sup>)</li> <li>A secondary Dwelling<sup>3</sup> only</li> </ul>	<ul style="list-style-type: none"> <li>Caretaker's residence</li> <li>Dwelling House</li> <li>Annexed Apartment</li> </ul>	Charge Area 1 and 2	\$22,200 per 1 or 2 bedroom Primary Dwelling only (with no Secondary Dwelling) Or \$31,080 per 1 or 2 bedroom Primary Dwelling that also has a secondary dwelling Or \$8,880 for a maximum of one Secondary Dwelling only as subordinate to an existing or proposed Primary Dwelling house Or \$31,080 per 3 or more bedroom dwelling only. Or \$22,200 per dwelling with 2 or less bedrooms.
<ul style="list-style-type: none"> <li>Dual Occupancy</li> <li>Dwelling Unit</li> </ul>	<ul style="list-style-type: none"> <li>Dual Occupancy</li> <li>Multiple Dwelling Units</li> </ul>	Charge Area 1 only	\$22,200 per 1 or 2 bedroom dwelling Or \$31,080 per 3 or more bedroom dwelling

<sup>4</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

<sup>5</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

<sup>1</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

<sup>2</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

<sup>3</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

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~~<sup>2</sup>A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.~~



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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>Multiple Dwelling</li> </ul>		Charge Area 2 only	\$12,000 per 1 or 2 bedroom dwelling Or \$16,000 per 3 or more bedroom dwelling
<ul style="list-style-type: none"> <li>Tourist Park ((Residential Component)</li> <li>Short Term Accommodation (Farm Stay)</li> </ul>	<ul style="list-style-type: none"> <li>Caravan Park (tourist)</li> <li>Host Farm</li> </ul>	Charge Area 1 and 2	For a tent or caravan site: \$11,090 up to 2 tent sites or caravan sites, or \$15,530 for every 3 tent or caravan sites  For a cabin: <ul style="list-style-type: none"> <li>\$11,090 per 1 or 2 bedroom cabin, or</li> <li>\$15,530 per 3 or more bedroom cabin.</li> </ul>
<ul style="list-style-type: none"> <li>Hotel (residential component)</li> <li>Home Based Business (Bed and Breakfast)</li> <li>Short Term Accommodation</li> <li>Nature Based Tourism</li> <li>Non-residential Workforce Accommodation</li> <li>Rooming Accommodation</li> <li>Rural Workers' Accommodation</li> <li>Resort Complex (Residential Component)</li> <li>Outstation</li> </ul>	<ul style="list-style-type: none"> <li>Accommodation Building (Motel)</li> <li>Accommodation Building (serviced apartments)</li> <li>Bed and Breakfast</li> <li>Hotel (accommodation)</li> </ul>	Charge Area 1 and 2	<ul style="list-style-type: none"> <li>\$11,090 per suite (with only 1 or no more than 2 bedrooms), or</li> <li>\$15,530 per suite (with 3 or more bedrooms), or</li> <li>\$11,090 per bedroom (for a bedroom that is not within a suite)</li> </ul>
<ul style="list-style-type: none"> <li>Community Residence</li> <li>Hostel</li> <li>Retirement Facility</li> </ul>	<ul style="list-style-type: none"> <li>Institutional Residence (residential component)</li> <li>Retirement Village</li> </ul>	Charge Area 1 and 2	For a community residence, retirement facility or hostel: <ul style="list-style-type: none"> <li>\$22,200 per suite (with 1 or 2 bedrooms, or</li> <li>\$31,080 per suite (with 3 or more bedrooms), or</li> <li>\$22,200 per bedroom (for a bedroom that is not within a suite)</li> </ul>

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>Relocatable Home Park</li> </ul>	<ul style="list-style-type: none"> <li>Caravan Park (permanent residential)</li> </ul>	Charge Area 1 and 2	For a relocatable home park: <ul style="list-style-type: none"> <li>\$22,200 per 1 or 2 bedroom relocatable dwelling site, or</li> <li>\$31,080 per 3 or more bedroom relocatable dwelling site.</li> </ul>
<ul style="list-style-type: none"> <li>Club</li> <li>Community Use</li> <li>Funeral Parlour</li> <li>Place or Worship</li> <li>Function Facility</li> </ul>	<ul style="list-style-type: none"> <li>Indoor entertainment (clubs)</li> <li>Restaurant (conference facility)</li> <li>Funeral Parlour</li> <li>Special Use (place of worship, religious purposes, community hall)</li> </ul>	Charge Area 1 and 2	\$77 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Agricultural Supplies Store</li> <li>Bulk Landscape Supplies</li> <li>Garden Centre</li> <li>Hardware and Trade Supplies</li> <li>Outdoor Sales</li> <li>Showroom</li> </ul>	<ul style="list-style-type: none"> <li>Garden Centre</li> <li>Landscape Supplies</li> <li>Produce Store</li> <li>Retail Warehouse</li> <li>Sales or Hire Premises</li> </ul>	Charge Area 1 and 2	\$155 per m <sup>2</sup> of Gross floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Warehouse (storage)</li> </ul>		Charge Area 1 and 2	\$55 per m <sup>2</sup> of Gross floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Adult Store</li> <li>Food and Drink Outlet</li> <li>Service Industry</li> <li>Service Station</li> <li>Shop</li> <li>Shopping Centre</li> <li>Car Wash</li> <li>Tourist Park (Non-residential Component)</li> </ul>	<ul style="list-style-type: none"> <li>Adult Products</li> <li>Arts and Crafts Centre</li> <li>Car Wash</li> <li>Convenience Restaurant</li> <li>Restaurant (not including conference facility)</li> <li>Service Station</li> <li>Shop</li> <li>Take-away Food Store</li> </ul>	Charge Area 1 and 2	\$199 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Office</li> <li>Sales Office</li> </ul>	<ul style="list-style-type: none"> <li>Display Home</li> <li>Office</li> </ul>	Charge Area 1 and 2	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$ and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>Child Care Centre</li> <li>Community Care Centre</li> <li>Educational Establishment except an educational establishment for the Flying Start for Queensland Children Program</li> </ul>	<ul style="list-style-type: none"> <li>Child Care Centre</li> <li>Special Use (educational purposes)</li> </ul>	Charge Area 1 and 2	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Educational Establishment for the Flying Start for Queensland Children Program</li> </ul>		Charge Area 1 and 2	Nil Charge
<ul style="list-style-type: none"> <li>Hotel (entertainment or non-residential component)</li> <li>Nightclub Entertainment facility</li> <li>Theatre</li> <li>Bar</li> <li>Brothel</li> <li>Major Sport, Recreation and Entertainment Facility</li> <li>Tourist Attraction</li> <li>Resort Complex</li> </ul>	<ul style="list-style-type: none"> <li>Hotel (non-residential component)</li> <li>Indoor Entertainment (cinema, theatre, games parlour)</li> </ul>	Charge Area 1 and 2	\$221 per m <sup>2</sup> of Gross Floor Area (GFA) other than areas provided for accommodation plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Indoor Sport and Recreation</li> </ul>	<ul style="list-style-type: none"> <li>Indoor Sports Facility</li> </ul>	Charge Area 1 and 2	\$221 per m <sup>2</sup> of Gross Floor Area (GFA) other than Court Areas; plus Court Areas at \$22 per m <sup>2</sup> of GFA; plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Low Impact Industry</li> <li>Medium Impact Industry</li> </ul>	<ul style="list-style-type: none"> <li>General Industry</li> <li>Light Industry</li> </ul>	Charge Area 1 and 2	\$55 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>Port Services</li> <li>Research and Technology Industry</li> <li>Waterfront and Marine Industry</li> <li>Rural Industry</li> <li>Transport Depot</li> </ul>	<ul style="list-style-type: none"> <li>Machinery Repair Station</li> </ul>		
<ul style="list-style-type: none"> <li>Extractive Industry</li> <li>High Impact Industry</li> <li>Special, Noxious and Hazardous Industries</li> </ul>	<ul style="list-style-type: none"> <li>Environmentally Assessable Industry</li> <li>Extractive Industry</li> </ul>	Charge Area 1 and 2	\$77 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Animal Husbandry</li> <li>Cropping</li> <li>Permanent Plantations</li> <li>Wind Farms</li> </ul>	<ul style="list-style-type: none"> <li>Agriculture</li> </ul>	Charge Area 1 and 2	Nil charge
<ul style="list-style-type: none"> <li>Animal Keeping</li> <li>Aquaculture</li> <li>Intensive Animal Industries</li> <li>Intensive Horticulture</li> <li>Warehouse</li> <li>Wholesale Nursery</li> <li>Winery</li> </ul>	<ul style="list-style-type: none"> <li>Animal Keeping</li> <li>Aquaculture</li> <li>Intensive Animal Husbandry</li> <li>Rural Service Industry</li> <li>Storage Premises</li> <li>Vehicle Depot</li> </ul>	Charge Area 1 and 2	\$22 per m <sup>2</sup> of Gross Floor Area (GFA)
<ul style="list-style-type: none"> <li>Correctional Facility</li> <li>Emergency Services</li> <li>Health Care Services</li> <li>Hospital</li> <li>Residential Care Facility</li> <li>Veterinary Services</li> </ul>	<ul style="list-style-type: none"> <li>Health Care</li> <li>Institutional Residence (non-residential component)</li> <li>Medical Centre</li> <li>Special Use (health service, emergency services)</li> <li>Veterinary Clinic</li> </ul>	Charge Area 1 and 2	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Air Services</li> <li>Car Parking Station</li> <li>Crematorium</li> </ul>	<ul style="list-style-type: none"> <li>Car Park</li> <li>Outdoor Recreation</li> </ul>	Charge Area 1 and 2	The adopted infrastructure charge that the local government determines should apply for the use at the time of assessment.

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>Motor Sport Facility</li> <li>Outdoor Sport and Recreation</li> <li>Tourist Attraction</li> <li>Renewable Energy Facility</li> </ul>	<ul style="list-style-type: none"> <li>Major Tourist Facility</li> <li>Major Utility</li> <li>Major Utility (airfield, depot)</li> <li>Special Use (government purposes)</li> <li>Transport Station</li> </ul>		
<ul style="list-style-type: none"> <li>Advertising Device</li> <li>Cemetery</li> <li>Environment Facility</li> <li>Home Based Business</li> <li>Landing</li> <li>Market</li> <li>Major Electricity Infrastructure</li> <li>Outdoor Lighting</li> <li>Park</li> <li>Roadside Stalls</li> <li>Substation</li> <li>Telecommunications Facility</li> <li>Temporary Use</li> <li>Utility Installation</li> </ul>	<ul style="list-style-type: none"> <li>Advertising Device</li> <li>Clearing</li> <li>Engineering Work</li> <li>Special Use (cemetery)</li> <li>Home-based Business</li> <li>Market</li> <li>Park</li> <li>Local Utility</li> <li>Telecommunications Facility</li> <li>On-premises Sign</li> <li>Borrow Pit</li> </ul>	Charge Area 1, 2	Nil charge
<ul style="list-style-type: none"> <li>A use not otherwise listed including a use that is unknown because the development application does not specify a proposed use.</li> </ul>		Charge Area 1 and 2	The adopted infrastructure charge that the local government determines should apply for the use at the time of assessment.

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### 3.4.2 Minimum Infrastructure Charge - Development located partly outside or entirely outside the priority infrastructure area

The following specifies the *minimum adopted infrastructure charge* for development (if approved) where located partly outside or entirely outside the priority infrastructure area. The *minimum infrastructure charges* apply only where Council considers that there is no need to impose conditions for additional trunk infrastructure costs for any trunk infrastructure network brought forward or required for the approved development. Such additional costs may well involve an agreement between Livingstone Shire Council and the developer/proponent. All development types within the Livingstone Shire local government area will have at least Transport and Parks & Community Facilities infrastructure charges levied.

The figures are specified to provide a minor level of certainty to the developer when considering the feasibility of a project. The charges specified do not remove the ability of Council to impose a condition requiring the payment of additional trunk infrastructure costs.

It is noted that some development types and uses identified above are not supported by Council's Planning Scheme in particular locations and by identifying the charges to be levied in no way pre-empts approval of same.

#### Reconfiguring a lot

For reconfiguring a lot (if approved) partly outside or entirely outside the priority infrastructure area, the *minimum infrastructure charge payable* (based on the nature of the development and the requirements of the planning scheme for infrastructure provision) are outlined in Table 4 below, plus any additional charges. Essentially the minimum charge is calculated based on access to the relevant trunk network. Table 4 sets out the scenarios for various forms of development from fully serviced urban developments to subdivision of rural lands.

#### Development Uses

For development located partly outside or entirely outside of the Priority Infrastructure Area, the minimum infrastructure charge levied (based on the use and the requirements of the planning scheme for infrastructure provision), are set out in Table 2 and Table 35.

The charges identified in Table 2 and Table 35 are applicable where the development is to be connected to all of Council's infrastructure networks. Should the development not be connected to either water supply and/or sewerage and/or stormwater networks then a reduction in the contribution may be applicable and will be calculated by Council. Transport and Parks & Community Facilities Networks charges are applicable. The proportional splits will be utilised for the calculation per Table 4 below.

The proportional splits of the levied charges are set out in Table 66.

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**Table 4 – Minimum infrastructure charge for Reconfiguring a Lot partly outside or entirely outside the Priority Infrastructure Area**

Development scenario	Minimum Charge	Total	Unit of measurement
Development that is to be connected to <u>all</u> of Council's infrastructure networks (W) \$6,840 (S) \$5,280 (T) \$15,540 (SW) \$620 (PCF) <u>\$2,800</u> <u>\$31,080</u>	\$31,080		per lot, dwelling, dwelling site, cabin, or suite
Development that is to be connected to <u>all of Council's networks, but not the sewerage network</u> (W) \$6,840 (T) \$15,540 (SW) \$620 (PCF) <u>\$2,800</u> <u>\$25,800</u>	\$25,800		per lot, dwelling, dwelling site, cabin, or suite
Development connected to <u>all the networks but not the sewerage or stormwater network</u> (W) \$6,840 (T) \$15,540 (PCF) <u>\$2,800</u> <u>\$25,180</u>	\$25,180		per lot, dwelling, dwelling site, cabin, or suite
Development that is to be connected to <u>all of Council's networks, but not water supply and sewerage networks</u> (T) \$15,540 (SW) \$620 (PCF) <u>\$2,800</u> <u>\$18,960</u>	\$18,960		per lot, dwelling, dwelling site, cabin, or suite
Development that is <u>only paying a transport and park &amp; community facility contribution</u> (T) \$15,540 (PCF) <u>\$2,800</u> <u>\$18,340</u>	\$18,340		per lot, dwelling, dwelling site, cabin, or suite
Note: <ul style="list-style-type: none"> <li>This table specifies the 'minimum' charges that Council may apply to development located partly outside or entirely outside the priority infrastructure area.</li> <li>Transport and Parks &amp; Community Facilities Network charges are applicable in all scenarios.</li> </ul>			

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Livingstone Shire Council  
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**Table 5 – Minimum infrastructure charge for development – Material Change of Use and Building Work partly outside or entirely outside the Priority Infrastructure Area**

Column 1 – Development Uses		Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme	
<ul style="list-style-type: none"> <li>Caretaker's accommodation</li> <li>Dwelling House (without a secondary dwelling<sup>1</sup>)</li> <li>Dwelling House (includes a secondary dwelling<sup>2</sup>)</li> <li>A secondary Dwelling<sup>3</sup> only</li> </ul>	<ul style="list-style-type: none"> <li>Caretaker's residence</li> <li>Dwelling House</li> <li>Annexed Apartment</li> </ul>	<p><u>\$22,200 per 1 or 2 bedroom Primary Dwelling only (with no Secondary Dwelling)</u></p> <p><u>Or</u></p> <p><u>\$31,080 per 1 or 2 bedroom Primary Dwelling that also has a secondary dwelling</u></p> <p><u>Or</u></p> <p><u>\$8,880 for a maximum of one Secondary Dwelling only as subordinate to an existing or proposed Primary Dwelling house</u></p> <p><u>Or</u></p> <p><u>\$31,080 per 3 or more bedroom dwelling only.</u></p> <p><u>Or</u></p> <p><u>\$22,200 per dwelling with 2 or less bedrooms.</u></p>
<ul style="list-style-type: none"> <li>Dual Occupancy Dwelling Unit</li> </ul>	<ul style="list-style-type: none"> <li>Dual Occupancy</li> <li>Multiple Dwelling Units</li> </ul>	<p><u>\$22,200 per 1 or 2 bedroom dwelling Or</u></p> <p><u>\$31,080 per 3 or more bedroom dwelling</u></p>

<sup>1</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

<sup>2</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

<sup>3</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

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Column 1 – Development Uses		Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme	
<ul style="list-style-type: none"> <li>Multiple Dwelling</li> </ul>		<ul style="list-style-type: none"> <li>\$12,000 per 1 or 2 bedroom dwelling Or</li> <li>\$16,000 per 3 or more bedroom dwelling</li> </ul>
<ul style="list-style-type: none"> <li>Tourist Park ((Residential Component)</li> <li>Short Term Accommodation (Farm Stay)</li> </ul>	<ul style="list-style-type: none"> <li>Caravan Park (tourist)</li> <li>Host Farm</li> </ul>	<ul style="list-style-type: none"> <li>For a tent or caravan site: \$11,090 up to 2 tent sites or caravan sites, or</li> <li>\$15,530 for every 3 tent or caravan sites</li> <li>For a cabin: <ul style="list-style-type: none"> <li>\$11,090 per 1 or 2 bedroom cabin, or</li> <li>\$15,530 per 3 or more bedroom cabin.</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>Hotel (residential component)</li> <li>Home Based Business (Bed and Breakfast)</li> <li>Short Term Accommodation</li> <li>Nature Based Tourism</li> <li>Non-residential Workforce Accommodation</li> <li>Rooming Accommodation</li> <li>Rural Workers' Accommodation</li> <li>Resort Complex (Residential Component)</li> <li>Outstation</li> </ul>	<ul style="list-style-type: none"> <li>Accommodation Building (Motel)</li> <li>Accommodation Building (serviced apartments)</li> <li>Bed and Breakfast</li> <li>Hotel (accommodation)</li> </ul>	<ul style="list-style-type: none"> <li>\$11,090 per suite (with only 1 or no more than 2 bedrooms), or</li> <li>\$15,530 per suite (with 3 or more bedrooms), or</li> <li>\$11,090 per bedroom (for a bedroom that is not within a suite)</li> </ul>
<ul style="list-style-type: none"> <li>Community Residence</li> <li>Hostel</li> <li>Retirement Facility</li> </ul>	<ul style="list-style-type: none"> <li>Institutional Residence (residential component)</li> <li>Retirement Village</li> </ul>	<ul style="list-style-type: none"> <li>For a community residence, retirement facility or hostel: <ul style="list-style-type: none"> <li>\$22,200 per suite (with 1 or 2 bedrooms, or</li> <li>\$31,080 per suite (with 3 or more bedrooms), or</li> <li>\$22,200 per bedroom (for a bedroom that is not within a suite)</li> </ul> </li> </ul>

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Livingstone Shire Council  
Adopted Infrastructure Charges Resolution (No. 65)

Column 1 – Development Uses		Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme	
<ul style="list-style-type: none"> <li>Relocatable Home Park</li> </ul>	<ul style="list-style-type: none"> <li>Caravan Park (permanent residential)</li> </ul>	For a relocatable home park: <ul style="list-style-type: none"> <li>\$22,200 per 1 or 2 bedroom relocatable dwelling site, or</li> <li>\$31,080 per 3 or more bedroom relocatable dwelling site.</li> </ul>
<ul style="list-style-type: none"> <li>Club</li> <li>Community Use</li> <li>Funeral Parlour</li> <li>Place or Worship</li> <li>Function Facility</li> </ul>	<ul style="list-style-type: none"> <li>Indoor entertainment (clubs)</li> <li>Restaurant (conference facility)</li> <li>Funeral Parlour</li> <li>Special Use (place of worship, religious purposes, community hall)</li> </ul>	\$77 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Agricultural Supplies Store</li> <li>Bulk Landscape Supplies</li> <li>Garden Centre</li> <li>Hardware and Trade Supplies</li> <li>Outdoor Sales</li> <li>Showroom</li> </ul>	<ul style="list-style-type: none"> <li>Garden Centre</li> <li>Landscape Supplies</li> <li>Produce Store</li> <li>Retail Warehouse</li> <li>Sales or Hire Premises</li> </ul>	\$155 per m <sup>2</sup> of Gross floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Warehouse (storage)</li> </ul>		\$55 per m <sup>2</sup> of Gross floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Adult Store</li> <li>Food and Drink Outlet</li> <li>Service Industry</li> <li>Service Station</li> <li>Shop</li> <li>Shopping Centre</li> <li>Car Wash</li> <li>Tourist Park (Non-residential Component)</li> </ul>	<ul style="list-style-type: none"> <li>Adult Products</li> <li>Arts and Crafts Centre</li> <li>Car Wash</li> <li>Convenience Restaurant</li> <li>Restaurant (not including conference facility)</li> <li>Service Station</li> <li>Shop</li> <li>Take-away Food Store</li> </ul>	\$199 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Office</li> <li>Sales Office</li> </ul>	<ul style="list-style-type: none"> <li>Display Home</li> <li>Office</li> </ul>	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater

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Adopted Infrastructure Charges Resolution (No. 65)

Column 1 – Development Uses	Superseded 2005 Planning Scheme	Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018		
<ul style="list-style-type: none"> <li>Child Care Centre</li> <li>Community Care Centre</li> <li>Educational Establishment except an educational establishment for the Flying Start for Queensland Children Program</li> </ul>	<ul style="list-style-type: none"> <li>Child Care Centre</li> <li>Special Use (educational purposes)</li> </ul>	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Educational Establishment for the Flying Start for Queensland Children Program</li> </ul>		Nil Charge
<ul style="list-style-type: none"> <li>Hotel (entertainment or non-residential component)</li> <li>Nightclub</li> <li>Entertainment facility</li> <li>Theatre</li> <li>Bar</li> <li>Brothel</li> <li>Major Sport, Recreation and Entertainment Facility</li> <li>Tourist Attraction</li> <li>Resort Complex</li> </ul>	<ul style="list-style-type: none"> <li>Hotel (non-residential component)</li> <li>Indoor Entertainment (cinema, theatre, games parlour)</li> </ul>	\$221 per m <sup>2</sup> of Gross Floor Area (GFA) other than areas provided for accommodation plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Indoor Sport and Recreation</li> </ul>	<ul style="list-style-type: none"> <li>Indoor Sports Facility</li> </ul>	\$221 per m <sup>2</sup> of Gross Floor Area (GFA) other than Court Areas; plus Court Areas at \$22 per m <sup>2</sup> of GFA; plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Low Impact Industry</li> <li>Medium Impact Industry</li> </ul>	<ul style="list-style-type: none"> <li>General Industry</li> <li>Light Industry</li> </ul>	\$55 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater

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Column 1 – Development Uses	Superseded 2005 Planning Scheme	Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018		
<ul style="list-style-type: none"> <li>Port Services</li> <li>Research and Technology Industry</li> <li>Waterfront and Marine Industry</li> <li>Rural Industry</li> <li>Transport Depot</li> </ul>	<ul style="list-style-type: none"> <li>Machinery Repair Station</li> </ul>	
<ul style="list-style-type: none"> <li>Extractive Industry</li> <li>High Impact Industry</li> <li>Special, Noxious and Hazardous Industries</li> </ul>	<ul style="list-style-type: none"> <li>Environmentally Assessable Industry</li> <li>Extractive Industry</li> </ul>	\$77 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Animal Husbandry</li> <li>Cropping</li> <li>Permanent Plantations</li> <li>Wind Farms</li> </ul>	<ul style="list-style-type: none"> <li>Agriculture</li> </ul>	Nil charge
<ul style="list-style-type: none"> <li>Animal Keeping</li> <li>Aquaculture</li> <li>Intensive Animal Industries</li> <li>Intensive Horticulture</li> <li>Warehouse</li> <li>Wholesale Nursery</li> <li>Winery</li> </ul>	<ul style="list-style-type: none"> <li>Animal Keeping</li> <li>Aquaculture</li> <li>Intensive Animal Husbandry</li> <li>Rural Service Industry</li> <li>Storage Premises</li> <li>Vehicle Depot</li> </ul>	\$22 per m <sup>2</sup> of Gross Floor Area (GFA)
<ul style="list-style-type: none"> <li>Correctional Facility</li> <li>Emergency Services</li> <li>Health Care Services</li> <li>Hospital</li> <li>Residential Care Facility</li> <li>Veterinary Services</li> </ul>	<ul style="list-style-type: none"> <li>Health Care</li> <li>Institutional Residence (non-residential component)</li> <li>Medical Centre</li> <li>Special Use (health service, emergency services)</li> <li>Veterinary Clinic</li> </ul>	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Air Services</li> <li>Car Parking Station</li> <li>Crematorium</li> </ul>	<ul style="list-style-type: none"> <li>Car Park</li> <li>Outdoor Recreation</li> </ul>	The adopted infrastructure charge that the local government determines should apply for the use at the time of assessment.

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Adopted Infrastructure Charges Resolution (No. 65)

Column 1 – Development Uses		Superseded 2005 Planning Scheme	Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018			
<ul style="list-style-type: none"> <li>Motor Sport Facility</li> <li>Outdoor Sport and Recreation</li> <li>Tourist Attraction</li> <li>Renewable Energy Facility</li> </ul>	<ul style="list-style-type: none"> <li>Major Tourist Facility</li> <li>Major Utility</li> <li>Major Utility (airfield, depot)</li> <li>Special Use (government purposes)</li> <li>Transport Station</li> </ul>		
<ul style="list-style-type: none"> <li>Advertising Device</li> <li>Cemetery</li> <li>Environment Facility</li> <li>Home Based Business</li> <li>Landing</li> <li>Market</li> <li>Major Electricity Infrastructure</li> <li>Outdoor Lighting</li> <li>Park</li> <li>Roadside Stalls</li> <li>Substation</li> <li>Telecommunications Facility</li> <li>Temporary Use</li> <li>Utility Installation</li> </ul>	<ul style="list-style-type: none"> <li>Advertising Device</li> <li>Clearing</li> <li>Engineering Work</li> <li>Special Use (cemetery)</li> <li>Home-based Business</li> <li>Market</li> <li>Park</li> <li>Local Utility</li> <li>Telecommunications Facility</li> <li>On-premises Sign</li> <li>Borrow Pit</li> </ul>		Nil charge
<ul style="list-style-type: none"> <li>A use not otherwise listed including a use that is unknown because the development application does not specify a proposed use.</li> </ul>			The adopted infrastructure charge that the local government determines should apply for the use at the time of assessment.

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### 3.5 Indexation of charges

- (a) The infrastructure charges levied by the *local government* may be indexed to inflation from the date that the infrastructure charge is levied, to the time the infrastructure charge is paid, using the Producer Price Index.

$$TIC_{pay} = TIC_{levied} \times (PPI_{pay} / PPI_{base})$$

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Where:

*TIC<sub>pay</sub>* is the *total infrastructure charge* to be paid to the Livingstone Shire Council.

*TIC<sub>levied</sub>* is the *total infrastructure charge levied* by the Livingstone Shire Council.

*PPI<sub>pay</sub>* is the *Producer Price Index* published at the time the infrastructure charge is paid.

*PPI<sub>base</sub>* is the *Producer Price Index* March 2022 – 118.3.

- (b) Where within the priority infrastructure area, the infrastructure charge payable is not to exceed the maximum adopted charge in the SPRP (adopted charges) or result in a charge that is greater than the increase for PPI index for the period starting on the day the charge was levied and ending on the day it is paid, adjusted by reference to the 3-yearly PPI index average.

### 3.6 Notification of an adopted infrastructure charge

The *local government* must meet the requirements of the Planning Act 2016 (Section 121) in relation to the contents of the infrastructure charge notice.

### 3.7 Time of payment of an adopted infrastructure charge

A levied infrastructure charge is payable at the following time:

- (a) if the charge applies to reconfiguring a lot that is assessable development or development requiring compliance assessment – before the *local government* approves the plan of subdivision ("a survey plan") for the reconfiguration; or
- (b) if the charge applies to building work that is assessable development or development requiring compliance assessment – before the certificate of classification for the building work is issued; or
- (c) if the charge applies to a material change of use – before the change of use happens; or
- (d) otherwise – on the day stated in the infrastructure charges notice or negotiated infrastructure charges notice.

(Note – The *local government* may have a development incentives policy resolution or approved deferment policy which may change or override these circumstances for payment).

### 3.8 Alternatives to paying an infrastructure charge

- (a) The *local government* may enter into a written agreement about:
  - i. whether the charge may be paid at a different time from that stated in the adopted infrastructure charges notice or negotiated adopted infrastructure charges notice;
  - ii. whether the charge may be paid by instalments;

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- iii. whether infrastructure may be supplied instead of paying all or part of the charge.
- (b) For development infrastructure that is land, the *local government* may give a notice in addition to, or instead of an adopted infrastructure charges notice, requiring:
  - i. part of the land subject of the development application or compliance assessment, to be given to the *local government* in fee simple; or
  - ii. part of the land subject of the development application or compliance assessment, to be given to the *local government* in fee simple and part of an adopted infrastructure charge.

### 3.9 Recording infrastructure charges

The Livingstone Shire Council must record all levied adopted infrastructure charges in a publicly available adopted infrastructure charges register. Regulations commencing on 1 January 2020 require all local governments to meet new reporting provisions.

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### 3.10 Proportional split of infrastructure charges for trunk infrastructure networks

The adopted infrastructure charge is to be proportionally split to a trunk infrastructure network for the purposes of calculating charges.

#### 3.10.1 Proportional Split - Development located within the priority infrastructure area

The proportional splits for development within the priority infrastructure area are stated in Table 65.

**Table 65 – Proportional Split of adopted infrastructure charge for trunk infrastructure networks within the priority infrastructure area for Reconfiguring a Lot and development Uses.**

Water	Sewer	Transport	Stormwater	Parks & Community Facilities
22.00	17.00	50.00	2.00	9.00

#### 3.10.2 Proportional Split - Development located partly outside or entirely outside the priority infrastructure area

The proportional splits for development partly outside or entirely outside the priority infrastructure area are to be determined utilising Table 65 in section 3.10.1 above. These splits are relevant where Council determines that the minimum total charge is considered to be appropriate and where there is no need to impose a condition for additional trunk infrastructure costs for any network.

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## Part 4 Credits

### 4.1 Definition of a credit

- (a) A credit means the amount to be applied for the purpose of calculating an adopted infrastructure charge which considers existing lawful land use or lots, whichever is the greater.
- (b) The maximum value of a credit for each site will not exceed the adopted infrastructure charge for the approved land use or lots of the existing site. That means for any use, if a credit is higher than the levied infrastructure charge of the approved use a refund will not occur.

### 4.2 Application of a credit

- (a) A credit will only be applied in respect of an existing lawful land use or lots, in existence at the time the development application is made. This means an existing lawful use must be established (up and running) at the time the development application is made.
- (b) A credit will not be applied under any circumstance for unapproved use of the land.

## Part 5 Offsets

### 5.1 Purpose

This section outlines the circumstances and process for an infrastructure offset for trunk infrastructure contribution for infrastructure.

### 5.2 Application of section

This section applies where, for a development, the Livingstone Shire Council has (for a trunk infrastructure network):

- (a) *required the following* (trunk infrastructure contribution):
  - i. the supply of work/s for trunk infrastructure in a condition of a development approval;
  - ii. the giving of part of the land the subject of a development application or request for compliance assessment in a notice and
- (b) *levied* an adopted infrastructure charge in an adopted infrastructure charges notice or negotiated infrastructure charges notice for the same premises.

### 5.3 Claim for an infrastructure offset

- (a) The entity or person bound to provide the trunk infrastructure contribution and the adopted infrastructure charge for the development (the claimant) may give a notice in the prescribed form to the *local government* which states the following:
  - i. that the claimant proposes to supply the trunk infrastructure contribution;
  - ii. that the claimant seeks an offset or refund for the supply of the trunk infrastructure contribution against an adopted infrastructure charge (infrastructure offset);
  - iii. the claimants estimate of the establishment cost of the trunk infrastructure for an offset or refund
- (b) The *local government* is to give a notice in the prescribed form to the claimant which

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states the following:

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- i. whether an infrastructure offset is applicable or not;
- ii. if an infrastructure offset is not applicable, the reason;
- iii. if an infrastructure offset is applicable, the value of the infrastructure offset; and
- iv. ~~if~~ a refund is applicable following the offset of the trunk works establishment cost against the infrastructure charges notice (ICN).

#### 5.4 Application of an infrastructure offset

The *local government* is to offset the amount of the value of the trunk infrastructure against the total amount as identified on the Infrastructure Charges Notice. Where the establishment cost of the trunk infrastructure item (not applicable for Additional Trunk Infrastructure conditions) is greater than the total amount on the infrastructure charges notice, Livingstone Shire Council must refund the applicant an amount equal to the difference between the two or alternatively applying a credit.

Infrastructure charges notices will provide details on the Establishment Costs for any trunk works required, Infrastructure Charges payable and any refund that maybe applicable.

### Part 6 Determining the Establishment Cost of trunk infrastructure for an offset or refund

#### 6.1 Purpose

This section states the Livingstone Shire Council policy for the determination of the establishment cost of trunk infrastructure works to be used for an offset or refund.

#### 6.2 Establishment Cost Provisions

Livingstone Shire Council has determined a preliminary establishment cost for the provision of the trunk infrastructure items as identified in the Schedule of Works. The scope of works used for the development of this cost will be provided to the applicant. It will include the standard to which the infrastructure is to be provided and approximate location.

For trunk infrastructure that is works, the applicant must at their cost provide to the Livingstone Shire Council:

- (a) ~~a~~ bill of quantities for the design, construction and commissioning of the trunk infrastructure in accordance with the scope of works;
- (b) ~~a~~ first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities.

For trunk infrastructure that is land, the applicant must at their cost provide to the Livingstone Shire Council a valuation of the specified land undertaken by a certified valuer using the before and after method of valuation.

#### 6.3 Cost Estimation / Valuation Accepted or Not Accepted

Where the bill of quantities and cost estimate is accepted by Council, this becomes the establishment cost.

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*Livingstone Shire Council  
Adopted Infrastructure Charges Resolution (No. 65)*

For trunk infrastructure that is land, where the valuation is accepted by Council, this becomes the establishment cost.

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Council is to give notice to the applicant advising the acceptance of the bill of quantities, cost estimate and valuation where appropriate and determination of this being the establishment cost.

Where the bill of quantities, cost estimate or valuation is not accepted by Council, Council must at its cost have an assessment undertaken by a suitably qualified person or for land valuation, a certified practicing valuer to:

- (a) ~~q~~Determine whether the bill of quantities is in accordance with the scope of works;
- (b) ~~q~~Determine whether the cost estimate is consistent with current market costs calculated by applying first principles estimating approach to the bill of quantities;
- (c) ~~p~~Provide a new cost estimate using a first principles estimating approach;
- (d) ~~p~~Provide a new land valuation using the before and after land valuation method.

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#### 6.4 Cost Estimation / Valuation Agreement Cannot be Reached

If agreement cannot be reached Livingstone Shire Council must refer the bill of quantities, estimate or valuation to an independent, suitably qualified assessor or for the land valuation, an independent certified practising valuer.

Livingstone Shire Council and the applicant must agree on the appointment of the independent assessor or independent valuer and the costs associated with the review are to be equally shared between both parties.

The independent assessor or valuer will be required to:

- (a) ~~a~~Assess whether the bill of quantities is in accordance with the scope of works;
- (b) ~~a~~Assess whether the cost estimate is consistent with current market costs calculated by applying first principles estimating approach to the bill of quantities;
- (c) ~~p~~Provide an amended cost estimate using a first principles estimating approach;
- (d) ~~a~~Assess the previous land valuation and provide an amended valuation where appropriate.

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Where an amended cost estimate or valuation has been determined by the independent assessor or valuer and agreed by both parties, this is then the establishment cost.

If the Livingstone Shire Council and the applicant are unable to reach agreement on the appointment of an independent assessor or an independent certified valuer, then the establishment cost is determined by taking the average of the cost estimate previously obtained by the applicant and that identified in Council's schedule of works.

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#### 6.5 Amended Infrastructure Charges Notice

Livingstone Shire Council must give an amended infrastructure charges notice (ICN) stating:

- (a) ~~t~~The value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended infrastructure charges notice using the Producer Price Index;
- (b) ~~t~~That the establishment cost of the infrastructure stated in the amended infrastructure charges notice is indexed from the date that it is stated in the amended notice to the date it is to be offset against the levied charge in accordance with the Producer Price Index.

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Livingstone Shire Council  
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## Part 7 Conversions

### 7.1 Purpose

This section states the Livingstone Shire Council policy for the submission of a conversion application.

### 7.2 Conversion Application

This section applies where, for a development, the Livingstone Shire Council has issued a development approval including a condition requiring non-trunk infrastructure to be provided, and the applicant requires Council's further consideration to be given to the conversion of that infrastructure from non-trunk to trunk.

An applicant may apply to the local government to convert non-trunk infrastructure to trunk infrastructure. The application must be made in writing using the prescribed form (the conversion application). The local government must within the required period, decide the conversion application having regard to the criteria for deciding the application.

~~An~~ In accordance with section 138 of the Planning Act 2016, an application to convert infrastructure to trunk infrastructure application to convert non-trunk infrastructure to trunk infrastructure may be made only where the following applies:

~~(a) Construction of the non-trunk infrastructure has not commenced. A particular development condition under section 145 of the Planning Act 2016 requires non-trunk infrastructure to be provided; and~~

~~(a) The construction of the non-trunk infrastructure has not started.~~

~~(b)~~

~~In accordance with section 139 (2) of the Planning Act 2016, the application must be made~~

~~(a) To the local government in writing; and~~

~~(b) Within 1 year after the development approval starts to have effect.~~

~~(b) The Local Government has provided a development approval inclusive of a condition for the provision of non-trunk infrastructure.~~

~~(c) Where the condition is a development approval condition, the conversion application will be made to Livingstone Shire Council.~~

~~(Note - Livingstone Shire Council is developing a template application form to assist applicants with the submission of a conversion application. For further advice, in this regard please contact the Council via the Duty Planner service through our customer service team. The application form for a conversion application is located on the Livingstone Shire Council website along with the requisite fees listed in the Fees and charges schedule).~~

### 7.3 Deciding an Application

Where a conversion application has been made, Livingstone Shire Council will consider the criteria identified in 7.4 below as a basis for the decision-making. The conversion application decision process must be undertaken in accordance with relevant section of the *Panning Act 2016*.

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Livingstone Shire Council  
Adopted Infrastructure Charges Resolution (No. 65)

Where Livingstone Shire Council requires additional information to assist with the assessment of the conversion application, written notice will be provided in accordance with the relevant section of the *Planning Act 2016*.

#### 7.4 Conversion Criteria

This section sets out Council's conversion criteria for the purposes of section 117 of the *Planning Act*. Non-trunk infrastructure that is subject of a conversion must comply with all the conversion criteria in section 7.4 (a) – (i) to be converted to trunk infrastructure:

**(a) Capacity to service other development in accordance with desired standards of service.**

The development infrastructure must have capacity to service other development in the area, in accordance with the desired standard of service identified in the LGIP.

**(b) Infrastructure consistent with LGIP.**

The function and purpose of the development infrastructure must be consistent with other trunk infrastructure identified in the LGIP.

**(c) Not consistent with non-trunk infrastructure**

The development infrastructure must not be consistent with non-trunk infrastructure for which a condition may be imposed under section 145 of the *Planning Act*. That is, the infrastructure must not be for any of the following:

- i. a network, or part of a network, internal to premises;
- ii. connecting the premises to external infrastructure networks; or
- iii. protecting or maintaining the safety or efficiency of the infrastructure network of which the non-trunk infrastructure is a component.

*Example – A condition is imposed requiring upgrade works to a trunk road, to maintain the safety and efficiency of the network as a result of a development. Although the works relate to a trunk road, they are non-trunk infrastructure and do not satisfy this criterion.*

**(d) Cost-effectiveness.**

- i. The type, size and location of the development infrastructure must be the most cost-effective option for servicing multiple users in the area.
- ii. This criterion will be satisfied where the development infrastructure is the least cost option based upon the life cycle cost of the development infrastructure required to service future urban development in the area at the desired standard of service identified in the LGIP.

**(e) Not for development incentives**

The development infrastructure must not have been proposed by the applicant for the purpose of obtaining:

- i. an increase in height or density; or
- ii. any other concession or relaxation of a requirement under the Planning Scheme.

**(f) Not proposed as non-trunk infrastructure**

The development infrastructure must not have been proposed by the applicant on the basis that it would be non-trunk infrastructure (or would otherwise not be subject to an Offset or

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**(g) Not to upgrade to service development inconsistent with LGIP assumptions**

The development infrastructure must not involve an upgrade of an existing trunk infrastructure item made necessary to service development that is inconsistent with the type, scale, location or timing of development assumed in the LGIP.

**(h) Services development consistent with LGIP assumptions**

**7.4** The development infrastructure must service development that is consistent with the LGIP's assumptions about the type, scale, location and timing of development.

For the infrastructure to be considered trunk infrastructure each of the following criteria must be met:

- (a) The infrastructure has the capacity to serve other developments in the area;
- (b) The function and purpose of the infrastructure is consistent with other trunk infrastructure identified in this charges resolution and is consistent with the desired standards of service outlined in part 8.0 below;

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Livingstone Shire Council  
Adopted Infrastructure Charges Resolution (No. 65)

~~(c) The infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with relevant section of the Planning Act 2016.~~

~~(d) The type, size and location of the infrastructure is the most cost effective option for servicing multiple users in the area.~~

#### 7.55.2 Conversion Application Decision

As soon as practicable after Livingstone Shire Council has made a decision regarding the application a decision notice must be given to the applicant.

If the decision to convert the infrastructure from non-trunk to trunk is approved, then Council must amend the original decision notice conditions and reissue an amended Infrastructure Charges.

If the decision is not to convert non-trunk infrastructure to trunk infrastructure, the notice must be an information notice about the decision.

### Part 8 Desired Standards of Service

The desired standards of service for each trunk infrastructure network are identified in the *Livingstone Planning Scheme 2018*, Part 4 – Local Government Infrastructure Plan, 4.4 Desired Standards of service.

### Part 9 Priority Infrastructure Area

The Priority Infrastructure Area is identified in the *Livingstone Planning Scheme 2018*, Schedule 3 – Local Government infrastructure plan mapping and supporting material, SC3.4 Priority Infrastructure Area Maps.

### Part 10 Plans for Trunk Infrastructure

The plans for trunk infrastructure for each trunk infrastructure network are identified in the *Livingstone Planning Scheme 2018*, Schedule 3 – Local Government infrastructure plan mapping and supporting material, SC3.5 Plans for Trunk Infrastructure Maps.

### Part 11 Schedule of Works

The schedule of works for each trunk infrastructure network are identified in the *Livingstone Planning Scheme 2018*, Schedule 3 – Local Government infrastructure plan mapping and supporting material, SC3.2 Schedule of Works.

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## **11.2 - INFRASTRUCTURE CHARGES RESOLUTION (NO 6) 2024**

### **Proposed AICR (No.6) 2024 - Without track changes**

**Meeting Date: 16 April 2024**

**Attachment No: 2**

*Livingstone Shire Council  
Adopted Infrastructure Charges Resolution (No. 6)*



## **Adopted Infrastructure Charges Resolution (No.6) 2024**

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**Commencement date 18 April 2024**

**Resolved by Council 16 April 2024 Resolution.**

*Livingstone Shire Council  
Adopted Infrastructure Charges Resolution (No. 6)*

## **Part 1 Introduction**

### **1.1 Planning Act 2016.**

- (a) This adopted infrastructure charges resolution is made pursuant to section 113 of the *Planning Act 2016*.
- (b) This adopted infrastructure charges resolution is to be read in conjunction with the following:
  - i. the State Planning Regulatory Provision (adopted charges), July 2012; and
  - ii. the applicable local planning instrument for the local government area;
  - iii. the applicable statutory guidelines
- (c) This adopted infrastructure charges resolution is attached to but does not form part of the applicable local planning instrument for the local government area.

### **1.2 When Resolution has Effect**

This adopted infrastructure charges resolution has effect on and from 18 April 2024.

### **1.3 Purpose of the Resolution**

The purpose of this adopted infrastructure charges resolution is to establish an infrastructure charge in the Livingstone Shire Council local government area for the following trunk infrastructure networks:

- (a) water supply;
- (b) sewerage;
- (c) transport;
- (d) stormwater; and
- (e) public parks and land for community facilities.

### **1.4 Interpretation**

- (a) **applicable local planning instrument** means the local government planning scheme in effect for the Livingstone Shire Council at the time.
- (b) **bedroom** means an area of a building or structure which:
  - i. is used, designed, or intended for use for sleeping but excludes a lounge room, dining room, living room, kitchen, water closet, bathroom, laundry, garage, or plant room; or
  - ii. can be used for sleeping such as a den, study, loft, media or home entertainment room, library, family or rumpus room or other similar space.
- (c) **Producer price index** means the Producer Price Index: available from the Australian Bureau of Statistics.
- (d) **Conversion application** means the applicant may apply (a conversion application) to convert non-trunk infrastructure to trunk infrastructure.
- (e) **Court Area** means the area of the premises where the leisure, sport or recreation activity is conducted (including buffer or safety clearance area as required by the activity rules) and excludes the area of the premises not used for conducting the leisure, sport or recreation activity, such as areas for spectators, office or administration, amenities or food and beverages.

*Livingstone Shire Council*  
*Adopted Infrastructure Charges Resolution (No. 6)*

- (f) **dwelling unit** means any part of a building used for residential accommodation of one household which is self-contained.
- (g) **establishment cost** for a provision about trunk infrastructure means the following:
  - i. for existing infrastructure – the value of the infrastructure is the current replacement cost as reflected in the relevant local government's asset register, and the current value of the land acquired for the infrastructure.
  - ii. for proposed infrastructure – all costs of land acquisition, financing and design and construction, for the infrastructure.
- (h) **gross floor area (GFA)** means the total floor area of all storeys of the building, including any mezzanines, (measured from the outside of the external walls and the centre of any common walls of the building), other than areas used for:
  - i. building services; or
  - ii. a ground floor public lobby; or
  - iii. a public mall in a shopping complex; or
  - iv. parking, loading, or manoeuvring of vehicles; or
  - v. balconies, whether roofed or not.
- (i) **impervious area** means an area within a site which does not allow natural infiltration of rain to the underlying soil and the majority of rainfall would become runoff e.g. roadways, car parks, footpaths, roofs, hardstand areas (sealed), compacted areas etcetera.
- (j) **local government** means the Livingstone Shire Council.
- (k) **local government area** means the Livingstone Shire Council local government area.
- (l) **maximum adopted charge** means the charge limit set out in the maximum charging framework established in Section 112 of *Planning Act 2016*.
- (m) **most cost-effective option** means, for non-trunk infrastructure to trunk infrastructure conversion, the lowest life cycle cost of the infrastructure required to meet service future development in the area at the desired standard of service.
- (n) **prescribed form** means a form prescribed by the local government.
- (o) **Planning Regulation 2017** means the *Planning Regulation 2017*, amended and current as at 23 September 2022.
- (p) **Planning Act 2016** means the *Planning Act 2016*. Any reference to this Act or sections of this Act means the Act or section of the Act that was current at the time of this resolution.

## Part 2 Application of the Resolution

### 2.1 Local Government Area

This infrastructure charges resolution applies to development in the *local government* area of Livingstone Shire, other than for the following:

- (a) any work or use of land for which a charge cannot be levied under the *Planning Act 2016*, including work or use of land authorised under the *Mineral Resources Act 1989*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004*, or the *Greenhouse Gas Storage Act 2009*; or
- (b) development in a priority development area under the *Economic Development Act 2012*.

### 2.2 Particular Development

This infrastructure charges resolution adopts different charges for particular development

*Livingstone Shire Council*  
*Adopted Infrastructure Charges Resolution (No. 6)*

located in different parts of the local government area.

### **2.3 Trunk Infrastructure Networks**

- (a) The Local Government Infrastructure Plan (LGIP) identifies trunk infrastructure networks for the local government area of Livingstone Shire and the establishment cost of the identified trunk infrastructure. These details can be found in Part 4 of the Livingstone Planning Scheme 2018. Part 4 of the Livingstone Planning Scheme 2018 commenced on 25 June 2018.
- (b) *Trunk infrastructure* is determined by the Livingstone Shire Council with consideration given to relevant planning legislation. Any amendment made to the relevant legislation and any accompanying statutory guidelines, post the adoption of this charges resolution, will be reflected accordingly via an amendment to this resolution where required.
- (c) Additional details regarding trunk infrastructure is outlined in:
  - i. Part Eight – ‘Desired Standards of Service (DSS)’;
  - ii. Part Nine – ‘Priority Infrastructure Area (PIA)’, and
  - iii. Part Ten - ‘Plans for Trunk Infrastructure (PFTI)’.
- (d) The infrastructure charge partly funds the establishment cost of the identified trunk infrastructure networks.

### **2.4 Priority Infrastructure Area**

- (a) A priority infrastructure area (PIA) for the Livingstone Shire local government area is identified on the maps listed in Schedule 3 of the Livingstone Planning Scheme 2018. These have been condensed into three maps within this charges resolution (refer to Table 1).
- (b) The identified priority infrastructure area includes land intended to accommodate between ten and fifteen years of anticipated growth for urban purposes (residential, retail, commercial, industrial, and any related community and government purposes).

### **2.5 Charge Areas**

- (a) There are three different charge areas that form part of this resolution, namely Charge Area 1, Charge Area 2, and Charge Area 3.
- (b) Charge Area 1 and Charge Area 2 are located within the Priority Infrastructure Area. This is shown on the overview maps and on the map of the localities having land within the priority infrastructure area from the list in Tables 1.
- (c) Charge Area 3 applies to areas located outside of the Priority Infrastructure Area – generally this is the balance of the Livingstone Shire Council *local government* area, excluding Charge Area 1 and Charge Area 2.

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**Table 1 – Maps showing the priority infrastructure area and charge areas for the Livingstone Shire Council local government area**

Map Description	Map Series Number
<a href="#">Capricorn Coast Priority Infrastructure Area</a>	A
<a href="#">Yeppoon and surrounds Priority Infrastructure Area</a>	B
<a href="#">Emu Park and surrounds Priority Infrastructure Area</a>	C

(Note – Schedule 3 of the Livingstone Planning Scheme 2018 also includes a set of three maps showing the Priority Infrastructure Area. However, maps in Schedule 3 of the Livingstone Planning Scheme 2018 do not show charge areas. Schedule 3 contains Plans for Trunk Infrastructure per locality.)

## **Part 3 Adopted Infrastructure charges**

### **3.1 Purpose**

This section states how infrastructure charges levied by the *local government* are to be applied and administered.

### **3.2 Development subject to infrastructure charges under this resolution**

- (a) Infrastructure charges are levied by the *Livingstone Shire Council* on the following development:
  - i. reconfiguring a lot; and
  - ii. a material change of use of premises; and
  - iii. carrying out building works.
- (b) If a development is subject to more than one use, the *local government* may levy an infrastructure charge for the development based on the use resulting in the highest potential demand on trunk infrastructure.
- (c) For an existing lawful use to which a development application is seeking to expand the gross floor area of the facility, the infrastructure charge is only to be applied on the part of the development which is subject to intensification or extension.

#### **3.2.1 Development located within the Priority Infrastructure Area**

- (a) Where development is located within the priority infrastructure area:
  - i. A total infrastructure charge will be calculated on approved development.
  - ii. The total infrastructure charge will be calculated in accordance with the formula stated in section 3.3 at the time the decision is made and will be recalculated at the time of payment.
  - iii. Table 2 is to be used when calculating the total infrastructure charge for Reconfiguring a Lot.
  - iv. Table 3 is to be used when calculating the total infrastructure charge for a material change of use or carrying out buildings works.



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### 3.2.2 Additional Infrastructure Charge - Development located partly outside or entirely outside the priority infrastructure area

- (a) Where development is located partly outside or entirely outside the identified priority infrastructure area:
- i. The Council may at its discretion impose a condition requiring the payment of additional trunk infrastructure costs in accordance with the *Planning Act 2016*, Chapter 4 Section 133 or the equivalent part in the *Sustainable Planning Act*.
  - ii. Where Council chooses to impose a condition requiring the payment of additional infrastructure costs, Council shall undertake an infrastructure cost assessment to determine the infrastructure charge to be imposed on the development.
  - iii. The infrastructure cost assessment shall consider the following:
    - the scale and intensity, use type(s), nature, timing and location of the development;
    - the trunk infrastructure networks, and desired standard of service required for the development under the planning scheme and this infrastructure resolution;
    - the demand imposed by the development on trunk infrastructure networks.
  - iv. Where Council chooses not to apply (a)(i) above, Council shall apply an infrastructure charge in accordance with section 3.4.2 of this resolution.
  - v. The total minimum charge calculated is a combination of the trunk infrastructure networks accessed. The adopted charge will be calculated on the approved development in accordance with section 3.3 at the time the decision is made, and will be recalculated at the time of payment.

### 3.3 Calculation of total infrastructure charge

Livingstone Shire Council levies infrastructure charges using the following calculations:

$$TIC = [(IC \times U) - (C)] \times I$$

Where:

*TIC* is the *total infrastructure charge* that may be levied by the Livingstone Shire Council.

*IC* is the *infrastructure charge* as identified in tables 3 to 5 inclusive.

*U* is the *unit of measure* as identified in tables 3 to 5 inclusive.

*C* is the *agreed credit* as set out in Part 4.0.

*I* is the *indexation rate* as outlined in Section 3.5.

However, the total infrastructure charge shall not exceed the maximum adopted charge that the Livingstone Shire Council could have levied for the development as set out in the maximum charging framework established in the relevant Planning Resolution.

### 3.4 How infrastructure charges are applied

#### 3.4.1 Development located within the priority infrastructure area

Tables 2 and 3 specify the adopted infrastructure charges for development where located within the priority infrastructure area.

Livingstone Shire Council  
Adopted Infrastructure Charges Resolution (No. 6)

**Table 2 – Adopted charge for Reconfiguring a Lot within the Priority Infrastructure Area**

Column 1 Charge Area	Column 2 Adopted Infrastructure Charge (\$)	Column 3 Unit
Charge Area 1	31,080	per lot
Charge Area 2	16,000	per lot

**Table 3 – Adopted charge for development – Material Change of Use and Building Work within the Priority Infrastructure Area**

Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>▪ Caretaker's accommodation</li> <li>▪ Dwelling House (without a secondary dwelling<sup>1</sup>)</li> <li>▪ Dwelling House (includes a secondary dwelling<sup>2</sup>)</li> <li>▪ A secondary Dwelling<sup>3</sup> only</li> </ul>	<ul style="list-style-type: none"> <li>▪ Caretaker's residence</li> <li>▪ Dwelling House</li> <li>▪ Annexed Apartment</li> </ul>	Charge Area 1 and 2	\$22,200 per 1 or 2 bedroom Primary Dwelling only (with no Secondary Dwelling) Or \$31,080 per 1 or 2 bedroom Primary Dwelling that also has a secondary dwelling Or \$8,880 for a maximum of one Secondary Dwelling only as subordinate to an existing or proposed Primary Dwelling house Or \$31,080 per 3 or more bedroom dwelling only. Or \$22,200 per dwelling with 2 or less bedrooms.
<ul style="list-style-type: none"> <li>▪ Dual Occupancy</li> <li>▪ Dwelling Unit</li> </ul>	<ul style="list-style-type: none"> <li>▪ Dual Occupancy</li> <li>▪ Multiple Dwelling Units</li> </ul>	Charge Area 1 only	\$22,200 per 1 or 2 bedroom dwelling Or \$31,080 per 3 or more bedroom dwelling

<sup>1</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

<sup>2</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

<sup>3</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>Multiple Dwelling</li> </ul>		Charge Area 2 only	\$12,000 per 1 or 2 bedroom dwelling Or \$16,000 per 3 or more bedroom dwelling
<ul style="list-style-type: none"> <li>Tourist Park ((Residential Component)</li> <li>Short Term Accommodation (Farm Stay)</li> </ul>	<ul style="list-style-type: none"> <li>Caravan Park (tourist)</li> <li>Host Farm</li> </ul>	Charge Area 1 and 2	For a tent or caravan site:\$11,090 up to 2 tent sites or caravan sites, or <ul style="list-style-type: none"> <li>\$15,530 for every 3 tent or caravan sites</li> </ul> For a cabin: <ul style="list-style-type: none"> <li>\$11,090 per 1 or 2 bedroom cabin, or</li> <li>\$15,530 per 3 or more bedroom cabin.</li> </ul>
<ul style="list-style-type: none"> <li>Hotel (residential component)</li> <li>Home Based Business (Bed and Breakfast)</li> <li>Short Term Accommodation</li> <li>Nature Based Tourism</li> <li>Non-residential Workforce Accommodation</li> <li>Rooming Accommodation</li> <li>Rural Workers' Accommodation</li> <li>Resort Complex (Residential Component)</li> <li>Outstation</li> </ul>	<ul style="list-style-type: none"> <li>Accommodation Building (Motel)</li> <li>Accommodation Building (serviced apartments)</li> <li>Bed and Breakfast</li> <li>Hotel (accommodation)</li> </ul>	Charge Area 1 and 2	<ul style="list-style-type: none"> <li>\$11,090 per suite (with only 1 or no more than 2 bedrooms), or</li> <li>\$15,530 per suite (with 3 or more bedrooms), or</li> <li>\$11,090 per bedroom (for a bedroom that is not within a suite)</li> </ul>
<ul style="list-style-type: none"> <li>Community Residence</li> <li>Hostel</li> <li>Retirement Facility</li> </ul>	<ul style="list-style-type: none"> <li>Institutional Residence (residential component)</li> <li>Retirement Village</li> </ul>	Charge Area 1 and 2	For a community residence, retirement facility or hostel: <ul style="list-style-type: none"> <li>\$22,200 per suite (with 1 or 2 bedrooms, or</li> <li>\$31,080 per suite (with 3 or more bedrooms), or</li> <li>\$22,200 per bedroom (for a bedroom that is not within a suite)</li> </ul>

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>Relocatable Home Park</li> </ul>	<ul style="list-style-type: none"> <li>Caravan Park (permanent residential)</li> </ul>	Charge Area 1 and 2	For a relocatable home park: <ul style="list-style-type: none"> <li>\$22,200 per 1 or 2 bedroom relocatable dwelling site, or</li> <li>\$31,080 per 3 or more bedroom relocatable dwelling site.</li> </ul>
<ul style="list-style-type: none"> <li>Club</li> <li>Community Use</li> <li>Funeral Parlour</li> <li>Place or Worship</li> <li>Function Facility</li> </ul>	<ul style="list-style-type: none"> <li>Indoor entertainment (clubs)</li> <li>Restaurant (conference facility)</li> <li>Funeral Parlour</li> <li>Special Use (place of worship, religious purposes, community hall)</li> </ul>	Charge Area 1 and 2	\$77 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Agricultural Supplies Store</li> <li>Bulk Landscape Supplies</li> <li>Garden Centre</li> <li>Hardware and Trade Supplies</li> <li>Outdoor Sales</li> <li>Showroom</li> </ul>	<ul style="list-style-type: none"> <li>Garden Centre</li> <li>Landscape Supplies</li> <li>Produce Store</li> <li>Retail Warehouse</li> <li>Sales or Hire Premises</li> </ul>	Charge Area 1 and 2	\$155 per m <sup>2</sup> of Gross floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Warehouse (storage)</li> </ul>		Charge Area 1 and 2	\$55 per m <sup>2</sup> of Gross floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Adult Store</li> <li>Food and Drink Outlet</li> <li>Service Industry</li> <li>Service Station</li> <li>Shop</li> <li>Shopping Centre</li> <li>Car Wash</li> <li>Tourist Park (Non-residential Component)</li> </ul>	<ul style="list-style-type: none"> <li>Adult Products</li> <li>Arts and Crafts Centre</li> <li>Car Wash</li> <li>Convenience Restaurant</li> <li>Restaurant (not including conference facility)</li> <li>Service Station</li> <li>Shop</li> <li>Take-away Food Store</li> </ul>	Charge Area 1 and 2	\$199 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Office</li> <li>Sales Office</li> </ul>	<ul style="list-style-type: none"> <li>Display Home</li> <li>Office</li> </ul>	Charge Area 1 and 2	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>Child Care Centre</li> <li>Community Care Centre</li> <li>Educational Establishment except an educational establishment for the Flying Start for Queensland Children Program</li> </ul>	<ul style="list-style-type: none"> <li>Child Care Centre</li> <li>Special Use (educational purposes)</li> </ul>	Charge Area 1 and 2	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Educational Establishment for the Flying Start for Queensland Children Program</li> </ul>		Charge Area 1 and 2	Nil Charge
<ul style="list-style-type: none"> <li>Hotel (entertainment or non-residential component)</li> <li>Nightclub Entertainment facility</li> <li>Theatre</li> <li>Bar</li> <li>Brothel</li> <li>Major Sport, Recreation and Entertainment Facility</li> <li>Tourist Attraction</li> <li>Resort Complex</li> </ul>	<ul style="list-style-type: none"> <li>Hotel (non-residential component)</li> <li>Indoor Entertainment (cinema, theatre, games parlour)</li> </ul>	Charge Area 1 and 2	\$221 per m <sup>2</sup> of Gross Floor Area (GFA) other than areas provided for accommodation plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Indoor Sport and Recreation</li> </ul>	<ul style="list-style-type: none"> <li>Indoor Sports Facility</li> </ul>	Charge Area 1 and 2	\$221 per m <sup>2</sup> of Gross Floor Area (GFA) other than Court Areas; plus Court Areas at \$22 per m <sup>2</sup> of GFA; plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Low Impact Industry</li> <li>Medium Impact Industry</li> </ul>	<ul style="list-style-type: none"> <li>General Industry</li> <li>Light Industry</li> </ul>	Charge Area 1 and 2	\$55 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>▪ Port Services</li> <li>▪ Research and Technology Industry</li> <li>▪ Waterfront and Marine Industry</li> <li>▪ Rural Industry</li> <li>▪ Transport Depot</li> </ul>	<ul style="list-style-type: none"> <li>▪ Machinery Repair Station</li> </ul>		
<ul style="list-style-type: none"> <li>▪ Extractive Industry</li> <li>▪ High Impact Industry</li> <li>▪ Special, Noxious and Hazardous Industries</li> </ul>	<ul style="list-style-type: none"> <li>▪ Environmentally Assessable Industry</li> <li>▪ Extractive Industry</li> </ul>	Charge Area 1 and 2	\$77 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>▪ Animal Husbandry</li> <li>▪ Cropping</li> <li>▪ Permanent Plantations</li> <li>▪ Wind Farms</li> </ul>	<ul style="list-style-type: none"> <li>▪ Agriculture</li> </ul>	Charge Area 1 and 2	Nil charge
<ul style="list-style-type: none"> <li>▪ Animal Keeping</li> <li>▪ Aquaculture</li> <li>▪ Intensive Animal Industries</li> <li>▪ Intensive Horticulture</li> <li>▪ Warehouse</li> <li>▪ Wholesale Nursery</li> <li>▪ Winery</li> </ul>	<ul style="list-style-type: none"> <li>▪ Animal Keeping</li> <li>▪ Aquaculture</li> <li>▪ Intensive Animal Husbandry</li> <li>▪ Rural Service Industry</li> <li>▪ Storage Premises</li> <li>▪ Vehicle Depot</li> </ul>	Charge Area 1 and 2	\$22 per m <sup>2</sup> of Gross Floor Area (GFA)
<ul style="list-style-type: none"> <li>▪ Correctional Facility</li> <li>▪ Emergency Services</li> <li>▪ Health Care Services</li> <li>▪ Hospital</li> <li>▪ Residential Care Facility</li> <li>▪ Veterinary Services</li> </ul>	<ul style="list-style-type: none"> <li>▪ Health Care</li> <li>▪ Institutional Residence (non-residential component)</li> <li>▪ Medical Centre</li> <li>▪ Special Use (health service, emergency services)</li> <li>▪ Veterinary Clinic</li> </ul>	Charge Area 1 and 2	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>▪ Air Services</li> <li>▪ Car Parking Station</li> <li>▪ Crematorium</li> </ul>	<ul style="list-style-type: none"> <li>▪ Car Park</li> <li>▪ Outdoor Recreation</li> </ul>	Charge Area 1 and 2	The adopted infrastructure charge that the local government determines should apply for the use at the time of assessment.

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Column 1 – Development Uses		Column 2 - Charge area	Column 3 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme		
<ul style="list-style-type: none"> <li>▪ Motor Sport Facility</li> <li>▪ Outdoor Sport and Recreation</li> <li>▪ Tourist Attraction</li> <li>▪ Renewable Energy Facility</li> </ul>	<ul style="list-style-type: none"> <li>▪ Major Tourist Facility</li> <li>▪ Major Utility</li> <li>▪ Major Utility (airfield, depot)</li> <li>▪ Special Use (government purposes)</li> <li>▪ Transport Station</li> </ul>		
<ul style="list-style-type: none"> <li>▪ Advertising Device</li> <li>▪ Cemetery</li> <li>▪ Environment Facility</li> <li>▪ Home Based Business</li> <li>▪ Landing</li> <li>▪ Market</li> <li>▪ Major Electricity Infrastructure</li> <li>▪ Outdoor Lighting</li> <li>▪ Park</li> <li>▪ Roadside Stalls</li> <li>▪ Substation</li> <li>▪ Telecommunications Facility</li> <li>▪ Temporary Use</li> <li>▪ Utility Installation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Advertising Device</li> <li>▪ Clearing</li> <li>▪ Engineering Work</li> <li>▪ Special Use (cemetery)</li> <li>▪ Home-based Business</li> <li>▪ Market</li> <li>▪ Park</li> <li>▪ Local Utility</li> <li>▪ Telecommunications Facility</li> <li>▪ On-premises Sign</li> <li>▪ Borrow Pit</li> </ul>	Charge Area 1, 2	Nil charge
<ul style="list-style-type: none"> <li>▪ A use not otherwise listed including a use that is unknown because the development application does not specify a proposed use.</li> </ul>		Charge Area 1 and 2	The adopted infrastructure charge that the local government determines should apply for the use at the time of assessment.

### 3.4.2 Minimum Infrastructure Charge - Development located partly outside or entirely outside the priority infrastructure area

The following specifies the *minimum adopted infrastructure charge* for development (if approved) where located partly outside or entirely outside the priority infrastructure area. The *minimum infrastructure charges* apply only where Council considers that there is no need to impose conditions for additional trunk infrastructure costs for any trunk infrastructure network brought forward or required for the approved development. Such additional costs may well involve an agreement between Livingstone Shire Council and the developer/proponent. All

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development types within the Livingstone Shire local government area will have at least Transport and Parks & Community Facilities infrastructure charges levied.

The figures are specified to provide a minor level of certainty to the developer when considering the feasibility of a project. The charges specified do not remove the ability of Council to impose a condition requiring the payment of additional trunk infrastructure costs.

It is noted that some development types and uses identified above are not supported by Council's Planning Scheme in particular locations and by identifying the charges to be levied in no way pre-empts approval of same.

Reconfiguring a lot

For reconfiguring a lot (if approved) partly outside or entirely outside the priority infrastructure area, the *minimum infrastructure charge payable* (based on the nature of the development and the requirements of the planning scheme for infrastructure provision) are outlined in Table 4 below, plus any additional charges. Essentially the minimum charge is calculated based on access to the relevant trunk network. Table 4 sets out the scenarios for various forms of development from fully serviced urban developments to subdivision of rural lands.

Development Uses

For development located partly outside or entirely outside of the Priority Infrastructure Area, the minimum infrastructure charge levied (based on the use and the requirements of the planning scheme for infrastructure provision), are set out in Table 5.

The charges identified in Table 5 are applicable where the development is to be connected to all of Council's infrastructure networks. Should the development not be connecting to either water supply and/or sewerage and/or stormwater networks then a reduction in the contribution may be applicable and will be calculated by Council. Transport and Parks & Community Facilities Networks charges are applicable.

The proportional splits of the levied charges are set out in Table 6.



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**Table 4 – Minimum infrastructure charge for Reconfiguring a Lot partly outside or entirely outside the Priority Infrastructure Area**

Development scenario	Minimum Total Charge	Unit of measurement
Development that is to be connected to <b><u>all</u></b> of Council's infrastructure networks (W) \$6,840 (S) \$5,280 (T) \$15,540 (SW) \$620 (PCF) <u>\$2,800</u> <u>\$31,080</u>	\$31,080	per lot, dwelling, dwelling site, cabin, or suite
Development that is to be connected to <b><u>all of Council's networks, but not the sewerage network</u></b> (W) \$6,840 (T) \$15,540 (SW) \$620 (PCF) <u>\$2,800</u> <u>\$25,800</u>	\$25,800	per lot, dwelling, dwelling site, cabin, or suite
Development connected to <b><u>all the networks but not the sewerage or stormwater network</u></b> (W) \$6,840 (T) \$15,540 (PCF) <u>\$2,800</u> <u>\$25,180</u>	\$25,180	per lot, dwelling, dwelling site, cabin, or suite
Development that is to be connected to <b><u>all of Council's networks, but not water supply and sewerage networks</u></b> (T) \$15,540 (SW) \$620 (PCF) <u>\$2,800</u> <u>\$18,960</u>	\$18,960	per lot, dwelling, dwelling site, cabin, or suite
Development that is <b><u>only paying a transport and park &amp; community facility contribution</u></b> (T) \$15,540 (PCF) <u>\$2,800</u> <u>\$18,340</u>	\$18,340	per lot, dwelling, dwelling site, cabin, or suite
Note: <ul style="list-style-type: none"> <li>This table specifies the 'minimum' charges that Council may apply to development located partly outside or entirely outside the priority infrastructure area.</li> <li>Transport and Parks &amp; Community Facilities Network charges are applicable in all scenarios.</li> </ul>		

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**Table 5 – Minimum infrastructure charge for development – Material Change of Use and Building Work partly outside or entirely outside the Priority Infrastructure Area**

Column 1 – Development Uses		Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme	
<ul style="list-style-type: none"> <li>▪ Caretaker's accommodation</li> <li>▪ Dwelling House (without a secondary dwelling<sup>4</sup>)</li> <li>▪ Dwelling House (includes a secondary dwelling<sup>5</sup>)</li> <li>▪ A secondary Dwelling<sup>6</sup> only</li> </ul>	<ul style="list-style-type: none"> <li>▪ Caretaker's residence</li> <li>▪ Dwelling House</li> <li>▪ Annexed Apartment</li> </ul>	<p>\$22,200 per 1 or 2 bedroom Primary Dwelling only (with no Secondary Dwelling)</p> <p>Or</p> <p>\$31,080 per 1 or 2 bedroom Primary Dwelling that also has a secondary dwelling</p> <p>Or</p> <p>\$8,880 for a maximum of one Secondary Dwelling only as subordinate to an existing or proposed Primary Dwelling house</p> <p>Or</p> <p>\$31,080 per 3 or more bedroom dwelling only.</p> <p>Or</p> <p>\$22,200 per dwelling with 2 or less bedrooms.</p>
<ul style="list-style-type: none"> <li>▪ Dual Occupancy</li> <li>▪ Dwelling Unit</li> </ul>	<ul style="list-style-type: none"> <li>▪ Dual Occupancy</li> <li>▪ Multiple Dwelling Units</li> </ul>	<p>\$22,200 per 1 or 2 bedroom dwelling Or</p> <p>\$31,080 per 3 or more bedroom dwelling</p>

<sup>4</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

<sup>5</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

<sup>6</sup> A secondary dwelling no greater than 80m<sup>2</sup> does not incur this charge.

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Column 1 – Development Uses		Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme	
<ul style="list-style-type: none"> <li>Multiple Dwelling</li> </ul>		\$12,000 per 1 or 2 bedroom dwelling Or  \$16,000 per 3 or more bedroom dwelling
<ul style="list-style-type: none"> <li>Tourist Park ((Residential Component)</li> <li>Short Term Accommodation (Farm Stay)</li> </ul>	<ul style="list-style-type: none"> <li>Caravan Park (tourist)</li> <li>Host Farm</li> </ul>	For a tent or caravan site:\$11,090 up to 2 tent sites or caravan sites, or <ul style="list-style-type: none"> <li>\$15,530 for every 3 tent or caravan sites</li> </ul> For a cabin: <ul style="list-style-type: none"> <li>\$11,090 per 1 or 2 bedroom cabin, or</li> <li>\$15,530 per 3 or more bedroom cabin.</li> </ul>
<ul style="list-style-type: none"> <li>Hotel (residential component)</li> <li>Home Based Business (Bed and Breakfast)</li> <li>Short Term Accommodation</li> <li>Nature Based Tourism</li> <li>Non-residential Workforce Accommodation</li> <li>Rooming Accommodation</li> <li>Rural Workers' Accommodation</li> <li>Resort Complex (Residential Component)</li> <li>Outstation</li> </ul>	<ul style="list-style-type: none"> <li>Accommodation Building (Motel)</li> <li>Accommodation Building (serviced apartments)</li> <li>Bed and Breakfast</li> <li>Hotel (accommodation)</li> </ul>	<ul style="list-style-type: none"> <li>\$11,090 per suite (with only 1 or no more than 2 bedrooms), or</li> <li>\$15,530 per suite (with 3 or more bedrooms), or</li> <li>\$11,090 per bedroom (for a bedroom that is not within a suite)</li> </ul>
<ul style="list-style-type: none"> <li>Community Residence</li> <li>Hostel</li> <li>Retirement Facility</li> </ul>	<ul style="list-style-type: none"> <li>Institutional Residence (residential component)</li> <li>Retirement Village</li> </ul>	For a community residence, retirement facility or hostel: <ul style="list-style-type: none"> <li>\$22,200 per suite (with 1 or 2 bedrooms, or</li> <li>\$31,080 per suite (with 3 or more bedrooms), or</li> <li>\$22,200 per bedroom (for a bedroom that is not within a suite)</li> </ul>

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Column 1 – Development Uses		Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme	
<ul style="list-style-type: none"> <li>Relocatable Home Park</li> </ul>	<ul style="list-style-type: none"> <li>Caravan Park (permanent residential)</li> </ul>	For a relocatable home park: <ul style="list-style-type: none"> <li>\$22,200 per 1 or 2 bedroom relocatable dwelling site, or</li> <li>\$31,080 per 3 or more bedroom relocatable dwelling site.</li> </ul>
<ul style="list-style-type: none"> <li>Club</li> <li>Community Use</li> <li>Funeral Parlour</li> <li>Place or Worship</li> <li>Function Facility</li> </ul>	<ul style="list-style-type: none"> <li>Indoor entertainment (clubs)</li> <li>Restaurant (conference facility)</li> <li>Funeral Parlour</li> <li>Special Use (place of worship, religious purposes, community hall)</li> </ul>	\$77 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Agricultural Supplies Store</li> <li>Bulk Landscape Supplies</li> <li>Garden Centre</li> <li>Hardware and Trade Supplies</li> <li>Outdoor Sales</li> <li>Showroom</li> </ul>	<ul style="list-style-type: none"> <li>Garden Centre</li> <li>Landscape Supplies</li> <li>Produce Store</li> <li>Retail Warehouse</li> <li>Sales or Hire Premises</li> </ul>	\$155 per m <sup>2</sup> of Gross floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Warehouse (storage)</li> </ul>		\$55 per m <sup>2</sup> of Gross floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Adult Store</li> <li>Food and Drink Outlet</li> <li>Service Industry</li> <li>Service Station</li> <li>Shop</li> <li>Shopping Centre</li> <li>Car Wash</li> <li>Tourist Park (Non-residential Component)</li> </ul>	<ul style="list-style-type: none"> <li>Adult Products</li> <li>Arts and Crafts Centre</li> <li>Car Wash</li> <li>Convenience Restaurant</li> <li>Restaurant (not including conference facility)</li> <li>Service Station</li> <li>Shop</li> <li>Take-away Food Store</li> </ul>	\$199 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Office</li> <li>Sales Office</li> </ul>	<ul style="list-style-type: none"> <li>Display Home</li> <li>Office</li> </ul>	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater

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Column 1 – Development Uses		Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme	
<ul style="list-style-type: none"> <li>Child Care Centre</li> <li>Community Care Centre</li> <li>Educational Establishment except an educational establishment for the Flying Start for Queensland Children Program</li> </ul>	<ul style="list-style-type: none"> <li>Child Care Centre</li> <li>Special Use (educational purposes)</li> </ul>	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Educational Establishment for the Flying Start for Queensland Children Program</li> </ul>		Nil Charge
<ul style="list-style-type: none"> <li>Hotel (entertainment or non-residential component)</li> <li>Nightclub Entertainment facility</li> <li>Theatre</li> <li>Bar</li> <li>Brothel</li> <li>Major Sport, Recreation and Entertainment Facility</li> <li>Tourist Attraction</li> <li>Resort Complex</li> </ul>	<ul style="list-style-type: none"> <li>Hotel (non-residential component)</li> <li>Indoor Entertainment (cinema, theatre, games parlour)</li> </ul>	\$221 per m <sup>2</sup> of Gross Floor Area (GFA) other than areas provided for accommodation plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Indoor Sport and Recreation</li> </ul>	<ul style="list-style-type: none"> <li>Indoor Sports Facility</li> </ul>	\$221 per m <sup>2</sup> of Gross Floor Area (GFA) other than Court Areas; plus Court Areas at \$22 per m <sup>2</sup> of GFA; plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>Low Impact Industry</li> <li>Medium Impact Industry</li> </ul>	<ul style="list-style-type: none"> <li>General Industry</li> <li>Light Industry</li> </ul>	\$55 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater

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Column 1 – Development Uses		Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme	
<ul style="list-style-type: none"> <li>▪ Port Services</li> <li>▪ Research and Technology Industry</li> <li>▪ Waterfront and Marine Industry</li> <li>▪ Rural Industry</li> <li>▪ Transport Depot</li> </ul>	<ul style="list-style-type: none"> <li>▪ Machinery Repair Station</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Extractive Industry</li> <li>▪ High Impact Industry</li> <li>▪ Special, Noxious and Hazardous Industries</li> </ul>	<ul style="list-style-type: none"> <li>▪ Environmentally Assessable Industry</li> <li>▪ Extractive Industry</li> </ul>	\$77 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>▪ Animal Husbandry</li> <li>▪ Cropping</li> <li>▪ Permanent Plantations</li> <li>▪ Wind Farms</li> </ul>	<ul style="list-style-type: none"> <li>▪ Agriculture</li> </ul>	Nil charge
<ul style="list-style-type: none"> <li>▪ Animal Keeping</li> <li>▪ Aquaculture</li> <li>▪ Intensive Animal Industries</li> <li>▪ Intensive Horticulture</li> <li>▪ Warehouse</li> <li>▪ Wholesale Nursery</li> <li>▪ Winery</li> </ul>	<ul style="list-style-type: none"> <li>▪ Animal Keeping</li> <li>▪ Aquaculture</li> <li>▪ Intensive Animal Husbandry</li> <li>▪ Rural Service Industry</li> <li>▪ Storage Premises</li> <li>▪ Vehicle Depot</li> </ul>	\$22 per m <sup>2</sup> of Gross Floor Area (GFA)
<ul style="list-style-type: none"> <li>▪ Correctional Facility</li> <li>▪ Emergency Services</li> <li>▪ Health Care Services</li> <li>▪ Hospital</li> <li>▪ Residential Care Facility</li> <li>▪ Veterinary Services</li> </ul>	<ul style="list-style-type: none"> <li>▪ Health Care</li> <li>▪ Institutional Residence (non-residential component)</li> <li>▪ Medical Centre</li> <li>▪ Special Use (health service, emergency services)</li> <li>▪ Veterinary Clinic</li> </ul>	\$155 per m <sup>2</sup> of Gross Floor Area (GFA) plus \$11 per impervious m <sup>2</sup> for stormwater
<ul style="list-style-type: none"> <li>▪ Air Services</li> <li>▪ Car Parking Station</li> <li>▪ Crematorium</li> </ul>	<ul style="list-style-type: none"> <li>▪ Car Park</li> <li>▪ Outdoor Recreation</li> </ul>	The adopted infrastructure charge that the local government determines should apply for the use at the time of assessment.

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Column 1 – Development Uses		Column 2 - Adopted infrastructure charge (\$) and Unit
Livingstone Planning Scheme 2018	Superseded 2005 Planning Scheme	
<ul style="list-style-type: none"> <li>Motor Sport Facility</li> <li>Outdoor Sport and Recreation</li> <li>Tourist Attraction</li> <li>Renewable Energy Facility</li> </ul>	<ul style="list-style-type: none"> <li>Major Tourist Facility</li> <li>Major Utility</li> <li>Major Utility (airfield, depot)</li> <li>Special Use (government purposes)</li> <li>Transport Station</li> </ul>	
<ul style="list-style-type: none"> <li>Advertising Device</li> <li>Cemetery</li> <li>Environment Facility</li> <li>Home Based Business</li> <li>Landing</li> <li>Market</li> <li>Major Electricity Infrastructure</li> <li>Outdoor Lighting</li> <li>Park</li> <li>Roadside Stalls</li> <li>Substation</li> <li>Telecommunications Facility</li> <li>Temporary Use</li> <li>Utility Installation</li> </ul>	<ul style="list-style-type: none"> <li>Advertising Device</li> <li>Clearing</li> <li>Engineering Work</li> <li>Special Use (cemetery)</li> <li>Home-based Business</li> <li>Market</li> <li>Park</li> <li>Local Utility</li> <li>Telecommunications Facility</li> <li>On-premises Sign</li> <li>Borrow Pit</li> </ul>	Nil charge
<ul style="list-style-type: none"> <li>A use not otherwise listed including a use that is unknown because the development application does not specify a proposed use.</li> </ul>		The adopted infrastructure charge that the local government determines should apply for the use at the time of assessment.

### 3.5 Indexation of charges

- (a) The infrastructure charges levied by the *local government* may be indexed to inflation from the date that the infrastructure charge is levied, to the time the infrastructure charge is paid, using the Producer Price Index.

$$TIC_{pay} = TIC_{levied} \times (PPI_{pay} / PPI_{base})$$

Where:

$TIC_{pay}$  is the *total infrastructure charge* to be paid to the Livingstone Shire Council.

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*TIC<sub>levied</sub>* is the *total infrastructure charge levied* by the Livingstone Shire Council.

*PPI<sub>pay</sub>* is the *Producer Price Index* published at the time the infrastructure charge is paid.

*PPI<sub>base</sub>* is the *Producer Price Index* March 2022 – 118.3.

- (b) Where within the priority infrastructure area, the infrastructure charge payable is not to exceed the maximum adopted charge in the SPRP (adopted charges) or result in a charge that is greater than the increase for PPI index for the period starting on the day the charge was levied and ending on the day it is paid, adjusted by reference to the 3-yearly PPI index average.

### 3.6 Notification of an adopted infrastructure charge

The *local government* must meet the requirements of the Planning Act 2016 (Section 121) in relation to the contents of the infrastructure charge notice.

### 3.7 Time of payment of an adopted infrastructure charge

A levied infrastructure charge is payable at the following time:

- (a) if the charge applies to reconfiguring a lot that is assessable development or development requiring compliance assessment – before the *local government* approves the plan of subdivision ("a survey plan") for the reconfiguration; or
- (b) if the charge applies to building work that is assessable development or development requiring compliance assessment – before the certificate of classification for the building work is issued; or
- (c) if the charge applies to a material change of use – before the change of use happens; or
- (d) otherwise – on the day stated in the infrastructure charges notice or negotiated infrastructure charges notice.

(Note – The *local government* may have a development incentives policy resolution or approved deferment policy which may change or override these circumstances for payment).

### 3.8 Alternatives to paying an infrastructure charge

- (a) The *local government* may enter into a written agreement about:
  - i. whether the charge may be paid at a different time from that stated in the adopted infrastructure charges notice or negotiated adopted infrastructure charges notice;
  - ii. whether the charge may be paid by instalments;
  - iii. whether infrastructure may be supplied instead of paying all or part of the charge.
- (b) For development infrastructure that is land, the *local government* may give a notice in addition to, or instead of an adopted infrastructure charges notice, requiring:
  - i. part of the land subject of the development application or compliance assessment, to be given to the *local government* in fee simple; or
  - ii. part of the land subject of the development application or compliance assessment, to be given to the *local government* in fee simple and part of an adopted infrastructure charge.

### 3.9 Recording infrastructure charges

The Livingstone Shire Council must record all levied adopted infrastructure charges in a publicly available adopted infrastructure charges register. Regulations commencing on 1 January 2020 require all local governments to meet new reporting provisions.



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### 3.10 Proportional split of infrastructure charges for trunk infrastructure networks

The adopted infrastructure charge is to be proportionally split to a trunk infrastructure network for the purposes of calculating charges.

#### 3.10.1 Proportional Split - Development located within the priority infrastructure area

The proportional splits for development within the priority infrastructure area are stated in Table 6.

**Table 6 – Proportional Split of adopted infrastructure charge for trunk infrastructure networks within the priority infrastructure area for Reconfiguring a Lot and development Uses.**

Water	Sewer	Transport	Stormwater	Parks & Community Facilities
22.00	17.00	50.00	2.00	9.00

#### 3.10.2 Proportional Split - Development located partly outside or entirely outside the priority infrastructure area

The proportional splits for development partly outside or entirely outside the priority infrastructure area are to be determined utilising Table 6 in section 3.10.1 above. These splits are relevant where Council determines that the minimum total charge is considered to be appropriate and where there is no need to impose a condition for additional trunk infrastructure costs for any network.

## Part 4 Credits

### 4.1 Definition of a credit

- (a) A credit means the amount to be applied for the purpose of calculating an adopted infrastructure charge which considers existing lawful land use or lots, whichever is the greater.
- (b) The maximum value of a credit for each site will not exceed the adopted infrastructure charge for the approved land use or lots of the existing site. That means for any use, if a credit is higher than the levied infrastructure charge of the approved use a refund will not occur.

### 4.2 Application of a credit

- (a) A credit will only be applied in respect of an existing lawful land use or lots, in existence at the time the development application is made. This means an existing lawful use must be established (up and running) at the time the development application is made.
- (b) A credit will not be applied under any circumstance for unapproved use of the land.

## Part 5 Offsets

### 5.1 Purpose

This section outlines the circumstances and process for an infrastructure offset for trunk infrastructure contribution for infrastructure.

### 5.2 Application of section

This section applies where, for a development, the Livingstone Shire Council has (for a trunk infrastructure network):

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- (a) *required the following* (trunk infrastructure contribution):
  - i. the supply of work/s for trunk infrastructure in a condition of a development approval;
  - ii. the giving of part of the land the subject of a development application or request for compliance assessment in a notice and
- (b) *levied* an adopted infrastructure charge in an adopted infrastructure charges notice or negotiated infrastructure charges notice for the same premises.

### 5.3 Claim for an infrastructure offset

- (a) The entity or person bound to provide the trunk infrastructure contribution and the adopted infrastructure charge for the development (the claimant) may give a notice in the prescribed form to the *local government* which states the following:
  - i. that the claimant proposes to supply the trunk infrastructure contribution;
  - ii. that the claimant seeks an offset or refund for the supply of the trunk infrastructure contribution against an adopted infrastructure charge (infrastructure offset);
  - iii. the claimants estimate of the establishment cost of the trunk infrastructure for an offset or refund
- (b) The *local government* is to give a notice in the prescribed form to the claimant which states the following:
  - i. whether an infrastructure offset is applicable or not;
  - ii. if an infrastructure offset is not applicable, the reason;
  - iii. if an infrastructure offset is applicable, the value of the infrastructure offset; and
  - iv. if a refund is applicable following the offset of the trunk works establishment cost against the infrastructure charges notice (ICN).

### 5.4 Application of an infrastructure offset

The *local government* is to offset the amount of the value of the trunk infrastructure against the total amount as identified on the Infrastructure Charges Notice. Where the establishment cost of the trunk infrastructure item (not applicable for Additional Trunk Infrastructure conditions) is greater than the total amount on the infrastructure charges notice, Livingstone Shire Council must refund the applicant an amount equal to the difference between the two or alternatively applying a credit.

Infrastructure charges notices will provide details on the Establishment Costs for any trunk works required, Infrastructure Charges payable and any refund that maybe applicable.

## Part 6 Determining the Establishment Cost of trunk infrastructure for an offset or refund

### 6.1 Purpose

This section states the Livingstone Shire Council policy for the determination of the establishment cost of trunk infrastructure works to be used for an offset or refund.

### 6.2 Establishment Cost Provisions

Livingstone Shire Council has determined a preliminary establishment cost for the provision of the trunk infrastructure items as identified in the Schedule of Works. The scope of works used for the development of this cost will be provided to the applicant. It will include the standard to which the infrastructure is to be provided and approximate location.

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For trunk infrastructure that is works, the applicant must at their cost provide to the Livingstone Shire Council:

- (a) a bill of quantities for the design, construction and commissioning of the trunk infrastructure in accordance with the scope of works;
- (b) a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities.

For trunk infrastructure that is land, the applicant must at their cost provide to the Livingstone Shire Council a valuation of the specified land undertaken by a certified valuer using the before and after method of valuation.

### **6.3 Cost Estimation / Valuation Accepted or Not Accepted**

Where the bill of quantities and cost estimate is accepted by Council, this becomes the establishment cost.

For trunk infrastructure that is land, where the valuation is accepted by Council, this becomes the establishment cost.

Council is to give notice to the applicant advising the acceptance of the bill of quantities, cost estimate and valuation where appropriate and determination of this being the establishment cost.

Where the bill of quantities, cost estimate or valuation is not accepted by Council, Council must at its cost have an assessment undertaken by a suitably qualified person or for land valuation, a certified practicing valuer to:

- (a) determine whether the bill of quantities is in accordance with the scope of works;
- (b) determine whether the cost estimate is consistent with current market costs calculated by applying first principles estimating approach to the bill of quantities;
- (c) provide a new cost estimate using a first principles estimating approach;
- (d) provide a new land valuation using the before and after land valuation method.

### **6.4 Cost Estimation / Valuation Agreement Cannot be Reached**

If agreement cannot be reached Livingstone Shire Council must refer the bill of quantities, estimate or valuation to an independent, suitably qualified assessor or for the land valuation, an independent certified practising valuer.

Livingstone Shire Council and the applicant must agree on the appointment of the independent assessor or independent valuer and the costs associated with the review are to be equally shared between both parties.

The independent assessor or valuer will be required to:

- (a) assess whether the bill of quantities is in accordance with the scope of works;
- (b) assess whether the cost estimate is consistent with current market costs calculated by applying first principles estimating approach to the bill of quantities;
- (c) provide an amended cost estimate using a first principles estimating approach;
- (d) assess the previous land valuation and provide an amended valuation where appropriate.

Where an amended cost estimate or valuation has been determined by the independent assessor or valuer and agreed by both parties, this is then the establishment cost.

If the Livingstone Shire Council and the applicant are unable to reach agreement on the appointment of an independent assessor or an independent certified valuer, then the establishment cost is determined by taking the average of the cost estimate previously

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obtained by the applicant and that identified in Council's schedule of works.

## **6.5 Amended Infrastructure Charges Notice**

Livingstone Shire Council must give an amended infrastructure charges notice (ICN) stating:

- (a) the value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended infrastructure charges notice using the Producer Price Index;
- (b) that the establishment cost of the infrastructure stated in the amended infrastructure charges notice is indexed from the date that it is stated in the amended notice to the date it is to be offset against the levied charge in accordance with the Producer Price Index.

## **Part 7 Conversions**

### **7.1 Purpose**

This section states the Livingstone Shire Council policy for the submission of a conversion application.

### **7.2 Conversion Application**

This section applies where, for a development, the Livingstone Shire Council has issued a development approval including a condition requiring non-trunk infrastructure to be provided, and the applicant requires Council's further consideration to be given to the conversion of that infrastructure from non-trunk to trunk.

An applicant may apply to the local government to convert non-trunk infrastructure to trunk infrastructure. The application must be made in writing using the prescribed form (the conversion application). The local government must within the required period, decide the conversion application having regard to the criteria for deciding the application.

In accordance with section 138 of the *Planning Act 2016*, an application to convert infrastructure to trunk infrastructure application to convert non-trunk infrastructure to trunk infrastructure may be made only where the following applies:

- (a) A particular development condition under section 145 of the *Planning Act 2016* requires non-trunk infrastructure to be provided; and
- (b) The construction of the non-trunk infrastructure has not started.

In accordance with section 139 (2) of the *Planning Act 2016*, the application must be made –

- (a) To the local government in writing; and
- (b) Within 1 year after the development approval starts to have effect.

*(Note – The application form for a conversion application is located on the Livingstone Shire Council website along with the requisite fees listed in the Fees and charges schedule).*

### **7.3 Deciding an Application**

Where a conversion application has been made, Livingstone Shire Council will consider the criteria identified in 7.4 below as a basis for the decision-making. The conversion application decision process must be undertaken in accordance with relevant section of the *Planning Act 2016*.

Where Livingstone Shire Council requires additional information to assist with the assessment of the conversion application, written notice will be provided in accordance with the relevant section of the *Planning Act 2016*.

### **7.4 Conversion Criteria**

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This section sets out Council's conversion criteria for the purposes of section 117 of the Planning Act. Non-trunk infrastructure that is subject of a conversion must comply with all the conversion criteria in section 7.4 (a) – (i) to be converted to trunk infrastructure:

(a) **Capacity to service other development in accordance with desired standards of service.**

The development infrastructure must have capacity to service other development in the area, in accordance with the desired standard of service identified in the LGIP.

(b) **Infrastructure consistent with LGIP**

The function and purpose of the development infrastructure must be consistent with other trunk infrastructure identified in the LGIP.

(c) **Not consistent with non-trunk infrastructure**

The development infrastructure must not be consistent with non-trunk infrastructure for which a condition may be imposed under section 145 of the Planning Act. That is, the infrastructure must not be for any of the following:

- i. a network, or part of a network, internal to premises;
- ii. connecting the premises to external infrastructure networks; or
- iii. protecting or maintaining the safety or efficiency of the infrastructure network of which the non-trunk infrastructure is a component.

*Example – A condition is imposed requiring upgrade works to a trunk road, to maintain the safety and efficiency of the network as a result of a development. Although the works relate to a trunk road, they are non-trunk infrastructure and do not satisfy this criterion.*

(d) **Cost-effectiveness**

- i. The type, size and location of the development infrastructure must be the most cost-effective option for servicing multiple users in the area.
- ii. This criterion will be satisfied where the development infrastructure is the least cost option based upon the life cycle cost of the development infrastructure required to service future urban development in the area at the desired standard of service identified in the LGIP.

(e) **Not for development incentives**

The development infrastructure must not have been proposed by the applicant for the purpose of obtaining:

- i. an increase in height or density; or
- ii. any other concession or relaxation of a requirement under the Planning Scheme.

(f) **Not proposed as non-trunk infrastructure**

The development infrastructure must not have been proposed by the applicant on the basis that it would be non-trunk infrastructure (or would otherwise not be subject to an Offset or Refund).

(g) **Not to upgrade to service development inconsistent with LGIP assumptions**

The development infrastructure must not involve an upgrade of an existing trunk infrastructure item made necessary to service development that is inconsistent with the type, scale, location or timing of development assumed in the LGIP.

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(h) **Services development consistent with LGIP assumptions**

The development infrastructure must service development that is consistent with the LGIP's assumptions about the type, scale, location and timing of development.

**5.2 Conversion Application Decision**

As soon as practicable after Livingstone Shire Council has made a decision regarding the application a decision notice must be given to the applicant.

If the decision to convert the infrastructure from non-trunk to trunk is approved, then Council must amend the original decision notice conditions and reissue an amended Infrastructure Charges.

If the decision is not to convert non-trunk infrastructure to trunk infrastructure, the notice must be an information notice about the decision.

**Part 8 Desired Standards of Service**

The desired standards of service for each trunk infrastructure network are identified in the *Livingstone Planning Scheme 2018*, Part 4 – Local Government Infrastructure Plan, 4.4 Desired Standards of service.

**Part 9 Priority Infrastructure Area**

The Priority Infrastructure Area is identified in the *Livingstone Planning Scheme 2018*, Schedule 3 – Local Government infrastructure plan mapping and supporting material, SC3.4 Priority Infrastructure Area Maps.

**Part 10 Plans for Trunk Infrastructure**

The plans for trunk infrastructure for each trunk infrastructure network are identified in the *Livingstone Planning Scheme 2018*, Schedule 3 – Local Government infrastructure plan mapping and supporting material, SC3.5 Plans for Trunk Infrastructure Maps.

**Part 11 Schedule of Works**

The schedule of works for each trunk infrastructure network are identified in the *Livingstone Planning Scheme 2018*, Schedule 3 – Local Government infrastructure plan mapping and supporting material, SC3.2 Schedule of Works.

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**11.3 RESPONSE TO NOTICE OF MOTION - FARNBOROUGH BEACH MASTER PLAN ENGAGEMENT RESULTS****File No:** qA24221**Attachments:**

1. Shared Zone for Bangalee Beach Access[↓](#)
2. Farnborough Beach Master Plan Engagement Results Analysis[↓](#)
3. Signage Works March 2024[↓](#)
4. Growth Management Commentary[↓](#)

**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Molly Saunders - Manager Community and Cultural Services

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**SUMMARY**

*This report provides a history of this matter and the results of community engagement on the Farnborough Beach Draft Master Plan.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves to:

1. Advocate to the State Government to increase monitoring and patrolling of Farnborough Beach by the Queensland Police.
2. Continue to maintain the existing ramp at Hinz Avenue AND continues to progress development of a Traffic and Beach Access Management Strategy AND completes a business case for upgrading of the ramp/beach access with the intent to improve safe and accessible separated pedestrian and vehicle access.
3. Continue to maintain relationship with private/Government landowners to ensure that if opportunities arise to advocate for additional access points/upgraded, Council can do so.
4. Continue to attract, support, and promote events and educational opportunities that promote safe shared beach usage (e.g. Safety on the Sand, school holiday activities, website information updates).

**BACKGROUND****24th January 2001 Council Resolution**

THAT Council meet with the Iwasaki Sangyo Pty Ltd and all relevant state agencies to investigate appropriate alternate access and the appropriateness of closing the beach to all vehicular access south of the recreation area of the resort. Further, that Council continue to monitor beach activity in the interim.

Following this resolution, an onsite meeting was held with Iwasaki Sangyo Pty Ltd and EPA representatives for discuss. Council received feedback for and against the relocation of the beach access, including a petition of 240 against the relocation.

In September 2002, Council completed formation and sealing works in Mirrawena Avenue and Hinz Ave including the construction of a carpark adjacent to Bangalee Beach access.

In 2004, Council completed additional works on and adjacent to the beach access, namely the introduction of a 10km/hour shared zone and the reconstruction of the beach access. The reconstruction included changes to the geometry of the access for improved visibility and the installation of a timber pallet system to reduce vehicle speeds on access.

**25th October 2004 Council Resolution**

THAT the speed limit on Farnborough Road between the Bangalee Boat Ramp in Hinz Avenue and Rydges Resort to be reduced from 50km to 30km.

And

A report be prepared on an alternative access in preference to the Bangalee Beach Access Road, onto the beach north of Rydges Resort, with a budget and timeline for implementation.

And

The Bangalee beach access remain open as a Boat Ramp.

#### **24th November 2004 Council Resolution**

THAT Council investigate the practical and legal implications of authorising a suitable person from the Bangalee/Rydges area to act as Beach Marshall (or other suitable name) to supervise vehicles on Farnborough Beach, with the view to calling for Expression of Interest.

#### **17th December 2004**

A petition signed by over six hundred and fifty persons, was received by the CEO 10th December 2004. This was tabled at the 17th December 2004 Ordinary Meeting.

*We the undersigned (ratepayers, tourists and visitors) do hereby object to the Livingstone Shire Council placing a ban on vehicular traffic on Bangalee Beach to Sandy Point and the use of the present designated access point.*

*This beautiful area has been enjoyed by local families, national and international tourists for recreational activities, whether it be vehicular or pedestrian for the past fifty years and future generations have the right to enjoy the same activities of this area.*

*We request the LSC to introduce a speed limit (50klms) to ensure the safety of all beach users.*

#### **17th December Council Resolution**

THAT Council receives the petition and it be considered at the meeting at which the report requested by Council on alternative access in preference to the Bangalee Beach Access Road, onto the beach north of Rydges Report, with a budget and timeline for implementation is tabled.

And

THAT the head petitioners be advised that Council has not 'placed a ban on vehicular traffic at Bangalee Beach to Sandy Point' nor the use of the present designated access point, but Council will consider a range of issues including an alternative access road to Bangalee Beach north of Rydges Resort when a report is presented to Council at a later date, and the head petitioners be further advised at a later date.

#### **23rd March 2005**

The report requested on 25th October 2004 was tabled.

#### **23rd March 2005 Council Resolution**

THAT consideration be given in the 2005/2006 budget to allocate sufficient funds for a full-time policing of the Bangalee beach for one year.

And

Retain the use of the existing Bangalee Beach access.

And

THAT the access be listed in the Forward Works program for the future construction of an access north of Rydges Resort to be funded based on the standard prioritisation process pending resolution of public access and liability issues;



And

THAT in the interim Council erect an information sign at the existing access clearly defining rules governing use of the beach by vehicles and pedestrians;

And

THAT Council organise a public forum at the appropriate time to provide community input.

And

THAT appropriate Council officers enter into formal negotiations with Iwasaki Sangyo with a view of acquiring appropriate tenure to put in a future northern beach access.

And

THAT the petition be received.

The petition referenced was entitled 'Public Safety on Bangalee Beach' and signed by at least eighty persons (the complete number cannot be confirmed).

*In the interest of public safety we the undersigned to hereby agree to the closing of Farnborough Beach between Hinz Avenue and North of Rydges Resort to vehicular traffic when the alternate access is provided. We acknowledge and agree the boat ramp at Hinz Avenue will remain in use for the purpose of boat launching and pedestrian access.*

### **31 October 2019 Briefing Report**

#### **Officer commentary**

Whilst the alternative access was investigated and not pursued at the time, its viability continues to be severely limited by several pertinent factors.

1. The property owner is highly unlikely to support construction of the access and surrender of land to create a road reserve, which is the only sensible form of tenure.
2. The access point is approximately 6-7 km distant from the nearest road reserve and similar to the access, it would seem unlikely the property owner would relinquish ownership of the required land to convert to road reserve and if they did, Council would then be responsible for maintenance of the resulting road in addition to the new beach access.
3. Recent experiences regarding the effort, and cost, to achieve approvals for construction in environmentally sensitive locations would suggest securing an approval to construct a road through dunes and onto a beach at a new location would be very challenging.

Whilst the current access from the end of Hinz Avenue might not be ideal, any access onto a beach, regardless of location will be challenging and it is evident the current location could be improved at a much lower cost than shifting to a new location.

Hazards associated with use of the existing ramp are primarily related to driver inexperience and ignorance of the unique prevailing driving conditions on the beach. Council Officers are aware of this deficiency and are currently working on new information signage, Community awareness opportunities and holding an information day at the ramp to enhance driver appreciation of the risks associated with beach driving.

The Hinz Avenue beach access ramp is a highly utilised asset and the increased usage in recent years has highlighted the peculiar challenges drivers face when enjoying beach driving.

### **4th February 2020 Council Resolution**

THAT Livingstone Shire Council undertake meaningful community consultation with the Bangalee community and (any other key stakeholders) to determine their level of support for the following in relation to vehicle access onto Farnborough Beach;

- 1/ Do you support Council investigating a viable additional and/or alternate northern vehicle beach access point accessing onto Farnborough Beach?

**15th September 2020 Council Resolution**

THAT Council requests officers to develop a Management Plan for managing the traffic issues identified and reported to Councillors and council officers by the residents of Bangalee.

The following are offered as key points for consideration within this plan:

1. Options for road signage along Hinz Avenue that are intended to reduce speed leading up to and on to, the Bangalee Beach vehicular access ramp;
2. Options for signage messaging that has the most potential to discourage motorists from speeding in the area;
3. Options for an awareness campaign that reminds motorists that Farnborough beach is a gazetted road, and that normal road rules apply;
4. Options for working collaboratively with the Queensland Police Service, the National Parks and Wildlife Service, Four Wheel Drive clubs, and other relevant agencies to reduce the risk to beachgoers and the environment from errant or inexperienced driver behaviour;
5. Investigate the viability of a permit system for those wishing to access Farnborough beach, and how it could potentially operate;
6. A review of the pedestrian access to Farnborough beach near the vehicular beach access, with a view to ways in which pedestrians can be encouraged to utilise the pedestrian access in preference to the vehicular access.

**16th February 2021****Officer commentary**

Although Council officers are progressing the development of a Traffic and Beach Access Management Strategy, including community engagement activities, officers have determined that the following two options as viable:

1. Upgrading the existing beach access, signage and parking upgrade along Hinz Avenue, additional signage along the beach and the installation of bollards to protect environmentally sensitive areas adjacent to the beach access; or
2. Construction of a new road, parking facilities and a beach access north of Bangalee residential area, including new signage on Hinz Avenue, from Iwasaki Road to Mirrawena Avenue, new signage on the new road and new signage on the beach.

Officers determined that the preferred treatment is Option 1 (upgrading the existing beach access) as this option provides value for money to the whole Livingstone community. It addresses traffic management issues in the Bangalee area and utilises existing facilities for a cost effective solution.

**16th February 2021 Council Resolution**

THAT Council

1. Note the various options detailed in this report
2. Commence community engagement with key stakeholders, residents of Bangalee and the broader community; and
3. Council Officers table a report summarising the results of this engagement at a future meeting of Council.

**20th July 2021**

Community Consultation Survey Results are presented to Council.

The community consultation survey presented the following four (4) options:

1. Option 1 -Upgrade existing access & provide improved, safer vehicle access ramp at Hinz Avenue

2. Option 2 -Construct new road around Bangalee (Subject to consultation & approval by the landowner)
3. Option 3 -Utilise existing road & existing beach access ramp at resort (Subject to consultation & approval by the landowner)
4. Option 4 -Utilise existing road to Sandy Point (Subject to consultation & approval by the landowner).

### **Combined preferences**

<b>Question Options</b>	<b>1st</b>	<b>2nd</b>	<b>Combined</b>	<b>Percentage</b>
Option 1	193	21	214	47.87%
Option 3	104	19	123	27.52%
Option 4	104	6	110	24.61%
<b>Total</b>			<b>447</b>	<b>100.00%</b>

Combined outcome for the first and second preferences further confirmed that Option 1 (Upgrade existing access and provide improved, safer vehicle access ramp at Hinz Avenue) is the most preferred option by the community.

### **20th July 2021 Council Resolution**

THAT Council

1. Notes the result of the community consultation.
2. Only expend, necessary funds to maintain Bangalee ramps suitable functionality.
3. Reaffirm Council's commitment to investigating an alternate/additional, Farnborough Beach, Big Dune Beach vehicle access, north of Bangalee in order to address the current and future growth.
4. Endorse the further development of a traffic management strategy that aims to educate beach goers, reduce errant driver behaviour and help protect the natural coastal habitat with a report presented to the October Ordinary Meeting 2021.
5. Undertake a public meeting with the Bangalee community and interested stakeholders to facilitate input into the Farnborough Beach, Big Dune Beach Access.

Following this resolution, a public meeting was held on 11 September 2021.

### **22nd February 2022**

#### **Officer Commentary**

Following the briefing session on 6 October 2021, officers were directed to prepare a draft Terms of Reference for a Reference Group to provide guidance and oversight to progress the Bangalee Beach Access project. Officers were instructed to include a list of reference group members with the draft TOR and present back to Council during the December 2021 briefing session.

The draft terms of reference were then tabled at the Ordinary Meeting on January 18 2022 for adoption. At that time, the matter was laid on the table pending clarification of previous resolutions and further feedback to be incorporated.

### **22nd February Council Resolution**

THAT Council resolves to endorse the draft terms of Reference and supports the composition of the Bangalee Beach Reference Group with the inclusion of Queensland parks and Wildlife Service and a representative of Central Queensland Boat Registrations Action Group.

### **16 August 2022**

#### **Officer commentary**

The Bangalee Beach Access Reference Group held their second meeting on 8 June 2022 and is recommending that Council resolves to implement on of the proposed actions, namely to trial a temporary road closure of the section of Farnborough Beach from the Bangalee vehicle beach access to the Sandy Point vehicle beach access.

The Engagement Plan (including the post-trial survey) for the proposed temporary road closure was included in this report.

#### **16th August 2022 Council Resolution**

THAT Council resolves to:

1. Temporarily close the Bangalee vehicle beach access (Hinz Avenue), Sandy Point vehicle access, and section of Farnborough Beach (foreshore and esplanade) between the two vehicle beach accesses, to vehicular traffic for a three-month trial between the hours of 8.00pm and 4.00am – Monday to Sunday:
2. Issue infringement notices for breaches of the temporary road closure: and
3. Apply zero (0) penalty units for the first month of the trial then four penalty units thereafter.

The temporary road closure trial commenced 1 November 2022 and was completed 31 January 2023. No infringements were issued by Local Laws due to concern that this was not legal (i.e Local Laws do not have appropriate jurisdiction).

#### **20th December 2022 Council Resolution**

THAT Council reaches out to key stakeholders including Iwasaki Sangyo and relevant government agencies, to develop a Farnborough Beach Master Plan incorporating future beach access points and continued access to Corio Bay for the public.

THAT the historical references to the development of the access to Farnborough Beach in the vicinity of Bangalee compiled by Yeppoon Historical Society be received.

#### **22 February 2023**

Bangalee Beach Access Group Meeting was held.

Agenda items included changing name of the group, feedback regarding trial closure and draft masterplan.

#### **21st March 2023 Council Resolution**

THAT the Bangalee Beach Access Reference Group change its name to the Farnborough Beach Reference Group based on a recommendation from the reference group members.

#### **18th September 2023**

Internal memo, assisting in progressing Traffic Management and Beach Access Strategy, assessing current signage at Bangalee Beach Access and recommending improvements (see Attachment One).

#### **19th September 2023**

##### **Officer commentary**

This report provides details of the Farnborough Beach Access Group's recommendation to close the beach to vehicles from 8pm to 4am (excluding launching and retrieving vessels), internal commentary on same and other associated actions resulting from data gathered during the trial road closure.

#### **19th September 2023 Council Resolution**

THAT Council makes an amendment to Local Law 4 (Council Controlled Areas Facilities and Roads) that specifies a mechanism for Council to restrict vehicle access (e.g., signage indicating times access is not permitted) and that this proposed amendment is included in the upcoming Local Laws review community consultation.

**3rd October 2023 Briefing session**

Officers presented the engagement plan to consult the community on the Farnborough Beach Master Plan concept.

The private land holder supported the release of the plan and confirmed that this did not represent a commitment from them to take any action.

**COMMENTARY****21st November 2023 Council Resolution**

THAT in order to promote transparent and accountable decision making in the public interest, Council:

1. Release the preliminary Farnborough Beach Master Plan to the community and stakeholders and invite feedback on the elements identified within the plan.
2. Bring a report back to Council reasonable timeframe of the outcomes of the engagement, in order to assist Council decision making in to the future.

The Farnborough Beach Master Plan community consultation began Monday 8th of January and closed Wednesday the 31st of January.

**January 2024 Farnborough Beach Master Plan Community Consultation Results**

See Attachment Two for the consultation results and analysis.

Total of 654 respondents (1.59% of Livingstone total residents).

1. Do you support the upgrading the current Bangalee ramp to allow for better boat launching on and off the beach?

Yes: 485

No: 169

2. Do you support an additional Farnborough Beach access point for four-wheel drive vehicles and motorbikes north of Iwasaki resort via Sandy Point Road?

Yes: 481

No: 173

3. Do you support upgrading 'the back road' up to Sandy Point National Park to allow both 4WD and 2WD users who may not want to go onto Farnborough Beach?

Yes: 508

No: 146

4. Do you have any further feedback regarding the new vehicle and pedestrian access to Farnborough Beach?

126 mentions - Maintain existing access as it is (same hours/access points)

57 mentions – Upgrade existing boat ramp and access point (including better pedestrian and disability access).

56 mentions – Increase patrolling and monitoring (existing and/or proposed accesses) – QPS, Local Laws, cameras.

43 mentions – Safety.

5. Do you have any other feedback regarding the Farnborough Beach Foreshore Masterplan?

87 mentions – Maintain existing access as it is (same hours/access points).

24 mentions – Potential cost/financial burden to ratepayers.

23 mentions – Belief that Council is prioritising the needs of Bangalee residents over the rest of the community.

19 mentions – Include other facilities in the master plan including shelters, picnic tables, toilets, proper increased parking, walking trails, camping grounds.

**February 2024**

Legal Advice received in response to 19th September 2023 resolution.

Legal advice received by Council confirms that if Council were to amend Local Law 4 to include time restrictions regarding when driving on Farnborough Beach is permitted, there would be no legal issue in issuing infringements.

### **March 2024**

Engineering Services completed signage improvement works relating to memo September 2023 (See Attachment Three).

### **PREVIOUS DECISIONS**

Please see Background and Commentary section of this report for the outline of previous decisions.

### **ACCESS AND INCLUSION**

Type text

### **ENGAGEMENT AND CONSULTATION**

#### **Internal Commentary March 2024**

Council units were provided with the history of the matter, the most recent community consultation results and asked to consider the following options;

1. Take no action.
2. Improve existing ramp/access at Bangalee (Hinz Avenue) and/or
3. Increase patrolling and monitoring of behaviour on Farnborough Beach (this is a Queensland Police action as Local Laws Officers do not have authority over a Farnborough Beach as it is a road) and/or
4. Pursue a new vehicle access to Farnborough Beach (contingent on private landowner) and/or
5. Improve 'back road' to Sandy Point access (contingent on private landowner).

### **Public Environments**

...support options 1 and 3.

### **Natural Resource Management**

Two actions are clearly necessary at the current point in time and are already being undertaken to the extent current resources allow, that is to;

1. Improve existing ramp/access at Bangalee (Hinz Avenue) and
2. Increase patrolling and monitoring of behaviour on Farnborough Beach

The existing ramp is required to support boat launching, for emergency access for the safety of beach users and for maintenance of Council infrastructure (such as signage and dune restoration works).

The Natural Resource Management Team undertake some monitoring of sand dune condition and undertake revegetation and minor sand reclamation. This surveillance occurs as resources allow and when projects are being undertaken. Council is day to day manager of dune areas to the south of the land owned by Iwasaki Sanyo and is trustee for the Big Dune Surfing Reserve which is located between Iwasaki land and National Parks land on Sandy Point. NRM officers do not undertake any compliance action but provide reports to Council Rangers if activities observed are damaging to the sand dunes under Council management.

Collaboration between the landholders along Farnborough Beach is key to managing the impacts of vehicle use.

The safety and sustainability of vehicle use and access via the Hinz Avenue ramp into the future needs to be considered. Increasing local population and visitation will increase

vehicles on Farnborough Beach over time and this will have impacts on pedestrian use of the beach especially adjacent to the Bangalee community as well as impacts to the flora and fauna that rely on the beach including nationally and internationally protected species such as migratory birds and marine turtles together with beach fauna that contribute to the health of the beach ecosystem such as crabs, sandworms and invertebrates.

The opportunity to manage vehicle use in the future would be enhanced through the ability to relocate or provide more access point/s and promote more pedestrian use through the provision of carparking at additional beach access points that would encourage walking to the beach. Upgrade of the Sandy Point Road would facilitate these opportunities but would require Council to take over the road as a public road. The increased use of this road by two-wheel drive vehicles could also place more pressure on the sensitive Sandy Point National Park, which is already experiencing active erosion that is worsened by vehicle egress into dunes and wetland areas.

Further investigation and planning is required to fully develop options for the future use and access of Farnborough Beach in cooperation with the main landholders and stakeholders. It is recommended that this work is undertaken over the next 3 - 5 years and appropriate funding is sought to support the research and consultation required to develop sustainable and costed options for future access and use of the area north of Bangalee.

### **Infrastructure Planning**

Technical Officer

1. The existing reactive minor maintenance undertaken on the existing access is similar to taking no action.
2. a) Considering the long history of this beach access location and likewise the long use of Farnborough beach for varying community purposes, the residential community established in the early 70s would have been well aware of the location and purpose of this access.  
b) Upgrading of the existing ramp at Hinz Avenue in the short term will provide:
  - Improved vertical alignment to achieve safe sight distance and promote safer drivability,
  - For inclusion of safe pedestrian access.
3. The current and trending vehicle movements on this popular beach demands a budgeted long-term patrolling and monitoring of behaviour program for safety purposes.
- 4/5 Pursuing these options will be long-term as relies on the private landowner and sourcing State and/or Federal funding.

Principal Transport Engineer

...conducted a review of the crash data from 2017 to 2022 at the Bangalee Beach Access and Farnborough Beach, observing a total of five crashes.



### Crash Data Review:

**Overturned vehicles:** I believe most instances are from vehicles performing hazardous manoeuvres like "fishtails" and "donuts," pointing to driver behaviour issues. Options for mitigation include educational programs and stricter enforcement (Option 3). It is noted that there was one overturned vehicle crash during 2020 at the access ramp, which Options 2, 4, and 5 may help to mitigate.

**Vehicle Recovery Accident:** The fatal crash in 2017 involved a vehicle recovery accident. CCTV footage highlights frequent issues with vehicles becoming bogged at the current ramp, with 22 instances in 33 days between 10/11/2022 to 12/12/2022. While beach bogging



is somewhat inevitable, improvements under Options 2 and 4 could help reduce these incidents.

Accidents involving Pedestrians: We have no recorded accidents involving pedestrians, which may reflect the effectiveness of the 30km/hr speed limit and the clear visibility along Farnborough beach. Recent signage directing pedestrians to a safer beach access path may also contribute to this safety record. Nonetheless, Options 2, 4, and 5 offer potential for further enhancements to pedestrian safety.

\*It's important to mention that there was a head-on collision on the 'back-road' in 2018, leading to hospitalisation. This is something to consider should we decide to move forward with Option 5.

**Community Survey Insights:** The latest survey results were unanimously affirmative for all the upgrade options, and as such don't really provide actionable insights. The 2021 survey, which required respondents to select a preferred option, indicated a strong preference for upgrading the existing access at Bangalee (Hinz Avenue).

**Recommendation:** Reflecting on my crash data review, I propose that the Livingstone Shire Council adopt a strategy to advance with Option 3 to strengthen education and enforcement efforts, alongside Option 2 to improve/upgrade the existing ramp access at Bangalee (Hinz Avenue). These options not only align with community preference from the 2021 community survey but also stand out as the most cost-effective solutions in light of the crash data review, and importantly, they are the quickest to execute. Moreover, adopting these recommendations does not preclude the exploration of the other options in the future.

### **Infrastructure Construction and Maintenance**

Cost estimates;

Upgrade of current Bangalee Ramp –concept estimate of somewhere between \$250k and \$500k. Likely to require extensive environmental approvals.

-Additional Farnborough Beach access point via Sandy Point Road = concept estimate of up to \$5M. Relies on private landowner agreeing to donate road reserve.

-Upgrade of 'back road' to Sandy Point –concept estimate of \$2.5M to upgrade 3.5km of track through National Park. Relies on approval from National Park to construct road.

Above estimates stated above for options 2 & 3 are for sealed road construction based on the number of vehicles we know access Farnborough Beach. Should Council only construct to gravel (unsealed) standard then estimates could be halved.

### **Infrastructure Engineering Services**

An alternative access through private land will require an agreement to use their roads OR Acquisition of their roads as Council Road Reserve.

An agreement may work if diver behaviour does not cause problems. Given the track record of the current users, this could not be guaranteed, so an agreement probably wouldn't provide a long-term solution.

If Council were to acquire the roads as road reserve, this would come at a significant cost. In addition to this, they may qualify as trunk roads where Council would be responsible for the cost of any future upgrading works. With the potential for major development on the private land, the upgrading works, and associated costs could be major. Council needs to be fully aware of the financial risks associated with this proposal.

### **Finance and Governance**

Any action from the table will need to be considered as part of the 2024-2025 (or beyond) budget deliberations.

### **Growth Management**

See Attachment Four for detailed commentary.

The options afforded can be refined to poor driver behaviour on Farnborough Beach, and conflicts/potential improvements at the Bangalee Beach access. The responsibility for each of these varies.

Any interest to solve behaviour on the beach is the responsibility of the Queensland Police Service. Representations to the state need to be made in this regard by Council advocating for assistance and looking for the support moving forward.

Likely impacts of either maintaining location of the existing access point (with or without improvements) continues to rely on Queensland Police resources to regulate driver behaviour on Farnborough Beach.

Buy in is needed for effective solutions regarding behaviour and monitoring to be considered alongside the potential cost for improvements with interim, immediate, short, and long-term solutions to be identified.

Considerations for relocation of a vehicular access, requires expertise on road reserves, budget/funding, easements, approvals, potential studies to firm up location and environmental impacts, agreements, tenure, condition, and standards of infrastructure.

Current lawful vehicle access to Farnborough Beach - is via Hinz Avenue, Farnborough. The beach access to allow vehicles to travel north only.

Access is available to anyone to use currently and is not regulated or monitored.

Improvements to regulate pedestrian and vehicular movements has occurred in past years.

Are there short (interim) trials identified and are they easily able to be transferred into long term solution for medium and long-term management?

Impact of poor driver behaviour active and passive users of Farnborough Beach - Other than residents of Bangalee, the resort operations and the remainder of the land fronting the stretch of Farnborough Beach north of the current beach access are owned by a private landowner. Their enjoyment of their location as well as other users should be considered.

Impact of poor driver behaviour on dunes, vegetation, habitat.

The road from the roundabout at Farnborough Road to the Bangalee beach access is a private road.

Hinz Avenue, further north adjacent to the Farnborough State School is the only lawful road to the Bangalee beach access and properties at Bangalee. New access points into the beach will require road closures and openings which are a cost.

The majority of private land holdings are in the Rural zone, with the resort extents included in the Major Tourism zone. Any Material Change of Use application for new development by the private landowner will likely trigger a development application. Development outside of the resort extents will require development applications.

The existing properties at Bangalee and their residents are immediately impacted by poor driver behaviour with safety and amenity impacts for passive recreation of residents along this stretch adjacent to their homes. This may have been the case for resort guests also when the Capricorn Resort was operational, but this is no longer the case as the resort has ceased the majority of its operation for many years now. Resort users are now contained to part of the golf course and Japanese restaurant.

The biggest issue appears to be 'poor visitor behaviour'. In addition to behaviour, if user numbers continue to grow –an alternative treatment may be necessary. Signs may reduce 'poor visitor behaviour', but establishing alternative access points will be expensive.

If there was a future opportunity to work with the state and the private landowner to look for an alternative access north of any intensification of the existing resort area, to deal with growing user numbers, the growth management team supports this. This may coincide with future planning applications and development proposals over the lands owned by the private landowner. It may result in closing the existing access. This opportunity may take years to be

realised. however never happen or is not an immediate solution. This does not address 'poor visitor behaviour'.

### **Community Development Sport and Recreation**

The CDSR team are supportive of options 2 and 3.

The CDSR team have a strong focus on improving access to safe and sustainable recreation opportunities, therefore an additional action of increasing education around safe shared beach use may be beneficial.

### **HUMAN RIGHTS IMPLICATIONS**

As no access is being recommended for removal/closure, there are no identified Human Rights implications identified in considering this matter.

### **BUDGET IMPLICATIONS**

All actions recommended within this report can be accommodated within existing budget capacity. Future upgrades/business cases and associated costs will be considered as they arise.

### **LEGISLATIVE CONTEXT**

Section 28 of the *Local Government Act 2009* provides the power for local governments to make and enforce local laws that are necessary or convenient for the good rule and governance of their local government area.

Local Law. 4 (Local Government Controlled Areas, Facilities and Roads) 2011 and the Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011, identifies Farnborough Beach north (Hinz Avenue) as a beach where driving without launching, retrieving or supplying a vessel is permitted.

The *Transport Operations (Road Use Management) 1995 section 66(4)* specifies matters about which a local government may not make a local law including, 'the manner of driving a vehicle or animal including the driving of the same dangerously or without due care and attention or without reasonable consideration for other persons or negligently, recklessly or at speed in excess of the maximum speed at which the vehicle may lawfully be driven. The Police are responsible for the enforcement of those pieces of legislation.

Normal 'road rules' apply on Farnborough Beach (e.g staying left, driving at or under the speed limit, valid drivers license, not under the influence e.t.c).

### **LEGAL IMPLICATIONS**

If Council resolves the officers recommendation, there are no identified legal implications.

If Council resolves an alternative motion, legal advice may be required to determine if there are any legal implications.

### **STAFFING IMPLICATIONS**

All actions recommended within this report can be accommodated within existing staffing capacity.

### **RISK ASSESSMENT**

#### **Reputational Risk**

As the only beach in Livingstone where 'beach driving' without launching, retrieving or supplying a vessel is permitted, it is essential that Council ensures this recreational opportunity remains available to the community. Results of the engagement as well as recorded vehicle movements on Farnborough beach shows that this a popular recreational activity for residents and visitors. Removing this opportunity will likely cause reputational damage to Council.

For those not in favour of driving on Farnborough Beach, it is argued that the introduction of a mechanism into Council's Local Laws allowing Council to close the access will provide

surety to nearby residents and/or those in opposition that there are tools that can be employed if necessary.

#### Community Safety

Just like a on a standard road, Council is not able to control, monitor or punish unsafe driver behaviour. Driver behaviour can present a risk to community safety. Council's partnership with QLD Police and well as increasing education on shared beach use will assist in mitigating this risk. It is also argued that the introduction of a mechanism into Council's Local Law allowing Council to close the access provides another tool for Council to respond to unsafe activity. Additionally QLD Police have advised that they have already increased their patrol of the area.

#### Environmental

Increasing education about driving on beaches will assist in mitigating environmental risk (i.e no driving on the dunes, what turtle tracks/nests look like, shorebird habitat e.t.c). Also the Local Law mechanism previously referenced provides a way to close the beach if required to prevent environmental impact (e.g at night during turtle nesting season).

Any decision to employ the Local Law mechanism referenced, will be by resolution of Council and with significant notice to the community.

### CORPORATE PLAN REFERENCE

#### ***Liveable Livingstone***

##### *Community Plan Goal 1.3 - Places for active and passive recreation*

*1.3.2 Optimise community benefit from the use of parklands and facilities by improving the quality, access to, and shared use of, public spaces and facilities for cultural, recreational, and community activities.*

### CONCLUSION

This report provides a history of the Bangalee Beach access and the results of the community engagement on the Farnborough Beach Draft Master Plan. Although no major changes are suggested at this time, officers will continue to seek opportunities to increase safety at the current access and the creation and/or upgrade of other accesses.

## **11.3 - RESPONSE TO NOTICE OF MOTION - FARNBOROUGH BEACH MASTER PLAN ENGAGEMENT RESULTS**

### **Shared Zone for Bangalee Beach Access**

**Meeting Date: 16 April 2024**

**Attachment No: 1**



# Memo

**Date:** 18 September 2023  
**To:** Sean Fallis  
**From:** Jake Taylor  
**Copied to:** Jo Fursman, Molly Saunders & Richard Bywater  
**File Ref:** fA11354  
**Subject:** SHARED ZONE FOR BANGALEE BEACH ACCESS




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Site distance checks were completed and sight distance over the ramp is approximately 25m based on 1.1m eye height and 1.25m object. Sight distance for 1.1m eye height and a 1.75m (4wd) object was 34m. Based on this and anecdotal evidence of near missed it is recommended that pedestrians are removed from the ramp to eliminate the risk of a vehicle and pedestrian collision.

The signage should be updated as follows to prohibit pedestrians on the ramp and clarify/update the extents of the shared zone. Additional directional signage is proposed to help direct pedestrians to the existing footpath beach access.






Signage layout:



Sign Reference	Photo/ diagram	Action
EX 1		Sign to remain
EX 2		Sign to remain
EX 3		Speed sign to remain. Shared zone sign to be removed and potentially reused for PR 3.

EX 4		Sign to remain
EX 5		Sign to remain
EX 6		Sign to remain



PR 1	G5-8 	Sign to direct pedestrians to footpath beach access
PR 2	R6-15A   R4-5 	Signs to prevent pedestrian access to ramp and identify end of shared zone for carpark area.
PR 3	R4-4 	Shared zone sign for start of shared zone in carpark area
PR 4	R6-15A 	Sign to prevent pedestrian access to ramp

# **11.3 - RESPONSE TO NOTICE OF MOTION - FARNBOROUGH BEACH MASTER PLAN ENGAGEMENT RESULTS**

## **Farnborough Beach Master Plan Engagement Results Analysis**

**Meeting Date: 16 April 2024**

**Attachment No: 2**

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Question	Statistic	Additional information	Link to overall recommendation																														
Number of survey respondents	654 respondents	<ul style="list-style-type: none"><li>668 survey results were sorted and analysed by engagement staff after consultation period had ended.</li><li>Duplicate survey results with duplicate names from duplicate IP addresses were removed from the responses leaving a total of 654 survey respondents.</li><li>14 duplicate name responses were removed from the results.</li><li>Duplicate IP address respondents with different names were kept. Respondents from the same household or organisation may have completed the survey.</li></ul>																															
Qn 1. Do you support upgrading the current Bangalee ramp to allow for better boat launching on and off the beach?	Yes: 485 74.16% No: 169 25.84%	<ul style="list-style-type: none"><li>Question was required to be answered by survey respondents in order to progress through survey.</li></ul>																															
Qn 2. Do you support an additional Farnborough Beach access point for four-wheel drive vehicles and motorbikes north of Iwasaki resort via Sandy Point Road?	Yes: 481 73.55% No: 173 26.45%	<ul style="list-style-type: none"><li>Question was required to be answered by survey respondents in order to progress through survey.</li></ul>																															
Qn 3. Do you support upgrading ‘the back road’ up to Sandy Point National Park to allow both 4WD and 2WD users who may not want to go onto Farnborough Beach?	Yes: 508 77.68% No: 146 22.32%	<ul style="list-style-type: none"><li>Question was required to be answered by survey respondents in order to progress through survey.</li></ul>																															
Qn 4. Do you have any further feedback regarding the new vehicle and pedestrian access to Farnborough Beach? (max 10000 characters)	358 comments  Please see <b>Appendix A – Qn 4. Additional feedback regarding new vehicle and pedestrian access to Farnborough Beach</b> for detailed responses.	Several themes were reflected in the respondent feedback section for Question 4. These have been broken down into additional categories below. <table><tr><th>THEME</th><th>No. of mentions</th></tr><tr><td>Safety</td><td>43</td></tr><tr><td>Concern that future proposed beach access is through private property</td><td>9</td></tr><tr><td>Mentioned maintenance and upgrades to Sandy Point Road/ Iwasaki Road</td><td>23</td></tr><tr><td><b>Maintain existing access as it is (same hours/ access points for 4WDs and boats)</b></td><td><b>126</b></td></tr><tr><td>Maintain current access AND introduce a new northern access for vehicles</td><td>29</td></tr><tr><td>Upgrade existing boat ramp and access point (including better pedestrian and disability access)</td><td>57</td></tr><tr><td>Include other facilities in the master plan including shelters, picnic tables, toilets, proper/ increased parking, walking trails, camping grounds</td><td>22</td></tr><tr><td>Increase patrolling and monitoring (existing and/or proposed accesses) – QPS, Local Laws, cameras</td><td>56</td></tr><tr><td>Environmental mentions – dunes, turtles, access to nature</td><td>35</td></tr><tr><td>No to any curfew – 24/7 access for all vehicles</td><td>17</td></tr><tr><td>Remove all vehicle access from beach</td><td>19</td></tr><tr><td>Belief that council is prioritising the needs of Bangalee residents over the rest of the community</td><td>35</td></tr><tr><td>Potential cost/ financial burden to ratepayers</td><td>28</td></tr><tr><td>Consideration of permit system</td><td>12</td></tr></table>	THEME	No. of mentions	Safety	43	Concern that future proposed beach access is through private property	9	Mentioned maintenance and upgrades to Sandy Point Road/ Iwasaki Road	23	<b>Maintain existing access as it is (same hours/ access points for 4WDs and boats)</b>	<b>126</b>	Maintain current access AND introduce a new northern access for vehicles	29	Upgrade existing boat ramp and access point (including better pedestrian and disability access)	57	Include other facilities in the master plan including shelters, picnic tables, toilets, proper/ increased parking, walking trails, camping grounds	22	Increase patrolling and monitoring (existing and/or proposed accesses) – QPS, Local Laws, cameras	56	Environmental mentions – dunes, turtles, access to nature	35	No to any curfew – 24/7 access for all vehicles	17	Remove all vehicle access from beach	19	Belief that council is prioritising the needs of Bangalee residents over the rest of the community	35	Potential cost/ financial burden to ratepayers	28	Consideration of permit system	12	
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Consideration of permit system	12																																

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

<b>Qn 5. Do you have any other feedback regarding the Farnborough Beach Foreshore Masterplan? (max 20000 characters)</b>	<div>256 comments</div> <div>Please see <b>Appendix B - Additional Feedback</b> for detailed responses.</div>	<div>Several themes were reflected in the respondent feedback section for Question 5. These have been broken down into additional categories below.</div> <table><tr><th>THEME</th><th>No. of mentions</th></tr><tr><td>Safety</td><td>10</td></tr><tr><td>Accessibility for all abilities and ages</td><td>3</td></tr><tr><td>Survey / master plan misleading</td><td>6</td></tr><tr><td>Road maintenance and upgrades (Sandy Point/Iwasaki Road )</td><td>15</td></tr><tr><td><b>Maintain existing access as it is (same hours/ access points for 4WDs and boats)</b></td><td><b>87</b></td></tr><tr><td>Upgrade existing boat ramp and access point (including better pedestrian and disability access)</td><td>18</td></tr><tr><td>Include other facilities in the master plan including shelters, picnic tables, toilets, proper/ increased parking, walking trails, camping grounds</td><td>19</td></tr><tr><td>Increase patrolling and monitoring (existing and/or proposed accesses) – QPS, Local Laws, cameras</td><td>18</td></tr><tr><td>Environmental mentions – dunes, turtles, access to nature</td><td>17</td></tr><tr><td>No to any curfew – 24/7 access for all vehicles</td><td>10</td></tr><tr><td>Remove all vehicle access from beach</td><td>6</td></tr><tr><td>Belief that council is prioritising the needs of Bangalee residents over the rest of the community</td><td>23</td></tr><tr><td>Potential cost/ financial burden to ratepayers</td><td>24</td></tr><tr><td>Consideration of permit system</td><td>3</td></tr><tr><td>Directional Signage</td><td>2</td></tr></table>	THEME	No. of mentions	Safety	10	Accessibility for all abilities and ages	3	Survey / master plan misleading	6	Road maintenance and upgrades (Sandy Point/Iwasaki Road )	15	<b>Maintain existing access as it is (same hours/ access points for 4WDs and boats)</b>	<b>87</b>	Upgrade existing boat ramp and access point (including better pedestrian and disability access)	18	Include other facilities in the master plan including shelters, picnic tables, toilets, proper/ increased parking, walking trails, camping grounds	19	Increase patrolling and monitoring (existing and/or proposed accesses) – QPS, Local Laws, cameras	18	Environmental mentions – dunes, turtles, access to nature	17	No to any curfew – 24/7 access for all vehicles	10	Remove all vehicle access from beach	6	Belief that council is prioritising the needs of Bangalee residents over the rest of the community	23	Potential cost/ financial burden to ratepayers	24	Consideration of permit system	3	Directional Signage	2	
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## Farnborough Beach Foreshore Master Plan Community Consultation Summary

### Appendix A.

**Qn 4. Do you have any further feedback regarding the new vehicle and pedestrian access to Farnborough Beach? (max 10000 characters).**

I'm happy as long as Bangalee access remains , I live nearby and use this nearly everyday for walking the dog, launching the tinnie to go to the ck and islands and taking the kids fishing. This was a massive draw card for us to move here.
Introduce a beach driving permit. Keep cost as low as possible, even make it free, but make it a requirement for driving on the beach. Anyone who does the wrong thing can't get a permit, keeps them off the beach.
Keep it open so ppl can enjoy the area ☺
Beach permits which allows more rangers to patrol n give out fines...
Needs to be 2 lanes instead of 1 to make it safer
The vehicle access doesn't need to be changed. It works perfectly where it is.
Yes and this area should be patrolled by rangers to many louts are destroying the wildlife and environment all good to do upgrades but think of further consequences to these areas
Need to enforce no go zones and speed limits, install cameras and fine those that step out of line
Investigate previous QLD Government (State Development) agreement with <b>private landholder</b> regarding their requirement to provide beach access approx 1991. This included 3 public access points.
Nothing wrong with the access we have now. It was there before the houses. There really needs to be repairs done to the inland road up to Sandy Point. It is rough as hell. Could also look at opening up other beaches in the area to motor vehicle use eg Mullumbimby. Timbers Beach. Less houses in the area and spread out the beach goers so less congestion.
The back road badly needs fixing, it's an absolute mess. The access at Sandy Point should also have cameras so the hours of access are not abused.
Current access should not move.
Prioritise upgrading the back road first which will reduce number of vehicles on the beach and will help with sustainability of the area
Thousands of people use this section of Farnborough Beach weekly, for both fushing, swimming and water sport activities, we need to find a happy medium for both foot traffice and 4wd uses We all should be able to use this area and safely. More police patrols on the beach we be helpful to filter out the ones doing things wrond
Leave it as be. The little cutouts in the dunes under the pandaas palms need to be reopened just off the beach. Soo many people will sit under the palms with their families safely off the beach.
4wd vehicles that aren't towing etc still should have access from the proposed new Sandy point access down the beach to the current Bangalee beach access. A Proposal for a lower speed limit on the boat launch beach area so all traffic can traverse.
"New" or proposed?
A better, wider, well maintained access at the current location is all that is required... stop wasting rate payer money pandering to a select few.
Council will need to maintain the road up to and the beach access ramps, is this master plan acknowledging they need to do this? I hope council isn't going to close the beach at night.

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

<p>The only current legal road reserve to access Farnborough Beach is Hinz Ave. All other roads are privately owned .... How is the public to legally access the beach through private land, as shown on the Master Plan? What would happen if the private land owner stops access through their land? Is council proposing to purchase the land surrounding Iwaski Road &amp; Sandy Point Road?</p> <p>A better option would be to upgrade Hinz Ave &amp; Mirrawena Ave to accept a greater traffic flow and construct a new beach access point to the north of the Bangalee housing area where Mirrawena Ave Road Reserve joins onto Farnborough Beach. This would eliminate all traffic from driving on the beach in front of the Bangalee Community, and would allow the public to access the beach via existing legal road reserves. Farnborough Beach south of this access point could then be off-limits to all vehicles.</p>
<p>People need to be able to walk down to and swim at the beach at Bangalee without worrying about cars. It needs to be a safer environment for families and heaps of cars speeding up the beach make that impossible. If beach goers want to drive down to the beach and spend the day with their car handy and nearby they should be able to to this north of Bangalee. That way we have the best of both options</p>
<p>With pedestrian access would LSC look into putting a separate walkway in for pedestrians so people don't have to mingle with vehicles coming up and down the access ramp to the beach.</p> <p>Would be a great if it's considered. Cheers. Adam Brumby Reynolds</p>
<p>All hours access to the beach is necessary for fishing activities including boat launching and retrieval.</p>
<p>You say your using existing horse trails for the vehicle access! Is the track to be upgraded to support vehicles and to what standard? How much damage is LSC doing by introducing a new access? Can fishermen have access for night fishing?</p>
<p>Leave the whole beach as vehicle access how it already is and just upgrade the old access. And put 1 new access in down further.</p> <p>The beach gets to busy now and you want to cut the access in half. What a joke.</p> <p>This survey is biased and did not ask a yes or no to leave the vehicle access how it is now.</p>
<p>The road and ramp at the resort was once open to public use, maybe it was locals only but we used it more than the bangalee access. I support bitumen road to the point, a rock wall around the carpark, we could have a Spit very similar to the Gold Coasts early days.</p>
<p>I agree to upgrading the access and adding in a new access. But I believe we should keep the beach open for all users between the current access and the new access. Not just make it for boat launching and retrieval. There is nothing wrong with people using that section of the beach now.</p> <p>At worst just make that section between the current access and the new access time of day restricted for everyone.</p> <p>But open the rest up to all hours of the day and night.</p> <p>Or open the whole lot to all hours of day and night.</p>
<p>if the current beach access is made into a two way thoroughfare, along with a separate pedestrian access, this would be the most cost effective long term solution. Proper signage (readable from a moving vehicle) prior to the beach access, and immediately once on the beach will allow safe driving practices along the shared zone on the beach past Bangalee residents. There is no need to take a knee-jerk reaction to an irresponsible minority of beach users, that are disobeying the qld traffic act, by closing the beach at any given time of the day.</p>
<p>Strongly oppose any restrictions of travel on the farnborough beach... DO NOT ATTEMPT TO CLOSE ANY ACCESS ALONG FARNBOROUGH BEACH.... NOT OUT THE FRONT OF BANGALEE... NO WHERE...</p>
<p>No it looks good</p>
<p>The cost factor of acquiring land for a ramp north of the resort would be excessive</p>

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

<p>Ongoing 4x4 access is crucial for the community. Beach access is a privilege for 4x4 drivers, who spend the money and pay the higher rego/insurances to allow us to be able to enjoy the off road lifestyle. I support any updates for more 4x4 access to Farnborough beach, however this should not be so accessible as 2WD cars have no place on the beach for obvious safety reasons and creating access points will need to come with restrictions that will deter 2WDers from taking risks and thinking they can go wherever we do.</p> <p>Pedestrian access needs to be away from 4wd access points to ensure people aren't walking where they shouldn't be. Especially if the entrance is boggy and we need a bit of speed to enter/exit to ensure we don't get stuck.</p>
<p>Iwasaki Resort street is full packed with drivers not taking care of wild live and pedestrians or bicycles at all. We need speed limits or a toll to repair our acces to Bangalee. Thank you</p>
<p>Please retain what we have. Certainly do the new developments also. However the current beach access needs to remain. If LSC determine to close the beach access to Farnborough at Bangalee they are showing bias to a few residents. When this occurs I will personally seeking all developments and improvements that will improve my living environment and also add a motsa to my property values.</p>
<p>There's huge difference in low and high tides pushing people north greatly disadvantages everyone. Yeppoon advertises the openness for 4X4 and fishing activitys LSC need to provide for tourism again Not everyone can afford chartered vessels for a days fishing, For the fishermen and beach user alike it is a well-known fact that the wind is less harsh in the southern end of the beach along with less swell and current/ tidal pull equelling safer swimming away for the rips the northern area has. Many disabled people use the beach access unable to walk down of wheel chair down to the beach from any of LSC beach access the Farnborough access is again close to town provided a safe easy road to use and access straight to the water. The ability to get to the water for care providers to take the sick and elderly directly to the ocean edge while having the safety of a vehicle nearby is priceless. These people don't have precious energy to waste on rough roads and across hot car parks ect</p>
<p>The existing Bangalee entrance should be closed to public access and maintained only for emergency services and pedestrian access. The new entrance should be made suitable for boat access ie paved and concrete ramp. Most boat launching from the beach is north of the residential area.</p>
<p>Very happy to have the council moving forward to help solve some of the issues with vehicle access to Farnborough Beach. If the current access is going to be used for launching boats etc as stated in the Master Plan is there a plan to expand the current car park?</p>
<p>The existing Bangalee entrance should be closed to public access and maintained only for emergency services. The new entrance should be made suitable for boat access ie paved and concrete ramp. Most boat launching from the beach is north of the residential area.</p>
<p>The beach curfew has worked wonders, I have seen a huge drop in late night hooning. Why swap 4WD traffic which is basically on/off traffic to a heap of boat traffic which will create congestion for local people. Where are these boat trailers and the cars to be parked? Will a separate car park be built or will they be parked up on the dunes? Will this be funded by rate rises, the major beneficiary of a beach closure would be beachfront properties you'd think. Whats the planned cost for these works and is there an ROI for these works? What additional development is proposed on the back of the new vehicle/pedestrian access? This looks like it will be expensive project, plus the inevitable cost overruns, will this be reflected in rates increases on already high rates costs. We need further information and Council need to sit with residents of Bangalee to discuss in more depth.</p>
<p>Leave the beach alone it's been this way for years and does not need to be destroyed like everything else the council gets is hands on</p>

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

So long as it is maintained
This proposal represents an incredible potential solution that will substantially improve the safety and conservation impacts of the current vehicular access and the poor behaviour of hooning 4WD drivers. It is only a matter of time before there is another death on or around the current access point. It is children that I am most concerned about. The idea of an invisible barrier for cars to the left of the boat ramp is not easy for children to comprehend and often the beach is noisy from waves crashing in and you simply don't hear the cars. Rather than upgrading the boat ramp in the existing position, why can't this be considered as part of the new vehicle access point works because it is guaranteed that the hooning drivers will continue to use the Hinze access point if it remains. Just like they completely disregard the speed limits. Thank you for the opportunity to comment and the incredible progress being made by council on this critical issue.
Please keep the Southern access open for all 4wd.
Leave it as it is. Stop bending over to a very small minority group who want to change it. They brought their place knowing quite well of the beach access. I have been using this beach for over 40 years. It just needs more policing to stop the young rebels who are the problem and caused all the owners to now want restricted access.
Please stop using rates money for the beach access, hardly anyone adheres to the speed limits and hooning is getting worse. Who would police the ramp if it was for boats only? No-one polices the dogs off lead, dog faeces is not being picked up. We constantly pick up rubbish that has been left on the beach by a lot of beach users. This is all out the front of the Bangalee residential area. If the back road was fixed and more access for everyone, I think this would be a fairer choice. No car area along the Bangalee foreshore would create a much safer area of beach for young and old plus their animal friends.
Allow wheelchair access
More police presence as there are too many people speeding and doing reckless things on the beach
Yes
We need to keep access open at all times as launching boats and jet skis off the beach can be hard especially when the tide is coming in and an exit at the resort would have to be a blessing to not have to worry about the tide coming in and no beach to exit on
There needs to be policing of the use of the upgraded ramp in Bangalee and the stretch of beach up to the new ramp otherwise I can see most people will want to use the closest ramp. If it is not policed I would not like to see the ramp upgraded, just closed.
Pedestrian access best supports sharing this space with flora and fauna. Not vehicle access.
How dare you stop people driving down Farnborough beach this is our beach
So long as it's open 24/7 so I can go fishing whenever I want
I have no objections to anything proposed as long as the beach access remains at Bangalee as well as other proposed sites
The existing access must remain open for public. The proposed area on private property is a good secondary access.
It's a great idea. Get out there and enjoy nature.
We should still be able to have vehicle access at Bangalee access point. You have more land-based fishermen and day users than boats. And if you make so 2nd can get there you will need a large parking area
I support additional entrances and upgrades however I don't believe we should be cutting access to vehicles in the proposed area. We have already seen other beaches in the area closed to 4wd and it would be a shame to do the same here. The access to the beach was there long before the residents. It's like buying a house next door to an airport and then expecting to have the council move it down the road..



## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Reducing the area of the beach that can be accessed/ driven by 4wd is absolutely ridiculous- this entire process has been absolutely pandering to the residents and their property values. The beach access was there many years before these residents were, it's just like people who by a house next to a pub then complain about the noise. Sustainability isn't just for the dunes and there are ways of successfully policing beach driving (see, rainbow Beach etc). Without removing people's access to half the beach for taking their families and 4x4s out for the day. We have a generation of kids who aren't leaving their houses anywhere near enough and here's LSC trying to reduce outdoor activities further. Absolutely ridiculous.
Whatever you do, DON'T close the public beach access otherwise knowing the local council it'll never open back up again ruining it for all the safe and respectable 4wd'ers who want to use the beach for activities other than donuts in the sand and drag racing down the beach.
Leave the whole beach as access for 4x4 vehicles not just for launching and retrieval of vessels. This is to prevent over crowding on beach at busy times making it safer for all beach users.
I support the proposed new pedestrian and vehicular access, however I do not support the restriction of use between the new access and Heinz Avenue (see response to question 7).
Where is the new vehicle and pedestrian access to Farnborough beach? I thought this is a survey on a new access proposal
Use the current Iwasaki ramp as an example of good design for vehicle access. Also, design a hard surface access for pedestrians - the current access isn't accessible for everyone; the sand is too soft.
If the bagalee access is closed to non boat launching vehicles. The homestead road MUST be built to withstand severe wet weather ? It gets pretty swampy in there.
I support upgrading the existing access yes great idea. I DO NOT support changing the existing access to a launching and retrieving only access ! This is a gazetted road and should remain this way At what cost is the new access ?? What happens if the private land owners do not want to allow access or sell there land ??
If you upgrade the Bangalee Ramp Access, It will not stop Vehicles using it that are not Launching Boats. The aim is to remove vehicle movement away from the beach area in front of Bangalee. We are still seeing vehicles driving at high speed, driving in the dunes on high tides, and having no respect for the environment, and the safety of anyone using the Bangalee area of Farnborough Beach for walking, swimming, beach fishing, exercise. I have been a Bangalee Resident for approximately 22 years. There is a minim use of the ramp for launching boats. The only boats launch are small tinny's. But not in large numbers.
Keep the beach open
This needs to have 24hr access, and allow vehicles access to the beach south to northern end of iwasaki.
Have more police presence and beach accessible for 4wd and boats
I feel that if the original entrance is to be upgraded for boat access why not upgrade that to make it safe for all vechiles to access the beach on and off at that point. Why put a ramp on private property where the expense will be spent and access is not guaranteed in the future. Putting a new entrance may please a few residents however the ramp has been there as access for a long time, possibly before houses were approved or purchased.
Infrastructure spending should focus on improving the current roads. The proposal relies on a private land owner agreeing to giving access to the public. Keeping the public on public lands prevents any issues in the future. Many people I have talked to seem to think restrictions and access to beaches in our shire is becoming more and more restricted. I hope this is incorrect as accessing beaches has been part of the local culture for decades.
Access north of bawals creek
Don't let it be 1 road, make separate access points that doesn't cross each other

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

The beach is an amazing place that have a majority of local use only. It is unfortunate that people have abused the access in the past, however we shouldn't let the few ruin it for all. Beach access should not be closed nor changed and boats should not be launching from this beach as a safety concern due to how people have launched and driven them in the past. Many bogged due to not knowing where to park, launch or how to access the beach properly. It is a beautiful family place that should remain.
It's such a draw card for the Yeppoon area being able to drive up the beach. You'd be silly not to upgrade the area
Keep the current southern access and make it accessible for 4wd's any time of day and night, just increase police patrols. I use to love taking my kids night fishing down there and it was when I had free time and whenever the tides were right like my dad and older brothers did with me. Don't take that right away from them and allow them to enjoy what we have right at our doorstep. As a Livingstone resident in the northern suburbs that get nothing for our high rates this would be one thing I'd love for the shire to do.
Moving the access 500m north of Bangalee would fix the issues. Also allowing 4wd access onto other beaches in the area would ease the traffic on Farnborough beach.
Please stop closing our beaches to vehicles. Family's love going and making memories with the kids up the beach.
I think beach permits for vehicle access should be introduced and maybe something to look at in the future would be beach camping on Farnborough beach.
I think the old beach access should also remain open permanently and closed occasionally for reguvition
Stop appeasing Bangalee Residents who moved to Bangalee knowing the ramp was being used. The number of people using the Bangalee ramp outweighs the whining Bangalee residents. Why is Council bowing down to a handful of rate payers? I'd like to see better use of rate payer money. Having less of the beach open is not an option. !!!
Yes. Complete the proposed upgrades and leave the entire beach open to vehicles from Bangalee up to Fishing point as it is currently. Stop closing all of our cap coast beaches and natural public areas to vehicle access. Instead employ more rangers or police to patrol the areas and enforce the laws we have in place already. Or get the ones we currently have to do it instead of driving around all day avoiding work.
As owner of a major marine business in Yeppoon if you continue to limit people's access to recreational boating 4x4 etc this will be a flow on effect to local business, if you want our businesses to keep going then don't stop people using there boats and 4x4s. Unless you want to turn the community into a eBay shopping town but I'll tell you this you can't ask eBay for local advice
For safety I think a ram onto the beach an a ramp off the beach for vehicles is a must another access point half way so 3 in total will reduce congestion.
I support the use of Farnborough Beach for vehicles and feel this is a valuable area for locals and visitors.
It's a beautiful beach to take my young family onto on a weekend. We love spending time on the beach and being able to have my car, with fridge/bbq/shade right on the beach makes it so easy to do. Please do not close access to this beach for 4wd's. It's such an amazing part of life on the Cap Coast, we have friends visit from sunny coast and brissy all the time who are in awe of how lucky we are to have something like that on our doorstep
I as a ratepayer want to know how much we have to pay <b>the private land owner</b> for this upgraded road n all this stuff, when we have used the same excess both ways for over 50 years for free?
We need an on ramp and a off ramp

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

I dont support the new beach access being on private land. What a stupid idea. There is nothing wrong with the current beach access ramp - There are people who have moved into these houses after the boat ramp has been in existence & then want to treat the beach as if they own it but they dont & they should be respectrful enough to share. Ive seen property owners yell abuse at 4wders who were not doing anything wrong. The current boat ramp should remain as is, with an only turn right. & also maintain the dirt road access. the back access should also have a boat access. The other popular beaches should also be reopened - Ritamada, Timbers & Long Beach. This will allow to have less of an impact on Farnborough as not all traffic will be on one beach & for those that fish etc.
Need to have vehicle access from Hinz Avenue so we can drive along, pull up and swim and/or fish all the way along the beach.
I do not agree to change the current Farnborough beach access point making a no public land access beach. The private land holders for the proposed access via Sandy Point will have full control over people wanting to access the beach. Public access ramp needs to stay
I reckon it's a great idea to move car entry to the beach pass the Bangalee
We should be allowed on the beach past 8pm if we are there before 8pm
Don't close our beaches for just a few who knew that access was always there.
Ideally you would keep what's there. Instead of wasting tax payers money fixing a problem that only affects a small minority of so called elitist that live near the beach access.
Keep the beach open to all 4x4 and vehicles
Leave the beach access as it is,
How is the section of beach that has no vehicle access except for boat launching going to be policed?
Keep it the way it has always been
The original access is in my opinion really needs to be looked at first before another life is lost. Poor visibility and so many different types of traffic, people, utes, horses, bikes, dogs, etc and some times all at once. It's a nightmare. Not to mention the residents having to put up with the chaos at all hours of the day and night.
The back road will need maintaining at least twice per year. The access ramp will need to extend onto the beach so preventing bogged vehicles blocking entry and exit. Consider on/off lights. People with mainly 4*4s still continue to donuts tearing up sand. Consideration to be given where cars park on the beach.
Maintaining beach access at the current position at Heinz ave is a minimum to allow future access for all. It allows a safe way to teach young people how to access beaches and how to drive safely and responsibly. If there was more options that would be a bonus.
Move car etc access from current spot further north away from houses, this means extend the no car etc along the front of the of the 30km zone.
Leave the beach access alone. It's for everyone to enjoy just the way it is. Lots and lots of family use this beach, even if it's once a year, they are entitled to use it. It's ours! Stop putting more rules on us the people We have had enough Leave Farnborough Beach ALONE!
Bangalee access should not be just for boats as it's the perfect spot to access the beach for families and fishing without a boat but still needing access to the beach to travel along to the multiple fishing spots along the beach

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Leave it the way it is or slightly widen the access to a two car width to reduce the chance of collision. Council are not police and therefore do not need to control bad driver behaviour. The same road rules apply as if you were driving in the Main Street so if there is an issue with driver behaviour then this is a police issue not council. When something gets too hard for councils or too many complaints from a few the answer Australia wide is to close it down. This just compresses people into other areas which has a negative affect on what councils were trying to achieve by the few areas open now being overrun. We should be looking at opening more areas for access so people can spread out along our coastlines and therefore lesson the impact that you get in smaller confined areas. Lose the attitude of locking Australia up and open the gates for all Australians. #unlock australia #keepaustraliabeautiful
Keep access to our beaches to 4WD, stop closing the country
Do not close off access to the beach with 4wds.
A review is required into the corruption of LSC, disgrace you are!
By increasing the accessibility of the beach it will become a lot busier. Busier than it already is. I suggest opening up access to more beaches to drive on in yeppoon and emu park. This will reduce the number of people at farnborough beach which in turn reduces the degradation of the beach.
I don't think it's great as it's private property so there's huge potential for them to close it. There's already a massive lack of places to take 4wds and bikes in the region, my kids are devastated.
There is nothing that needs changing at farnborough Beach. The sooner council realises everything they touch, they destroy, the better. Look what the council has done to sandy point in an attempt to "fix" it. Don't try and fix something that doesn't need fixing.
The back road could use with a good grade to fill in pot holes. But it gets enough goons out there without making it more accessible. Nothing wrong with current beach access. If it ain't broke don't fix it.
What's wrong with the existing access? Maintain it and it is sufficient.
This plan seems to be downgrade for 4wd users of the beach taking away half of the beach and losing 2 access points for just 1, once again the council forgets the four-wheel drivers. Because this 'upgrade' is subject to private approval, will the other two access points on the beach be closed to 4wd's and the new access be forgotten about leaving us without an access to the beach for an extended period of time
It is unclear from the information is 4wd access will be allowed to access the surfing reserve using the blue boat access area. There should be no change to this access as it is currently safest, highest visibility and limits opportunities for access tracks to be blocked by bogged vehicles
Leave it open
The current access has served our community for many decades and it shouldn't be changed for the wishes of a minority.
I believe we need to keep as many beaches open to 4x4 vehicles as we can but keep it needs too 4x4 access only not 2wd, if the access near the houses is improved the noise levels will be lowered as will the complaints from locals, the beach access was there first anyways if they bought there knowing the access is there and now complaining to move it they should foot the bill. An access just past the houses would be good also. Especially when one is blocked
I believe beach access is important
Leave the access as it is, open the orange bowl at 9 mile back up and it will reduce the pressure put on farny by p platers, council needs to pull there heads in us locals have been using these beach accesses for generations and will continue to do so even if you wankers close it.
Allow more access to the southern end of Farnborough beach and upgrade access to allow 2WD vehicles to enter
I think upgrading the access to Farnborough Beach should be 100% upgraded to make the entry for 4wd safer with an add pedestrian path to its south so everyone accessing the beach are safe.
Fix the original one. Stop wasting tax payers money. Think with your heads for once 😊

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

If 4WD are being stopped accessing the beach at Bangalee then the access road further north MUST be upgraded. Both need to happen at the same time. 4WD access to this beach must be kept in place.
Whilst I don't want to see the beach completely closed to vehicle access something needs to be done to manage it better than is currently being done. At anytime and anywhere on the beach it's a race track and 4x4 testing ground. It's dangerous, noisy and polluting. Can a permit system be introduced? Reduced cost for rate payers and out of town owners have to pay the full price.. vehicle is linked to traffic offences on the beach the permit is revoked and the vehicle is unable to drive on the beach. Council already have cameras on the access ramp, upgrade the camera to an ANPR camera and the offending vehicle can be dealt with by way of infringement just by virtue of them accessing the beach. Council and Police have to be more proactive with dealing with the multitude of issues on the beach. Good luck
I don't think construction of an access on private road makes sense. The public want ongoing access to natural recreational areas. The landowner may choose to deny access.
I think it is critical that this beach and access remain open to vehicles. It's part of the reason I live in this town and it is used very frequently.
No new vehicle access should be proposed along Farnborough Beach or other beaches within the Capricornia Coast due to their environmental significance to support local and migratory species for habitat values. Introducing more vehicle access to these areas increases the risks of ecosystems services failing particularly as current challenges such as climate change are already impacting on coastal environments supporting these species. Sustainable recreational use means reducing the risk for future impacts particularly on fragile systems like coastal areas which are consistently changing in their natural state. If Livingstone Shire Council is serious about sustainability land management then seek advice from specialist in the field, collaborate with Traditional Owners and listen to other Councils/communities dealing with similar issues they aren't encouraging vehicle access on fragile coastal systems. Farnborough Beach Master Plan is just a map, no detail to support this proposal.
It is unrealistic to expect that hooning can be eliminated from the current Bangalee access ramp. It is only through good luck that we have not had a fatality or serious injury to beach goers. Rather than continue to ride on our good fortune to date it appears a sensible approach to provide access to the north of the residential area thereby reducing significantly the possibility of a vehicle to person accident.
Under no circumstance would I agree to any reduction in vehicle use at the farnborough beach/corio bay area.
We want to keep the current access at Hinz Avenue as it always has been.
Only pedestrian access to the beach no cars at all.
I think this is the best option for the people of the shire, residents of Bangalee, 4WD's and fishing boat residents. As long as normal 4wds don't use the boat ramp off Hinz Rd this is 100% the best solution.
Keep farnborough beach open 4wds have very limited places to explore and we cannot afford to lose another iconic place
The current beach access should not be halved and the current beach access should remain.
Do not agree
There have been a number of near misses with vehicles and people co habitating on the beach. Moving the vehicle access north is a good solution.
I support improving access in general, but do not support restricting access at the only current access point. There are no conceivable safety benefits in doing this, it only serves to reduce the impact on people who live adjacent; which is admirable but not in the best interest of the overall rate payers.
Leave as is

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It's always been 4wd access only , don't make it easily accessible or it will be over populated every weekend.
Just make sure we don't close this beach from 4wding and day stays on 4wd. If you need to start charging for beach access to maintain than do that and keep enforcing the speed limits and hooning with more surveillance if needed. My kids need to have somewhere to drive on the beach when they are old enough to drive.
Please ensure the new access will be in an appropriate location to not disturbed Bangalee residents
My reason for no upgrade to Bangalee ramp is due to the amount of vehicles that currently ignore the rules and regulations. A new ramp will not stop those that ignore the rules from driving at high speeds, hooning and making it unsafe for pedestrians, pets and the children who live in Bangalee who are often on the beach. What steps will be taken to stop unauthorised vehicles from using this ramp. A camera is obviously not enough at this stage as it has not worked in the past.
It would be nice if they had a ramp also as if they walk down the 4x4 ramp it's a high traffic area. But do not close the beach. I do not support closing any beaches in yeppoon of 4x4 access.
keep in mind its a SHARED beach and the residents do not own the beach- we all pay our rates
Upgrade existing ramp and think about costs not the self entitled blow ins at Bangalee. Makes sense to upgrade existing and leave it at that. Council has no money so why go wasting more on a matter that can fixed immediately without huge blowout if cost
a new vehicle access to Farnborough beach is urgently needed due to the safety to beach goes , Bangalee residents having to constantly put up with vehicle hooning at all hours of the day and night, with little to no regard to people using the beach, and the destruction to turtle nesting areas and sand dune destruction. Lets look after the beach a little better for future generations.
Please don't listen to the old residents who want to stop young people from having fun. If you decide to live near a beach in regional Queensland you should expect cars to drive past at some point. The beach is for everyone to enjoy not just the fortunate rich people living across from it. Also if you close this one down they will find another and create more damage so your better off creating a proper access.
Review, and upgrade where necessary, pedestrian beach access points off Kiama Avenue to beach.
Keep the access at Bangalee please.
Been using that beach access for over 30yrs. Never had trouble going on or off the beach. Simply put board walk timber all the way down past the soft sand. Monitor all the vehicles going on and off with cameras and if there is a complaint on hooning off the beach issue a fine. I once had to pay to use that access and get a beach permit. I'd be happy to pay a reasonable amount to use and if people don't pay issue a hefty fine. If toll roads can do it so can you. Keep the same access point
Leave it the way it is as the 4wd community has very little places left to be able to take their families 4wding and also be able to park up on the beach for the day, as all the other beaches have been closed down for vehicle access by the council
Maybe toilet facilities for people the can't go in the bush.
Make the entrances with wood to stop all the idiots digging up the sand and digging it deeper in 2wd

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<p>What is the associated the cost, Is there any traffic data to support this as we cant find this info anywhere?</p> <p>Interesting how under the line of "public safety" the LSC is investing significant \$\$ and energy into rectifying apparent issues of traffic volumes, speeding and hooning for approx 35 residents of Bangalee whose houses are set back 200 hundreds meters from the beach and already have another official gazetted safe access via Kiama Ave - why is that we wonder?</p> <p>How about instead the LSC first commit to and permanently rectify the genuine and proven safety &amp; traffic issues on the residential street of Ocean Park Avenue that have now been ongoing for 14 months!</p> <p>Why is this taking priority over my families safety on a residential street with proven fact based safety issues?</p> <p>Before someone gets killed, fix Ocean park Avenue first!</p>
<p>I'd like cars only allowed on boat ramps.</p> <p>I'd like upgraded pedestrian and disability accesses to Farnborough Beach.</p> <p>I'd like upgraded roads and parking spaces adjacent to pedestrian and disability accesses to Farnborough Beach.</p>
<p>Awhile back my dog was run over by a vehicle driving on Farnborough Beach going to fast and they had been drinking. I'd prefer the access to be further up by the old resort. Dangerous for families also.</p>
<p>Keep the beach open for the majority. Why close for the minority who bought there and now dislike what they have. Same as you are doing on Ocean Park ave.</p>
<p>Please do not reduce the length of beach to general vehicles access. It's is hard enough now to find somewhere to take your family for a day out. With increasing numbers in this area it will only make it harder.</p>
<p>Just hope it goes ahead and the 2wd road is maintained and has a decent car park at the end for us fisherman</p>
<p>Just don't close it!</p>
<p>There hasn't been any details on how much this is going to cost, and how it is going to be enforced. People are still turning right and driving up the beach that is supposed to be off limits, and I am unaware of any fines received for this. Cars will still access from Bangalee because it is closer if the new rules are not enforced. What is happening with the resort? Is the land being handed to council, will there be a lease agreement with <b>the private land owner</b>? How much are they making from this? I'm also assuming the road will need upgrading through to the new beach access, that is on private land, how much will that cost? The basic idea seems like a good option but without knowing the actual details on costs and what needs to be done it is really hard to give a well-informed opinion</p>
<p>Need to ensure it is done correct once and maintained and monitored by council officers to stop hoons</p>
<p>Council does not have the right to lock citizens out of their own community, all beaches should remain open to all vehicles at all times so as long as people are doing the right thing, which is everyone for the exception of a few idiots ruining it for all. The population of the region is exploding and you people are hell bent on reducing the places we can all go to enjoy our region. We don't all want to be crammed into a few areas that council has "approved for us" . This isnt about 4wding as I've heard so many times from the people pushing for farnborough closure, its about enjoying space, we just happen to need a 4wd to get to those spaces. The idiot minory driving up the dunes do not represent the law abiding majority , nor does the council represent the majority when you are simply pandering to a vocal minority.</p>
<p>As long as you leave public access to vehicles to utilise the beach I would support upgrades</p> <p>Please don't go all nanny on the 4wd beach users due to a few idiots that do the wrong thing</p>
<p>Access should be continued from original bangalee point there is no True point to closing 4wd access</p>

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Conservation of our sensitive eco system appears to cost nothing in this context, yet the added destruction will cost a great deal to an already strained financial organisation. It seems the correct response will reduce spending, allow funds to be redirected to areas promoting prosperity, and safeguard our environment. Allowing more beach access would be adverse in this regard.
Just to ensure 2wd or all wheel drive cars can have easy access to the beach.
Before Council makes a decision on closing the Bangalee access to vehicles without vessels, firm commitment from the private landowner for access to & long-term use of the proposed new beach access needs to be obtained. Possible option could be to have both accesses as proposed, but only allow vehicles without vessels via the Bangalee access between 4am-8pm. Certainly upgrades to Sandy Point road need to proceed. Is there any scope to seal Hinze Avenue long-term, given the state of the private road into Bangalee?
Night curfew has been put forward and passed. No vehicles on beach between 8pm and 4am May be helpful
Having additional access to the beach is a great idea if done well. This means vehicles can enter at one point and exit at another.
Stop making it accessible for people with no idea how to 4wd or what is involved or you end with with DI 2.0. Another beach access blocked and closed this government sucks ass
A new vehicle access is not required at this location. The proposed new access is across sensitive dunal areas and will be costly to construct and maintain. The soft sand will result in vehicles being regularly bogged and having to let their tyres down, resulting in unsafe towing of vehicles and potentially more deaths.
I believe that the current access point is satisfactory and disturbance of the dunes and vegetation for another access further north is unnecessary. I believe that the proposed change to access is due to a low portion of users doing the wrong thing and rather than change or preventing access police patrols or similar should be conducted. There is no good reason to prevent access to users from Hinze Ave.
Please do not remove the current access at Hinze Ave
Better safety and speed reduction measures for families with children.
Keep the damn costs down and our rates
The closing of Bangalee boat ramp has been tried several times over many years! Listen to the community and not just the handful of entitled residents of Bangalee and leave it as it is. The cost will be an added cost to ratepayers and our rates are high enough now and could be spent more efficiently.
The old existing ramp has been too steep for many many years causing big hole. Needs to have a lesser angle
The fact this has got to this format is proof of the disconnection this council has from its community. It's well known that opening a northern access and maintaining the roads north is going to be a win win
Don't shut down vehicle access at the current ramp. Keep it open. It's a great experience and people should be allowed beach driving in safe zones
I do support the upgrade via Bangalee for all to access the beach 4wd and motorbikes included
Access to the beach should take into consideration the turtle nest and other wildlife habitats in the area. Also please put some rubbish bins in the area to discourage visitors leaving rubbish on the beach.
Leave it where it is
With the increased traffic along Iwasaki road, we can expect more potholes to develop. Council should maintain the integrity of this road for residents in this area. Eg Bangalee



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<p>I support the upgrade of sandy point road.</p> <p>I do not support limiting the access from the existing ramp along the beach.</p> <p>Upgrade the ramp to help vehicles and vehicles towing boats on and off the beach would be a great move.</p> <p>But more policing of the speed limits and hooning is needed to make the beach safer. Not limiting access for the people doing the right thing.</p>
Don't close the beach! Best thing about the region.
It needs to be policed as there are too many people taking advantage of the space with excessive speed and turning right at Bangalee when not permitted.
<p>Having multi access points will minimise interaction between families setting up for the day and vehicles travelling past.</p> <p>Eg. people surfing use furthest access point. People fishing can have direct access to cario bay.</p> <p>Less beach traffic at certain locations gives people options to setup for the day and not continually worry with young kids running around and cars driving past.</p> <p>Make the beach 30km/hr to encourage uses to go to furthered beach access points.</p>
<p>Don't implement any changes. It's not needed.</p> <p>Hundreds of 4wd's use this access every week with barely any issues. Leave it as it is.</p>
<p>Very supportive of the plan. My key issue is safety and minimising vehicular traffic in front of Bangalee residences (we own a property in Kiama Ave and will be retiring there). Ideally all cars would be banned from the beach in front of Bangalee but limiting it to vehicles launching boats is a great step forward and a compromise that should be acceptable to most residents.</p>
<p>This is absolutely disgusting trying to remove access to the beach from in front of the houses so there properly values all go up. Corruption and greed at its finest.</p>
Make this free for everyone to enjoy this natural paradise. For many years to come.
<p>There are no changes needed to the current arrangements, especially destroying vegetation and habitat to create a new access. If people are doing the wrong thing there needs to be a police presence.</p> <p>Current access should be maintained.</p>
Full vehicular access via original access point should be retained and not restricted to launching / pedestrian only. Any alternative accesses should enhance choices not replace current access availability.
Don't close current beach access, Don't do access through private property
Continued work needs to be done to stop young idiots making fresh tracks on the dunes and wrecking vegetation.
Any idea of coasts to ratepayers . It's fine the way it is .
<p>I am strongly against 4wds been driven on our beaches. The foreshores have enough to contend with as it's a fragile ecosystem that is easily damaged and it takes a long time for the environment to recover ( if at all ) .</p> <p>Research some time ago has already shown driving on beaches effects the environment especially with damage done to the living organisms in the sand..</p> <p>I have nothing against pedestrian access Or vehicle access TO the beach just not vehicles ON the beaches .</p>
The Hinz Ave proposed ramp, what will stop vehicles from driving up the beach to launch a boat.
<p>Looks a good plan.</p> <p>How will vehicles be stopped from travelling south from Bangalore access point? Will there be a physical barrier?</p>
i believe current access should be upgraded however i dont agree with beach between access and resort being limited to boat launching. it should be left accessible for 4wds regardless if launching a boat or not.
Leaving it how it is

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Don't close bangalee all véhicule access before any other access is created.
It's about time!
The two things of the utmost importance are accessibility, ie Farnborough Beach must remain open for further generations and safety of users. The next very important factor is protecting the fragile ecology. The new ramp will go some way to doing that.
The access point at Bangalee should be for all beach vehicles to enjoy, not just for boat launching and retrieval.
No should be left the way it is
You are taking too much beach away from 4x4 driving
I would like to continue to access the same amount of Farnborough beach and continue enjoying our coastline.
I am concerned that the ramp for boat trailers will provide 4WD vehicles with better access to the beach. I am wondering how unapproved vehicles will be deterred from using the boat ramp. How will the beach traffic be monitored?
Leave it as it is. No access to Farnborough beach shall be restricted to the public.
This 'masterplan' does not address the current issues of the environment (turtles hatching) nor does it address the vehicles driving on the beach. This 'masterplan' only moves the issues further along the beach. The development of new accesses will destroy sensitive habitats on the coastal dunes. There has been no approval by current landowners to allow these accesses to be created. There has been no acknowledgement of consultation with current landowners or National Parks to develop and maintain the accesses. The costs to LSC and rate payers will be high when there is an adequate access already. The Bangalee residents purchased in this area with full knowledge of the vehicular access.
No restrictions on vehicle access times, for it to remain 24/7 access
I would support an additional ramp and upgrading of the back road provided that it was not at ratepayer's cost AND that it did not result in the closure of the existing ramp. The existing ramp should continue to operate. If there is a problem with a small minority of users then deal with them, don't penalise everyone. The residents of Bangalee need to accept that this is a PUBLIC beach, not their beach. Always was, always will be. The price they paid for their property reflected this use and their property value should not be improved at our cost and inconvenience.
Leave access to beach how it is.
Keep beach access open 24/7 for 4WD, and think of the whole community not just Bangalee residents
Why can't the access be widened to accommodate boats and vehicles rather than wasting money on building and further upgrading of roads. Or will the council start charging a levy to use the beach. I take my dogs down the ramp onto and up the beach a couple of times a week and have no problems with other vehicular traffic or pedestrians.
Makes sense to just upgrade the current access at the street to allow 2 way access to beach. Why would you want to potentially destroy more areas to create a new access.
The Bangalee access needs to be upgraded, and back road maintained, I go three times a week, and there are cars bogged a lot of times.

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Please don't waste any more rate payers money dumping palm branches up the beach it makes Yeppoon people look stupid especially after you carted all the debris that washed out of the Fitzroy away it all gets washed away sooner or later and if it's not broken don't fix it especially in the Livingston region
I do not support closing any of the beaches at any time slots.
As a rate payer I would like the area of Barlows creek made in a park area The existing ramp upgrade to work in both directions and walking path to beach The sandy point road maintained to a safe standard
Keep beaches open to motor vehicles at all times. It's a great place for families to enjoy, my kids love it. It's a great memory of mine as a kid going up the beach every weekend and would be very sad to see my children not be able to experience that.
With all the information,resources why are you reinventing the wheel look elsewhere for beach access Dual vehicle access with a pedestrian walkway solves all problems Look at Yeppoon surf club and the sailing club they have ramps they can use 12 mths of the year
There is no need to change the beach access. Adding an additional access is a waste of time and money. It is implausible to propose such largesse for the handful of Bangalee residents. To assist the environment, the dune system vegetation needs to be restored in front of the beachfront Bangalee properties. This could be paid for with a rate levy for these property owners.
Upgrade of the existing ramp is good and I did answer yes to this question, but I do have my concerns and could as easily say no , my reasons explained below.... It must cost an amount to regularly move sand , replace boards etc so what is the proposed upgrade ? A concrete ramp ? Something that needs no constant maintenance ??? But, if this ramp is upgraded for boat launching / retrieval access , how will it be monitored to ensure that it would be used as specified for that area of beach nominated purely for "boat launching" and is not just still just used as a vehicle access? (my feelings are that it would be used just as it is now).... Another concern is that there is minimal parking in this area for boat trailers ? Some park on the beach up past the high tide mark , this may have consequences for dunes and wildlife ( turtles) as everyone is trying very hard to maintain the integrity of the dunes but still some of the 4wd still travel above the high tide mark and breach the dunes. Some people tend not to adhere to rules!
My thoughts are that the area in front of the village of Bangalee should be designated pedestrian , NO vehicles. The purpose of another vehicle access further up the beach was to keep ALL vehicles away from this area to allow a peaceful and safe area of beach for families , pedestrian activity , dog walking, horse riding etc without the noise and fear of any vehicles around. This is hardly going to be the case if there are boats , jet skis, trailers and vehicles within this area. It would still be an unsafe area for pedestrians. Traffic noise day and night in front of the village of Bangalee , ( often purposely ) another valid reason for zero vehicles on this area of beach. I can't see this "safe area" of beach happening if there is still a vehicle access of some description. I would rather see it be pedestrian access only at the existing Bangalee ramp rather than an upgrade if this boat launch/ retrieval is going to be the sole reason for the upgrade The proposed new vehicle access should be the designated place for ALL vehicles accessing the beach, launching boats etc , and an area for parking trailers etc catered for at the new ramp.
The upgrade of the Sandy point road would be really good news, Sandy point is a beautiful area to see and a good road to access this spot for both 2 and 4wd would be a great asset for Yeppoon and all its visitors. The road over the last few years has deteriorated dramatically with lack of maintenance ( not that it was ever a great road, but it did get graded from time to time ) and would be a challenge for any vehicle!

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<p>Firstly, a thank you to all involved for the time and effort put into getting this Master Plan in place for review.</p> <ul style="list-style-type: none"> <li>- Is there a traffic management plan for vehicle separation and interaction which includes, speeds and parking exclusion areas highlighted (dunes)?</li> <li>- do you require any further security cameras in place?</li> <li>- what is the impact with an increase in noise levels to environment and community?</li> <li>- is there a emergency response and incident management plan which covers procedures, timing?</li> <li>- how will you educate people on the changes?</li> <li>- are public amenities required?</li> <li>- will you require any changes to current beach inspections/or frequencies?</li> <li>- if there is further waste generated, will bins be provided?</li> <li>- how are zones marked out on Master Plan going to be controlled? (what is going to stop anyone from driving down the boat ramp, thought the boat access area to get to Sandy Point)?</li> <li>- Rules that are put in place need to be explained to the public so there is an understanding and true value of reasons for the rules, if you don't increase peoples understanding, you will never be able to change the situation and people will continue to break rules. It isn't enough to simply state the rules and then try and enforce them, which we know is still an issue, albeit to a lesser extent with recent vehicle roll overs, speeding and vehicles going into areas which they are not permitted, driving up the dunes etc...</li> <li>- will the environmental and community impact be monitored (emissions, dust, discharge, waste, noise, lighting, spills)?</li> <li>- has Team Turtle been involved in the zoning options?</li> <li>- who will handle the upkeep of the roads (potholes etc), with extra traffic (vehicles with boats) using them?</li> </ul>
Definitely need an access maybe through the old resort area. So there's the bangalee, dandy point and one in the middle somewhere.
Upgrade Hinz ave access single use ramp with pedestrian Access away from ramp and place an information bay where users can read info and speed limits, work with QPS and have a greater presence on and around entrance maybe cameras, and try and educate drivers through programs with aid of local 4wd Clubs and Businesses. I have been doing this through Safety On the Sand, since 2019.
Leave as is just upgrade current access and increase compliance on beach for speed etc
I am not in favour of increasing vehicle access on our beaches. Driving on the beach is a hazard for wildlife such as shore birds and turtles. It also causes hazards for people simply on the beach using the beach for walking, fishing etc. Driving on beaches is not a right. With increasing population on the coast and more people owning 4WD vehicles I think we must take steps to limit vehicular use and promote other ways to enjoy the coastline.
On the present Bangalee ramp There should be a total ban on all vehicles except if towing a boat .
Concerns about how much would be boat launching traffic and how much would still be hooliganism if the current vehicle access stays open. Carpark is not sustainable for more parking at the end of Hinz Avenue without disrupting residents who live there. Would need to have instructions for parking boat trailers on the beach only.
We love being able to drive on Farnborough Beach for family picnics, fishing, relaxing, swimming. We have always felt very privileged that we are able to do this and hate to see damage that people have done who don't respect the amazing place we live in. Perhaps we need to have a permit (like we had before) to be able to drive on the beach.
Leave things as they are. The dunes ebb and flow like the tide
More safer access.
Leave it how it bloody is and stop restricting our access to our beach

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Beaches should be looked at and walked on and not driven on
This is a massive waste of money. Upgrade the existing access only. The access on to Farnborough beach has been there much longer than the houses in Bangalee.
Everyone should be able to access it
Leave the beach access alone..The residents of Bangalee don't own the beach... and loaded questions in a survey is just a cheap shot at the rate payer's.. Have a nice day..
Keep the access where it is! Upgrade the existing to cater for dual vehicles and a walking path. There is no need to waste rate payers money to appease the Bangalee residents distaste for traffic in the area. The existing Farnborough beach access has been there much longer than the houses at Bangalee
Leave the beach how's it's always been for us for our grandparents and grandchildren
Keep the beach open for cars to drive, will wreck the surfing community of Yeppoon if the beach is closed. No need to spend pointless money on upgrading ramp, ramp is fine.
As a resident of Bangalee, I have concerns regarding the safety of beach users in front of the houses. Drivers continue to speed and even race each other as soon as they hit the beach. There was a big improvement in the hooning on the beach (at night) with the use of cameras and the temporary change of beach access times for 4WD's. I strongly agree with another access being available north of Bangalee.
This area is away from everything, leave it as it is, as there is already Roslyn bay and "the locals" will have cars parked everywhere if you make a boat access point... rate payers and taxes are paid ! Leave it as it is and do not over crowd the beach with less access
It's a very important piece in the puzzle of Yeppoon Closing this in any shape or form only changes what people live for here
Put a permanent speed cam high up on a metal pole so speeders and horns get tickets.
This needs to be prioritised to make it happen as it has become a safety issue before more accidents happen or deaths.
Leave the current access the way it has always been! I purchased under the Rocky airport flight path to the north, should I complain about the air traffic noise? It is absolutely no different, those residents purchased there knowing the vehicle access was there, so put up with it. I fully support the installation of decent cameras at the access so that an eye can be kept on the vehicles that go onto the beach, and action for reckless driving can be more easy with this footage, but punishing the majority for the actions of a few is beyond a joke.
Leave it as is.
Stop trying to regulate everything let people be free, all in the name of Safety you think you can control people and take away their rights
I walk on this beach every day. The difference having the beach closed at night was immense: and essential for wildlife and the safety of young adults. This beach is not used respectfully by 50% of people driving and changes must occur for the safety of all. As it is now it is one accident away from something irreversible that will rip apart families and a community.
We do not want our access moved. Leave the 4wd access as is, and stop trying to appease a minority group who moved in knowing full well every member deserves the right to that beach access. Not just them
Leave it how it is or upgrade the facilities without taking away usable beach space from the public just because the Bangalee residents had a whinge If they don't like where they chose to live they should move Stop catering to the minority

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Keep 4wd access open
Upgrade the current access only. For all users, not just those launching boats
The proposed access needs to be very basic to limit the volume of cars.
We need to do something. To keep pedestrians safe and restrict the amount of vehicles on the beach for the sake of the environment. I have launched boats down there, ramp and weather conditions have to be right.. The previous permits for the beach worked fine. , Council rangers and QPS should be more often on the beach. Regulate the amount of 4x4 s on the beach
Vehicles accessing the beach and traveling along the beach is destroying the marine environment. The bubbler crabs from Barlows access south is normal population, the north bound traffic Kills in excess of 90% of that sand dwelling marine life. Just have a look. This must be affecting the Eco system. Too much traffic traveling the beach sands. How do you not mention this visual FACT. Take a look.
Your questions are misleading! This is second time I've filled this in because I don't know what to answer to stop council from closing our beaches! We have been using this beach for decades and it's our right to continue to use this beach. Hands off!!
I do not agree to removing my current access to the beach by limiting use of such a long section of beach to boat launching only. Yeppoon has limited surfing opportunities and your proposal reduces my opportunities. Many times I have surfed close to the resort due the waves being too big near the surfing reserve (the surf gets smaller as you go south and learners at any time and others who want smaller waves during big swells will be negatively impacted by a boat launch only restriction) and also during big tides you can generally still drive from Bangalee to the resort and due to the big tides I have surfed near the resort. The proposed access will probably not be usable during these big tides. The beach can be busy and your proposal also concentrates vehicles which will reduce the overall experience of being on the beach. If you want to proceed with any proposals, my preferences are for an access just north of Bangalee (same negotiations) and motorbikes be banned (they used to be)
Just leave things alone. You think you're helping but you're not.
I think the access is suitable and just needs regular maintenance. It does not need to be changed as that would cost a lot more than just maintaining what is already there. That is money that could be better spent elsewhere.
With population growth to date & expected further population growth moving forward in time this has to be a priority to move the access ramp onto Farnborough beach from the current Hinz road access for the safety of all beach users.
We need to tread lightly on our beautiful place.
The access should just be left alone. All that will get done is end up shutting it down then blaming something out of the councils control. Leave it alone
I would like to see the beach access remain open 24 hours /7 days. Upgrade or increase existing maintenance to Hinz Av beach access. Regular maintenance to ensure road access to Big Dune Reserve and Sandy Point is accessible by 2WD vehicles. The addition of a new beach access at the horse trails is not addressing the route cause of issues for the Bangalee community. the same issues will exist , but further north. Legislation currently exists to counter the unacceptable behaviour .
There needs to be clear guidelines for users of vehicles so that nesting turtles and birds are not disturbed. Farnborough Beach is a very important shorebird and turtle nesting habitat that needs to be protected. Driving at night during turtle nesting and hatching should be prohibited. This should be policed better with greater penalties.

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Leave hinze as an access point for all vehicles. Hinging this concept on using private land is not a good look for the council and neither is removing a section of the beach that is used by many and causing more people to be squashed into a smaller area. Any one could see this would just increase the risk of injury to people with more people in a smaller area. Boat launch to the right of hinze, vehicle access to the left.
Keep it exactly how it is! Add more cameras for the idiots who wreck it for everyone. Make it so you need a beach permit to enter the beach that expires every 6 months or a short term one for one month, that will help to pay for cameras and extra rangers to patrol the beach, and will be able to monitor who's going up the beach. People who are going up to destroy the place will not pay for a permit. Give them a fine and take there license, make a rule you need a dash cam to enter the beach to help council with surveillance. But please don't wreck it for the people who have been going up there for years and years. As for the locals who live near the Ramp tough shit. That's like me complaining I bought a house near Woolworths and that I want the shopping centre moved for my entitled little mind. I understand there are hoons who wreck it for everyone but get rid of them not the locals who have been going up there for 30 years +. There are solutions other then closing the beach
Will be good to access the beach 24/7 to just chill ant not only fish
please allow 24/7 vehicle access for night fishing from the beach. As well as for allowing launch and retrieve of boats.
Leave the current beach access open to everyone at all times. Fix the road to sandy point to allow better boat access as majority of people launch at sandy point and only a handful would launch on Farnborough beach. Tourists flock here because of our beach access and my customers are blown away when I explain to them daily that they can drive on the beach at no cost. It is an under utilised selling point of the region.
Leave the access where it is I don't agree with any curfew or restrictions. If there are joins it's a police matter and the residents should be calling the police not asking LSC to shut or limit the access.
Re open the tree shading across the beach, and make the ramp entry more accessible
Upgrade the current access. It's not rocket science, stop wasting our money. The current ramp would work well if upkeep was happening. Reopen up the shady tree areas for families to enjoy.
I support the upgrade of the existing ramp with a people access path and a double ramp for on and off the beach for all four wheel vehicles
Bangalee entrance should be open to everyone. In fact more of Yeppoons coast should be 4x4 accessable
A night time curfew not a bad idea. But please keep it open.
I see no reason for people to drive on the beach if the access road is upgraded to an acceptable standard and walk in access points and parking are supplied. Driving on rhe Beach impacts marine animals and birds.
Install trail cameras to monitor driver behaviour for enforcement and penalty purposes
It's a waste of ratepayers money it could be used better, you only need to drive scenic highway to see how poor the roads are and untidy the beach foreshore money should be spent there instead
Leave the current Bangalee ramp alone A few residents complain about a bit of noise at night what do they think we have silent roads and no noise. Is it LSC's new motto if there is a problem shut it down it seems that way. A fence halfway down the beach will stop the idiots screaming along up close to the dunes because of the tides and most problems will disappear
I don't support closing or restricting any part of the beach or the current access. I do support an additional access and upgraded current access
Make it a concrete ramp. You will never have to worry about fixing it for minimum 50 years

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Farnborough beach access has always been a major draw card to living and holidaying in this region. I believe the rate payers money would be better spend upgrading the current access instead of the extra cost of a new access point. We cannot continue to bow to the noisy few, the majority of users are doing the right thing, perhaps QPS need to patrol more and the perpetrators loose there privilege's instead of everyone loosing what makes this region great. I believe it is a right for all to use and access this beach, and I would be devastated to think the my children will not have this area to use when they are of age. The action group that has been 'put together' clearly has a bias and agenda to see the beach become a residents haven! this beach and the access to it is for all, not just the few.
It is important to remove the danger that is involved with vehicle access near the residential area of Bangalee and the resort area. Moving the beach access to North of the resort will solve this problem. There is also the issue of nesting turtles along Farnborough beach. I would be in favour of shutting down all beach access to vehicles in the turtle breeding season. The back road when upgraded, could be used to get everyone to Corio bay to fish when the beach access was closed in the turtle breeding season.
Stay with the original access and better Policing given the status of the beach being a state road
The access north of the resort and Bangalee should have been done years ago ! Well done. Also what is happening with the old resort? This would be of great interest to the right developers and easier to do being on the main land . This area needs a real resort again!!!
Vehicles should be monitored and hooning delt with severly.
A permit system should be used for all vehicles accessing the beach with an appropriate fee (similar to National Parks). Infringement notices should require a considerable fine to be paid and an exclusion period (eg 6 Months) before accessing the beach again.
Keep hinz ave open and leave as is
Access needs to be unlimited
Needs to be unlimited access, should not be restricted to suit a minority
Fix and maintain current access points
Yes I am concerned that 4 wheel drives will enter the boat launch ramp to access the beach. I would prefer all access to be by the ramp beyond Bangalee. That is NO ramp at all in Bangalee. Boats would be launched beyond Bangalee. Also the road to Bangalee, owned by Iwasaki, needs to be repaired. So dangerous for 2 wheel drive cars. So wearing on tyres.
Might as well put in some camp grounds while you're at it like 9 mile beach.
We often go to Bangalee for holidays and to visit family and it's so incredibly dangerous to have children down on the beach. The vehicles that access Farnborough beach aren't wanting to visit that particular residential section of Bangalee, so why have an access there? It's dangerous for residents and visitors and it makes perfect sense to have alternative access to Farnborough beach from the north. Please don't wait for someone to be hit by a car before action is taken.
It is only a matter of time before someone gets killed on the beach out the front of Bangalee. It vehicles are trying to access Farnborough beach, why not upgrade the access further north and remove the excess traffic out the front of Bangalee where there is families and pedestrians. It's a real hazard and something needs to be done.
The new access will be safer for the increasing numbers of vehicles accessing the beach.
Currently the residents of Bangalee can't even feel safe with allowing children on the beach due to the amount of cars on the beach. Moving the ramp will be an improvement for all parties.
There is plenty of room on the beach north of the resort
The traffic is realy out of control and it's a lot more than 1 percent of people doing the wrong thing, as stated by cr bellot. Having another access will only releive pressure the are bangalee, not all of the beach.



## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Great initiative
I support upgrading the current access to Farnborough beach including widening, cameras to ensure safety and to provide a deterrent to a minority of speeding vehicles. With regards to a second access point, I do not support as it will damage current dunes, the additional cost to ratepayers and will potentially have the long term effect of closing the current beach access in the long term.
Can you reduce the angle of the old ramp as it is too steep for cars and older people walking off the beach, also extending it to the front of the dunes would make it better. thankyou.
Upgrading the "back road" would be a huge and costly undertaking. This money would be better spent maintaining/upgrading access to the current ramp.
Beach belongs to all residents not the chosen few from Bangalee
Improve beach access for walking
Upgrade and improve safety /visibility
just need to get all vehicles off the beach next to all the houses at banglee and another access urgently required
Just upgrade the beach access that we already have. Waste of money to make another one
An upgrade to move the access past Bangalee will make the beach a safer place for everyone.
I think any way Livingstone visitors and residents can increase time spent outdoors is a huge plus and a significant attractive factor in attracting potential residents to choose our area. The network of paths under construction all over our shire is fantastic.
I dont think 2wd vehicles should have access to sandy point ... it will create chaos and cost too much
I believe the council should consider with all of this upgrading, installing an underbody car wash. There are many in other areas that access a beach. It could be a good thing for council. But maybe not as expensive as the wash in the carpark
The proposal is a good solution for all, still allowing g good access for 4WDs, pedestrians, dogs and the Bangalee community to enjoy safe, quiet smenity
No. Fix the resort.
I regularly visit friends who live at Bangalee with a beach frontage block. The irresponsible hooning and speeding along the beach by Ute's and 4wd's is horrendous and dangerous 🚗 You take your life into your own hands trying to visit the beach. If u sun-baked there is a risk someone will drive over the top of you and if you leave your towel etc.... chances are someone will 🚗 drive over the top of it.... The dangerous and irresponsible behaviour I have witnessed from motorists on the beach is abhorrent! Where are the police 🚓 to keep an eye on this reprehensible behaviour. Only a matter of time until an innocent beach goer is involved in a serious accident caused by speeding motorists or killed
I walk my dogs there 4 days a week and the vehicle access is so dangerous. The amount of idiots I have seen use it over the past 12 years has increased. I feel for those poor residents who have to put up with their behaviour every night. I feel u need to move the access to Sandy point and stop the cars on Bangalee beach. Thank you
For the safety of beach users it is necessary to keep vehicle use to a minimum. Also having designated access should prevent dune damage.
Please make it as safe as possible for humans and dogs etc! Speed limit ? Thank you 🙏

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

The current access at Bangalee has proven unsafe. We know first hand as we live in Bangalee and our children are not safe. Cars drive at excessive speeds, and without any care or following road rules.
The beach access need to be further back, passed Bangalee.
Better enforced speed limits would be good.
Building a new ramp will increase erosion along Farnborough beach as the native habitat will be affected via building the road through to the access ramp
Pedestrian access only. The 4WDs on the beach are dangerous as it is. I am a regular visitor to Bangalee. Boat access is a horrible idea for the natural environment in and out of the water. Restrict access don't increase it! Reducing noise and traffic pollution is important.
As a land owner of a property at Bangalee my greatest concerns are of pedestrian safety and environmental impact on the beach. Two very real and serious issues which are not new. I wondered if LSC have ever looked at the beach vehicle access model that operates at Boat Harbour Sydney? While the area is indeed smaller than what we have, a similar concept is something worth considering. I remember years ago annual Permits were required to drive on Farnborough and while there was always those that accessed the beach without permits, it was generally respected and did tend to reduce the 'hooning' and 'street racing' on the beach. I don't think LSC have ever had a Ballot system in place similar to Boat Harbour. The system has proven to be very good and accepted widely with a general understanding that the beach is not a highway and indeed a natural corridor to be respected for the special opportunity it is. The aim for us all should be to diligently protect and preserve our special part of Australia
He launch area for boats should be contained near the Bangalee access and not allow for any vehicles to head north from this point as the same problems that exist now will continue
Provide educational signage on local wildlife living in the area that we are sharing the beach with, sand birds, dingos, sea life, reptiles..., educate the community to be aware of and respectful. ..., both signage at Sandy point, and at the ramp carpark. ..., Provide a solar monitor to count the cars utilising the ramp, so we have current data to monitor usage when continuing improvements and asking for funding, as well as monitoring peak times over the year when maintenance is required. Provide Solar Cameras on ramp for weather watch, available to public as a weather cam, and to monitor erosion of sand dunes over the year.s Enforce heavy fines for littering from the Ranger in the national park, as well as educate the community with signage on littering, remember the 'do the right thing' campaign ..., have noticed a lot of littering in local beautiful places lately... Host an annual clean - up community beach days..., Providehesion bags at the event to keep what we love beautiful, invite the mayor, have a charity beach BBQ.. That's my suggestions, Educate, respect, monitor, involve and improve
The council should consider the impact of those residents that live in these areas adjacent to the beach
Seems reasonable to have a beach access after the Bangalee village so people there can enjoy quite days and evenings and not being worried about cars flying by

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

<p>There are two major issues - the environmental preservation and protection for the turtles that come to the beach to lay eggs and then at the opposite end of the scale controlling the dangerous driving of vehicles frequenting the beach. Neither of these issues are resolved by simply moving the entrance to the Bangalee Beach further north of the current entrance.</p> <p>The intended road to the beach access points are on private land (which approval for hasn't even been sort) and also National Parks land. The road is rarely graded as is and is constantly in a terrible condition. Lets look at facts - LSC have enough trouble grading the existing roads to rate payers properties in the Shire let alone regularly grading a road to a beach that LSC don't want anyone to utilise.</p> <p>What are the cost to LSC and therefore rate payers? Where is a real 'Masterplan' that shows the figures? A map of the accesses is hardly a Masterplan.</p> <p>Moving the current access for recreational users is an unwarranted cost to the shire and has no justified reasonings that will change the current issues.</p> <p>The current access, with some improvements is still the most economical and practical option for accessing the Farnborough Beach Foreshore.</p>
<p>Please provide more boat launching areas along Farnborough beach.</p> <p>Addition camping areas also</p>
<p>If you create a new access point north of the resort, and don't allow cars to go south of that point then the value of the Bangalee beach front properties will increase and the council can levy higher rates since the properties are now beachfront without vehicles traversing in front of the properties. It would also be beneficial for guests who stay at a renovated resort in that they would not have to worry about cars on the beach.</p>
<p>I think vehicles must be prevented from driving in/close to the dunes and would suggest the building of two groynes one on each side of the access extending down onto the beach for at least 20m beyond the edge of the dunes.</p>
<p>Don't agree with removing access to Farnborough beach to recreational vehicles and limiting to boat launching only</p>
<p>Keep the beach and Bangalore access open 24/7</p>
<p>Re open ritamatta mulambin zilzie there are alot of responsible 4wd owners paying the price for a few</p>
<p>Access to this beautiful beach of ours should be allowed (aswell as access to southern beaches). With the technology available these places can and should be policed 24/7 to stop those doing the wrong thing (driving on dunes, illegal driving etc)</p> <p>Hidden cameras, website to report bad behaviour, more police/ranger presence, the majority should not lose their access due to the minority doing the wrong thing.</p>
<p>Should be no time restrictions. Access is needed to launch boats or fish at all times due the ever changing tides and weather.</p> <p>Any local resident complaining about vehicle traffic in that area, brought their house full knowing that there was a beach access located there and what times people may use said access.</p> <p>Would it make sense that someone brought next to the airport than complain that planes can only fly between certain times? Answer is now. Don't change something that generations have enjoyed to suit the minority who knew better</p>
<p>Yes it needs to be stay open</p>
<p>Keep it as it is</p>
<p>Leave it as is</p>

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

It's imperative that LSC leaves the access to all of our beaches open so we can all enjoy our beautiful coastline. Improve access yes, carve new access points to gain access to the beach is only going to destroy more sand dunes in the process. LSC needs to concentrate on the importance of keeping the livability of our region high on the agenda. People experiencing driving on beaches feel so at ease and therefore helps with the likes of mental health and other issues! We should be able to access beaches to fish, surf, picnic with the family, teach our younger generation how to look after our environment and to showcase our region to tourists. It's so important to keep beach access open for tourists to enjoy so they can tell others on their travels of their experience. This will help sell our region and therefore help LSC to create a larger rate payer base. LSC needs to stop knee-jerk reactions such as the closure of our southern beaches based on a few bad behavior situations which could've been handled much better than it has. We have a lot to learn from happenings in our shire.
Need campsites also
Concrete ramps
Please do not close the beach to 4wds. This one of Yeppeoon's gems. Keep the beach open to 4wds
With turtles nesting on the beach just down from the present access and the way some drives think it is their right to do what ever. Some are very good.
To many people driving erratically on the beach currently for it to be safe at all times and that should be the aim.
Open the beach 24/7. Add more police patrol. Add a small fee, permit yearly for costing regen works etc easy.
This new access would result in a positive outcome for those wishing to reach the Surfing areas without doing damage to the fragile sand dunes of Bangalee, the turtle nests and posing a safety threat to beach goers in the area from the Resort to the end of housing in Bangalee. Win - win outcome
Best option is to move boat ramp from current location to I was ski ramp location away from residents houses The idiot couple per cent of 4WD users who do the wrong things now on the beach will ignore the only for boat ramp use and access it. Unless more cameras are installed with bigger fines. Not enough being done to protect turtles during turtle season. Curfew trial was a very good idea but not employed for this turtle season.
I live in Bangalee and believe the beach should stay open 24/7 for locals and tourists as it is at the moment. An upgrade to a 2 lane access at the end of Hinz ave would be good on busy days.
I think the new access is a great idea. However, the existing access MUST be upgraded purely for safety until such time the new access is constructed. The access to the north would take years to plan, design and construct and will need significant approvals and budget. Council doesn't even own the road reserves leading up to this location. While this process is happening, the community deserves a safe beach access. It's been almost 7 years since a life was lost at this ramp and all that's happened is a night time trial closure to satisfy the Bangalee residents. How is it that Council has been unable to find budget to fix this ramp in 7 years? It's about time for this Council to stop satisfying the minority and act for the greater community of beach users. It's time to take action, PLEASE fix the ramp.
Its not required. Trying to protect the environment by clearing and placing two new beach roads through the dunes, seriously? The current beach access just need to be upgraded, that's all.

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

<p>I don't agree with changing the existing access onto Farborough Beach at Hinz Avenue. This access has been there for year even before the house were built. the access should stay where it is and be upgrade for all 4WD vehicles only. My family and I have over many year used Farborough Beach for drives, fishing or a day out. There is always going to be an element of the community who will always do the wrong thing, the majority do. So why punish all for what a few do. The current beach access has worked well for years. It just needs an upgrade an made wider. As for the so call Farnborough Beach Reference Group, I believe are made up of home owner who have homes right on the beach and wish only widh to have their own private beach. Years of driving up and down the beach over the year, the most damage I have seen is right in front of the homes at Bangalee who mostly all have made their own beach access through the dunes and cut down most of the trees to improve their view. Also the damage the National Parks did years ago by digging through a channel at Sandy Point has done the most damage. I know they say they didn't, but we who have lived or been born here know they did. They damage this caused to Sandy Point is taking years to recover and the trees will never recover. So you tell me who is doing most of the damage. It's not the everyday beach driver who just want to enjoy their day at the beach. So, do we spend hundreds of thousands of dollars or even millions to curtail to a few residents who want their own private beach. I think not. They purchased their homes there knowing full well that vehicles had access to Farnborough Beach.. I believe that money should be better spent on upgrading other roads in other parts of the shire. There are still many rural dirt road out there who can't even get their roads graded to an acceptable condition because of ridiculous grading levels. Now you want to spend all this money to give Bangalee residents their own private beach. I don't think so. I strongly disagree with this plan. The current access is fine just needs a bit of upgrading. As I have said before, you will never stop the dickheads, so why make everyone pay and take away a large area of the beach that people have been enjoy for years. This is a public beach for all to use not just a few entitled residents at Bangalee.</p>
<p>The Beach access should be open 24/7 for all to enjoy and not locked up due to a small minority ruining it for everyone. Increase police and ranger patrols to deter bad behaviour instead of punishing law abiding citizens who want to fish off the beach at varying hours.</p>
<p>why change anything</p>
<p>You question regarding Bangalee Beach boat ramp was irrelevant to me. All these questions should have a "not applicable" response available.</p> <p>I'm against any changes to Farnborough beach access. It's a beautiful area and people should have easy access to it. To restrict access means fewer visitors.</p>
<p>If the new access is North of Iwasaki it would satisfy a Duty of Care for the numerous children who live / visit and play on the Bangalee residential beachfront. Also environmentally sound.</p>
<p>A northern access would be a make Bangalore much safer for families and walkers. There is plenty of beach north of Bangalee to allow recreational 4WD. I do feel that there should be an environmental study as to the effects of these vehicles using the beach - damage to high water mark, turtle nesting etc. permits should be issued to recover some of the costs associated with maintaining vehicle accessibility. Large signs regarding environmental impacts of driving on beach's should be erected.</p>
<p>Please do not close the Bangalee access to the beach</p>
<p>Keep it open 24/7 to all vehicles</p>

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

### Appendix B.

#### Qn 5. Do you have any additional feedback regarding the Farnborough Beach Foreshore Master Plan?

Shaded structure/picnic areas at the top access with bbqs, outdoor showers (like goldcoast beaches) and toilets.
I like many others enjoy the access to Farnborough beach using 4wd. We have use it to launch/retrieve our boat, catch sand worms and fish, play with the kids swim and surf also education on how valuable our environment is to our future generations. I'm happy to see a plan I'd in place and that people can respect our freedom and preserve the dunes by staying on the beach.
I understand that the Bangalee beach front residents want it for themselves, but we enjoy using it too and ultimately it is not theirs to claim.
Upgrading just the current access would be the best and most economically viable solution - I think we should just stick to that.
Access should be for all vehicles from hinz avenue not just boats. Even allow cars right of the current access. More beaches should be open in the livingstone shire for people with 4wds to enjoy not less
Speed limit should be 70 once past the houses
Keep vehicles off the beach for the safety of all being, like turtles and pedestrians. Fine heavily those who break the speed limit or litter
In conjunction with QPWS, you may need to consider additional vehicle parking spaces at Sandy Point and Big Dune Reserve. This will greatly assist in the longer term protection of the dune vegetation. You may need to consider designated walking tracks from Sandy Point Road to Big Dune Reserve to protect the vegetation.
Need to incorporate a longer-term plan to re-establish the dune vegetation including trees and shrubs.
I would prefer there was no vehicular access to the beach
Good to see council consulting re beach access. Be a shame for residents to loose access to so much beach, waste of our natural resources.
Happy with current access, never been a problem for me, we used to drive our Holden wagon down that ramp in old days to launch boat. Sure look after beach and foreshore. Don't punish the responsible local users. Making beach easier to access will only make issue worse, having city people taking all wheel drives down there and getting bogged, well maybe there should be a sign indicating low range capable 4x4 vehicles only etc. Also any plan to maintain an additional road and ramp will result in a lot extra cost to the community which will know doubt again be passed on in our already inflated rates bills. Please listen to majority not minority who many of don't even access beach North of Bangalee. There is enough people and i use this word people against my better judgement, leaving trash and filth behind when they leave our beautiful coast line. So i dont want to encourage more people. And 1 more thing don't forget who caused the sand island at Corio to disappear a few years back, yep locals know what council did! In finishing the community at Bangalee do deserve a safe beach out front, if people obey rules it would be so. Remembering it is not their personal beach!! So again I say charge non livingstone persons beach access fee and provide stickers to locals who can purchase for a few bucks as a once only.

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

<p>The access proposed is via private land, the beach and access should remain fully accessible as it is and always has been, as public access on public land. Additional access as proposed would be welcome but as a safeguard to ongoing public access the current beach access must remain as is with no restriction to its use.</p> <p>As one of the only public vehicle access beaches in the region it is a wonderful family and community area that is easily enjoyed by all and not just those who have the equipment and skills to access more challenging beach accesses like five rocks area.</p> <p>Any restriction to current beach access arrangement at the end of Hinz road is unnecessary and other mitigation actions should be sort as a first priority.</p> <p>It is unfortunate this council would even waste the time and money on entertaining the idea and is reflective of the current councils soft and inept governance.</p>
<p>The master plan just doesn't make sense</p> <p>Having a second access is fine but why take away access from Hinz avenue?</p> <p>The existing ramp is and has been the gateway to Farnborough beach, the access is straight off a fully sealed road which makes accessing the beach easy for most. It is a way of life for many that should not be removed for the sake of a few.</p> <p>The beach north from the Hinz ramp is a great drive and people love to have picnic and generally use beaches for recreation, why does council want to take this away.</p> <p>Fraser Island is a prime example of working with nature and public, Fraser beaches are prestige and are accessible via 4x4 throughout the island. Why do the local council at Livingstone want to close down things that attract tourism, is good for the locals.</p> <p>Surely we don't want to loose any more public recreational areas, if anything why don't we increase them, we should be adding areas, camp grounds, etc.</p> <p>Make this place great again</p>
It would be nice to see all communities come together to agree, I would like to see camping there too.
Leave things as they are 99% of locals are happy with it stop bowing down to a select few.
The "rear" or alternate road is an absolute must to facilitate non-4WD vehicles having access to Sandy Point and Fishing Creek with appropriate boat ramp(s) installed for water users.
Looks good overall. Keeps the traffic away from residents at Bangalee but still keeps the beach accessible.
No 8pm curfew
If you can't patrol it don't do it
Proposal is positive and needed.
Regular maintenance is key. If money is being put in to the upgrade money also needs to be invested long term for the regular maintenance
People love to camp on the beach, why noylt make some official camping spots up near Sandy point and charge under national parks, keeps everyone happy and council makes money for works needed
Please minimise damage to the trees while constructing the new access road. We need to keep the access natural and not a concrete jungle.
This is one of the last areas that tourists can visit and drive right down to the water.
Would be great to have some extra toilets and outdoor showers for people that swim at the beach.
Maybe a lookout area to the right where the parking lot is at the moment. Cheers Adam Brumby Reynolds CQ Offroad Club.
Everyone has access to the beach and their vehicles
road upgrades are imperative.
Appropriate signage in bold to educate drivers to stay on the tidal sections of beach to avoid endangering the turtle nesting areas which are above the high water mark!
As stated in the previous answer, develop the point with car park and boat ramps, we could have a Spit like the Gold Coast.

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

There is no where else close (going up in the afternoon after work or spare of the moment) to take a family for a drive on the beach without going all the way up 5 rocks. Keeping places like this open is why people love living here or visiting here. Thanks Kurt
the proposed move of the beach access for general public (not launching boats) runs through private property on a road that is already falling into a state of disrepair. The Sandy point road upgrade, only looks to go as far as the surf reserve. Will council (using my rate payer money) be responsible for the repairs/ maintenance of the private bitumen road to the proposed access? Also, the plan looks to have another no turn right (unless launching a boat) from the new access point. I find this part of the beach most pleasurable to sit/ have a picnic/ swim and/or watch the waves roll in. It would appear as though this plan has been devised to suit a minority of Bangalee residents, at the expense of all. Remember, the beach access has there before most if not all of the current residents bought their property (IE: they purchased property knowing that the beach would have vehicular access).
Pretty basic, no detail
How are you going to control 4x4's without boats still accessing the beach in front of the houses
YES. Make ALL beaches, including Farnborough Beach accessible to the multitude that have had access up until recently. How dare LSC close beaches in a beach town.
built on the open outdoor lifestyle ALL of the LSC and visitors to allows families to have quality time together without the screens and TV. Not everyone can afford a trip to Fraser or sunshine coast Ranbow beach to feel the enjoyment of taking the family up the beach , those people who are struggling feel special going for a day or overnight "up the beach" our beach. Farnborough beach is close to town and has easy access for vehicles During the summer months, the heat is too extreme to take the family on the beach for a swim, fish and BBQ. When you can just take a short drive and park up meters form the ocean, put up a shade sail or tent on the beach is why so many people enjoy this freedom. Many disabled people use the beach access unable to walk down of wheel chair down to the beach from any of LSC beach access the Farnborough access is again close to town provided a safe easy road to use and access straight to the water. The ability to get to the water for care providers to take the sick and elderly directly to the ocean edge while having the safety of a vehicle nearby is priceless. These people don't have precious energy to waste on rough roads and across hot car parks Some species of fish are best caught in certain spots along different gutters the beach creates, so how can we enjoy the sport of fishing for certain species LSC need to provide what they advertise for tourism – Not everyone can afford chartered vessels for a days fishing, For the fishermen and beach user fact is wind less harsh in the southern end of the beach along with less swell and current/ rips safer swimming away for the rips the northern area has. What better beach to do it on, than Farnborough. Main Beach is crowded this is regularly documented more and more on various social media platforms. Tide times play a huge role in when to launch a boat in this region huge difference in low and high tides and what can and can't be done on these tides pushing people further north is dangerous
The Iwasaki road should be resumed along with the north beach access area from the roundabout to the Sandy point national park entrance, Livingstone shire has leveraged off this free road for a long time and its time to own and maintain it. National parks own the road north of the national parks entrance and their responsibility to maintain it.
Hopefully as things progress there will be other opportunities to have a say or ask questions.
The Iwasaki road should be resumed from the roundabout to the Sandy point national park entrance along with the area required for the new north entrance, Livingstone shire has leveraged off this free road for a long time and its time to own and maintain it. National parks own the road north of the national parks entrance and their responsibility to maintain it.
Leave the beach alone it belongs to the people
Drop the idea
I support it if external funding can be sources rather than ratepayers having to fund it.



## Farnborough Beach Foreshore Master Plan Community Consultation Summary

What area would the vehicles be banned from? Turning right off the private land access or would cars still have access out the front of the Bangalee residential area?
Environment protection is key.
Do not close any areas and restrict access just because 40 people want it closed. Every person whom owns a 4x4 in Yeppoon uses access to this beach for recreational purposes at some stage throughout the year.
It's good to see that something is going to be done as it gets harder and harder to get on and off the beach
The solution does seem to be a good one, let's hope it can be made to happen and doesn't get lost in a lot of negativity
It is our responsibility to do the right thing and look after our natural habitats instead of caving into lobbyists groups whose opinions are dated and do not necessarily reflect an evolving community. Our population has exploded, and to continue to allow vehicles access, will turn the beach into a highway. Keep our beaches pristine.
The public access must remain open
I feel extra entry points will be fantastic. Just don't remove the exciting ones
Animals and habitat are important so we should always find a way to respect and keep critters safe within our plans. Plenty of idiots out there so make it safer for people and communities by upgrading entry points and encouraging people to do the right thing.
Again, it's pandering to the home owners who bought knowing full well that this was a vehicular access beach. Yes, some people abuse this privilege, but people also drive dangerously on roads and our solution is better deterrents, not closing the road and locking people indoors. This master plan is clearly catered to the rich folks who live on the beach front - it's been very obvious from the start and it's really frustrating for those of us who simply want to enjoy this natural wonder but don't have multi millions to buy said homes.
Leave the whole beach accessible for 4x4 vehicles.
I am against the closure of the beach to the north of Heinz Avenue for general activities. It feels like the needs of the Bangalee Residents are being prioritised over the general public's ability to access this part of the beach. The extent of beach accessible for general purposes is significantly reduced. Having said this, if the beach adjacent to Heinz Avenue is to be restricted use, then the beach to the north of the proposed new access should be returned to 24/7 use given the lack of residential properties nearby.
Why should rate payers pay for these so called upgrades. When the current access is working fine. People who live, or bought property in the area new full well there is an access point to the beach. Spend rate payers money on something that is broken not something that works fine just to please a minority
Why not make homestead road boat accessible as well and close bangalee ramp. Would this be a more economical long term plan? Only have to maintain one access point. Boat owners should still be able to drive south to launch at bangalee.
The survey is very deceiving and misleading !! Eg: 3. Do you support upgrading the current Bangalee ramp to allow for better boat launching on and off the beach? This does not mention changing the access to a launch and retrieve only How does an upgraded access ramp help me launch a boat ? It only helps me access the beach 4. Do you support an additional Farnborough Beach access point for four-wheel drive vehicles and motorbikes north of Iwasaki resort via Sandy Point Road? YES absolutely and additional access would be great BUT the plan shows it will be the ONLY access for 4x4 and definitely the only access for motorbikes, again very misleading So if we support an additional access in turn we are actually supporting the new and only access but only if the private land owners agree and at what costs !! Simply if the existing access is upgraded separated on and off lane, pedestrian access. This is a gazetted road !! Repairing and maintaining the back road/sandy point Rd would reduce the amount of traffic on the beach,

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

often vehicles travel up on low tide and coming back on high tide you are forced closer to the dunes, if the back road was maintained than travelling up the beach on low tide and back on the back road would definitely be beneficial But as for the survey it's deceiving and misleading
The back road to Sandy Point needs to have continual work to keep access open to 4wd, and 2wds 24hrs 7 days a week.
I do not support the upgrading of the road. Farnborough is utilised for 4wds, more people on the beach will make it harder to traverse and will take away the feel of getting away from people. There are plenty of people up there already and the room that would be needed for parking off beach would also have to be considered as land in np would need to be cleared for parking spaces. Farnborough is utilised for rest and relaxation. It is the only beach with current 4x4 access. The 2wds have 10 other beaches to choose from, please don't wreck this one for a flourishing community
Stayed in previous response.
No change to current usage or access
Limit the amount of cars on the beach and get them to buy an access permit. Use the funds raised to preserve the dunes, beaches and nature
Leave it all how it is
Leave it the way it is and open it up for 24hr 4wd access. Just increase patrols and fine the idiots.
Beach permits for vehicles should be introduced and beach camping
I think the proposed land should be bought by council and not be left to being private land if the plan is to take place
An alternate access going is not going to stop errant driver behaviour! To help rejuvenate the sand dunes, how about council addresses the Bangalee residents encroaching on the sand dunes with lawn grass, picnic tables and private trails for access.
Yes. Complete the proposed upgrades and leave the entire beach open to vehicles from Bangalee up to Fishing point as it is currently. Stop closing all of our cap coast beaches and natural public areas to vehicle access. Instead employ more rangers or police to patrol the areas and enforce the laws we have in place already. Or get the ones we currently have to do it instead of driving around all day avoiding work.
Keep the access open as it always has been, I was born and raised here and plan to do the same with my family, if all the southerners moving up don't like the way we live then go back to where they came from
Large car parks at all entrances so even 2wd car owners can park up and get some sun and surf to.
The plan looks good
Not needed watch the excuse for rate rises every year ...
People in that community should learn to be respectful & be reminded that it's a shared beach & they don't own it. It's typical that people move in somewhere, complain the council & then things need to be changed to suit them. This needs to change. One of the reasons for an increase in the number of vehicles is to be expected when you shut off access to all other beaches that some of these vehicles would otherwise visit instead. All users should have had more of a say & be more involved in the decision process & not just householders.
Please don't ruin our region any more by restricting access to this beach as well..
I do not agree to change the current Farnborough beach access point making a no public land access beach. The private land holders for the proposed access via Sandy Point will have full control over people wanting to access the beach. Public access ramp needs to stay

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Beaches are for all the rate payers and or residents of Livingstone shire not just a chosen few who have the ear of current members of council
I don't agree with council implementing curfew on the beach.
Don't close the beach access
The existing access at Hinze Rd needs to remain
Leave the bangalee access for 4wds
Maybe include some facilities, bbqs, toilets, wash down facilities,
No acces for cars etc at current location move it north
Most people do the right thing up Farnborough Beach. It's the small few who do not. Do not let them ruin it for the greater population who do do the right thing and love where we live.
Whilst I understand resources are limited with both council and the police, if possible, it may be prudent to patrol regularly.
All upgrades are welcome but not at the expense of limited beach access close to town. Leave all excesses open to all people and 4wd not just boaties
Support nighttime closure but not daytime.
- Beach access should remain open in front Iwasaki's resort.
- No upgrades to current ramp at Bangalee but still maintained to allow boat launching.
No, only to ensure the beach is kept open to all users 24hrs/day
As I said previously opening up more beaches to drive on in yeppoon and emu park is beneficial as it spreads the impact of 4wds over multiple beaches, reducing the degradation. By just having only 1 beach in the area to drive on that means it will be incredibly busy every weekend and more cars will be driving on it.
Add taps and rubbish bins at the entry point.
There's boat ramps in Yeppoon not far .
There is nothing that needs changing at farnborough Beach. The sooner council realises everything they touch, they destroy, the better. Look what the council has done to sandy point in an attempt to "fix" it. Don't try and fix something that doesn't need fixing.
Gets enough beach traffic without opening it up to more people.
Existing access is fine provided it is maintained.
Just leave thing the way they are currently, if it isn't broken, don't fix it.
What's the master plan? I haven't seen it. Is it a secret
Leave the access alone...
Pull your heads in and repairs the old. How about you get our there yourselves and do a bit of hard labour for once instead of sitting on your soft chairs
As stated in the previous question this is not a foreshore masterplan, lacks the level of site characteristics, displays no stakeholder engagement to justify the reasons for this proposal in terms of economic, environmental or social aspects, is not a sustainable approach and requires more thought prior to sending out for community consultation.
Looks great
How much will this cost ratepayers
Do not reduce our access rights to the beach via vehicle.
Yes. The 'masterplan' is not a master plan at all. It is a map with limited details and no pre-approvals for the proposed new access with current land owner. The whole 'plan' is misleading. The questions in this survey are misleading too. Of course we support upgrading the boat ramp but not for the purpose of boat launching only.
Definite signage to show the options for beach access depending on the vehicle type.
This will drastically stop hooning on the ramp on the weekends and nights.

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

I think it's important to support the environment and also the needs and requirements of all peoples activities
Do not agree
I'm frustrated that council are committed to restricting the communities use of Farnborough Beach in an attempt to appease the residents adjoining. The beach access has been there for longer than the residents and they knew that they were moving adjacent to it. The other rate payers in the shire shouldn't be required to pay for a new access because the people who have moved to the area wish that there wasn't an access point adjacent to where they've moved.
Leave the acces as is it. Add a couple of camera's along the beach to capture people doing the wrong thing, like driving in the dunes and fine them. And drop the price of our rates please.
About time something is getting done.
Leave as is
Vehicles can be heard hooning on the beach at night. Not all the accidents have been reported. I have video footage of a vehicle driving to the end of Mirrawena Avenue with the roof flattened to the bonnet, the driver had to put his head out the side to see where he was going. He was followed by two other vehicles ( all P Plater's ) with the intention to pick him up once he dumped the vehicle at the cul-de-sac. I know this, as when they saw they were being watched they swore at us, drove off and the vehicle was later seen on the side of Iwasaki Road. I have been sworn at on numerous occasions when I have motioned the drivers to slow down on the beach. On one occasion a driver headed straight for me without slowing down forcing me to run up the dunes when I took my phone out to record him. It is very obvious to me that no matter what rule is in place - if there is an entrance onto the beach - it will be used by those that choose to ignore the law. There will be a false sense of safety felt by the beach users, assuming there are no vehicles driving on the beach, which may incur even worse accidents in the future. I do not have a problem with a boat ramp if there is something in place that will prevent other vehicles from using the ramp for alternative reasons.
When doing the ramp up possibly make it wider (If that's a option. And more space to park to put your difflocks in/ out (or tie your boat up/down)
Consider all residents of LSC not just the people of Bangalore If any councillor has an Interest in this they need to declare interest ie surfers etc More users need to be put on committee it is too too heavy and Bangalee residents
Bangalee residents have been asking the Livingstone Shire Council for some thing to be done to stop the abuse of the beach area at Bangalee for several years and dis-spite the councilors nodding their heads and agreeing with the residents of Bangalee, not a jolly thing has been done to elevate the vehicle problem.
Monitor more regularly
Leave it how is originally is
Keep it open at night
If people want to launch bigger boats, go the marina or learn to drive a 4WD. If people want to ride horses or walk then do so on the part of the beach where the traffic is already designated not to be or alternatively they are welcome to try and safely walk or ride down Ocean Park Avenue and risk their lives with the speeding trucks and vehicles! If this project proceeds and Ocean Park Avenue is not first permanently, genuinely and safely addressed then it will be bureaucratic nightmare and disgrace. Happy to discuss anytime.
Access for boats and cars further up by old Rydges resort is best.

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Keep the beach open for the majority. Why close for the minority who bought there and now dislike what they have. Same as you are doing on Ocean Park ave. Why do they have a right to a private beach. Or are we allowed to park on "their" roads and walk down to the beach??
Please do not reduce the length of beach to general vehicles access. It's is hard enough now to find somewhere to take your family for a day out. With increasing numbers in this area it will only make it harder.
By reducing the available area accessible to 4wd vehicles your are increasing the problems arising from over use
It is disappointing that for those users that follow rules & show respect to local residents & the environment have the potential to lose safe & close access via local government gazetted road to enjoy the beach. Although there are residents impacted by improper driving/access, a balance to the community's recreation use of the area needs to be as much of a priority, even if through alternative access.
Fabulous resource must be protected. What is lost is hard to get back. Transport dept May suggest P platters not drive on beaches?
I would like the beach to remain open to both recreation vehicles and to those who want to swim, fish and picnic on the beach. No beach closure to vehicles at all. I'm saying no to just the boat launching area.
Yeah y'all suck, closing everything but making it look like your 'upgrading' all because some stupid P plater rolled his junk. Hindsight if they had somewhere to drive and learn they wouldn't be having stupid accidents up the beach but hey common sense isn't common just look at our local fraudsters and their rap sheets (politicians) End rant, y'all suck leave the beach open dogs
The masterplan is not supported. Continued all vehicle access from Bangalee should be maintained. There are lots of families that use the area from Bangalee to the old resort for beach days / picnics, swimming, dogs. Restricting this to only vehicles for launching boats is not reasonable and fair to other beach users. This section of beach is also better protected in northerly winds and sometimes more favourable to use for beach goers, especially those with small children given the smaller waves in this area. The current Bangalee vehicle access is preferred given it is relatively maintenance free, has only a small section of soft sand to cross, and is only a small piece of infrastructure to maintain in a more protected area than the proposed new access location.
Leave well enough alone. If there are people doing the wrong thing deal with that issue rather than punishing all users.
Seems like a lot of work and maintenance just to get vehicles off the beach at Bangalee
Keep the costs down and our rates
The plan is crap
Great idea
Get it done and move onto more pressing matters
Iwasaki Road needs better maintenance for residents, if Council is upgrading other roads in this area.
Limiting access is not the answer. Policing and enforcement of the laws is needed
Make the foreshore more accessible (parking, facilities, beach access for hand pulled carts) from the caravan park to Todd avenue. This might also limit people wanting to drive on the beach as it's just as easy to setup in other areas without driving on the beach. Currently this is rather difficult with gear and young kids so just easier to drive on beach and setup.
Don't remove the existing access. Providing addition access points will lessen the traffic flow for those who are wanted to go further up the beach. Having the current access close to town is ideal for the majority of casual beach goers.

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Do not change a thing. There are too many restrictions as it is.
A post implementation review of the FBFM should be undertaken particularly with respect to safety and to ensure risks associated with vehicles and pedestrians / people sharing the space in front of Bangalee residences are acceptable. I have concerns about vehicle and trailer parking on the beach, traffic volume and speed issues that may emerge over time. But the Plan is a significant step forward and Council and its committees are to be commended for this work - well done!
Farnborough beach and access is a public asset and the council has no authority to deny the public access to it.
This would get used more if there was a safer access to all vehicles.
Continue the current access.
Improve existing access only and retain full vehicular access for ALL residents and tourists
Personally, being a long term Bangalee resident I feel this plan benefits all parties concerned. People who use the beach still have access to it, Bangalee residents can once again feel safe having their family down on the beach without the fear of being run over by some fool, or being attacked by some idiot when asked to slow down. The upgrade to the Sandy point road can only benefit the whole community. Please make this proposal happen sooner rather than later. Well done.
It's fine as is. I'm a senior and use it all the time. Even though I live on the beach I love the drive up there and the peace and tranquility of sitting on the beach up there.
My experience at other beaches that have a lot of 4 WDs on their foreshores have become a dangerous and chaotic place to be, so much so that they have to be monitored and patrolled by police. It's best to avoid all this and keep 4 WDs OFF our beaches. I think the horse trail is a good idea but will have to be monitored closely as hooves are bad for erosion in any area but especially sand. The walking trails are also a great idea.
Do not restrict access to the beach. I support night time cut off's. Not day time area restricts
<p>Moving the vehicle access ramp onto the beach north of Iwasakis will be beneficial in many ways: for the future safety of any pedestrians using the beach which is in close proximity to the existing ramp, but this ramp has to be a NO vehicle access for any of this to work.</p> <p>If it does, it will create a beautiful area of beach for Yeppoon and visiting families to enjoy safely. Not only will it be much safer on the beach IF there are no vehicles in the designated area but it will also reduce the increasing volume of traffic on Hinz Avenue (day and night, often at speeds well exceeding the designated 60/50) leading to the existing ramp. There are no footpaths on Hinz Avenue meaning that pedestrians / cyclists generally walk on the road. Volume and speeds of increasing traffic has and does impact on the Bangalee community, local roads, beach, dunes and pedestrian activity on both the roads and beach. There are many consequences regarding decisions made about this. I hope that, given the growth of the town and its activities, now and in the future, the people making these important decisions do a risk assessment of people integrating with traffic on an "open road" (beach) and come up with the correct answer!</p> <p>Boat launch and retrieval, needs to be catered for at the new ramp. It is a long stretch of beach from the new ramp to Sandy point, and a stunning drive by road or beach from there. Everyone gets something from the plan, still beach access for the 4wd, surfers, karters, boaters etc.</p> <p>An upgrade of the Sandy point road means this will enable 2wd as well as 4wd cars to visit this awesome place and enjoy the drive along the way, rather than a white knuckle ride and hoping that you can keep all 4 tyres/ wheels intact!</p> <p>And a beautiful small and safe area of beach with zero traffic where people can enjoy a great time. It is a good plan, as with all proposals, it needs some thought. Everyone can benefit if the correct decisions are made initially. It's hard to go back once the plan is executed.</p> <p>Let's get it right the first time.</p>
the future plan looks great at sandy point beach access

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Leave it how it is
<p>Moving the vehicle access ramp onto the beach north of Iwasakis will be beneficial in many ways: for the future safety of any pedestrians/ horses/cyclists using the beach which is in close proximity to the existing ramp, but this ramp has to be a NO vehicle access for any of this to work.</p> <p>If it does, it will create a beautiful area of beach for Yeppoon and visiting families to enjoy safely . Not only will it be much safer on the beach IF there are no vehicles in the designated area but it will also reduce the increasing volume of traffic on the unfootpathed Hinz Avenue (day and night, often at speeds well exceeding the designated 60/50) leading to the existing ramp. There are no footpaths on Hinz Avenue speeding traffic is a danger to the children cycling to farnborough school and any other users</p> <p>given the growth of the town and its activities, the people making these important decisions need to do a risk assessment of people integrating with traffic on an "open road" ( beach) and come up with the correct answer ! ie separation, of vehicles to public</p> <p>Boat launch and retrieval , needs to catered for at the new ramp. It is a long stretch of beach from the new ramp to Sandy point , and a stunning drive by road or beach from there . Everyone gets something from the plan , still beach access for the 4wd , surfers, karters , boaters etc.</p> <p>An upgrade of the Sandy point road means this will enable 2wd as well as 4 wd cars to visit this awesome place and enjoy the drive along the way, rather than a white knuckle ride and hoping that you can keep all 4 tyres/ wheels intact ! And leave the new ramp to yeppoon a safe area of beach with zero traffic where people can enjoy a great time. Moving the ramp to north of Iwasakis is a good start a properly constructed ramp there gives good access for emergency services also, The money saved not having to revamp bangalee access should be put to the new ramp. Council should also give thought to closing the hinz avenue dirt section and take over Iwasaki drive. Many benefits there I would think.</p>
Keep it open to véhicules this is the only beach left. Enough restrictions.
<p>As per question 7...</p> <p>Firstly, a thank you to all involved for the time and effort put into getting this Master Plan in place for review.</p> <ul style="list-style-type: none"> <li>- Is there a traffic management plan for vehicle separation and interaction which includes, speeds and parking exclusion areas highlighted (dunes)?</li> <li>- do you require any further security cameras in place?</li> <li>- what is the impact with an increase in noise levels to environment and community?</li> <li>- is there a emergency response and incident management plan which covers procedures, timing?</li> <li>- how will you educate people on the changes?</li> <li>- are public amenities required?</li> <li>- will you require any changes to current beach inspections/or frequencies?</li> <li>- if there is further waste generated, will bins be provided?</li> <li>- how are zones marked out on Master Plan going to be controlled? (what is going to stop anyone from driving down the boat ramp, thought the boat access area to get to Sandy Point)?</li> <li>- Rules that are put in place need to be explained to the public so there is an understanding and true value of reasons for the rules, if you don't increase peoples understanding, you will never be able to change the situation and people will continue to break rules. It isn't enough to simply state the rules and then try and enforce them, which we know is still an issue, albeit to a lesser extent with recent vehicle roll overs, speeding and vehicles going into areas which they are not permitted, driving up the dunes etc...</li> <li>- will the environmental and community impact be monitored (emissions, dust, discharge, waste, noise, lighting, spills)?</li> <li>- has Team Turtle CQ been involved in the zoning options?</li> <li>- who will handle the upkeep of the roads (potholes etc), with extra traffic (vehicles with boats) using them?</li> </ul> <p>Great idea, increases cameras to fine the hoons that think it's OK to drive wrecklessly on the beach.</p> <p>Increased revenue can pay to keep the access points maintained.</p>

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

I reckon it should be left the way it is fix the existing entry.why punish the people that do the right thing because of a few bad apples
It would be nice to have the backboard upgraded so that 2WD and 4WD can both use it. We can not afford a 4WD and so get limited as to the roads we can go one because of the condition with potholes etc.
You are talking to much beach away from 4x4 driving. Leave thr beach as it is . Use are slowly taking our freedoms away.
I think improving a combined road and boat ramp further up the beach is a better option at sandy point. I am concerned about parking space for trailers and volume of traffic on the beach
Camp sites. Have campsites along the foreshore that can be booked either through council or the national parks website. The same as along nine mile Beach at 5 Rocks. Theres plenty of room to do this.
I do not support another access, as i believe it will do more damage to dunes and because of remote area will be an place where people will disrepect our flora and fauna also impacting the dunes and vegatition in that area.
Taking traffic off the beach in front of the residential area is the only sensible and safe solution .
While it is being created, could use the new access point north of the resort as an upgraded boat launching slipway/ramp. That way would pose minimal disruption to residential street (Hinz Ave)
Money could be spent elsewhere, im not sure that this work is required at this point in time.
I see an incredible change in dunes not being used by vehicles. Rarely any tracks off beach.
With our community growing we need to cater for our visitors and our elderly if so reopen all our beaches for all to enjoy our elderly are completely left out in LSC planing they love beaches to
A lot of wasted time and money that should never have gotten to this point
Too complicated. Waste of money . Better spent on other infrastructure Leave access as it is
Vehicle and trailer parking.
Enforcement of vehicles continuing to use Bangalee access.
I think its critical to allow 4WD access to Farnborough Beach. It allows beach users to have secure parking for vehicle and contents as they are mostly parked in the immediate vicinity of the owners. If beach access is stopped then parking areas behind the dunes would need to be developed. These type of semi-remote carparks, out of sight of the beach, are hotspots for thieves and would certainly lead to an increase in crime in the area.
Leave it how it fucken is mate
Stop closing our beaches! Locals want the existing access maintained and improved, not just for boat launching but all vehicles that choose to access the beach. Stop pandering to the residents in Bangalee!!!!!!!!!!!!!! Also, increasing policing is a must. The hoons all know the police are rarely up there. Where is our local member in all this?? Brittany who??
Camping should be allowed.
It is bias and this survey is directed to your native. How can such a change be narrowed into 3 questions and 3000 characters.
Doesn't seem to be a masterplan.. More like bending over for the outspoken snowflakes... leave the beach open for all to enjoy....
Waste of money. Upgrade the exisiting access point at farnborough beach
Boat access: No need to have such a long stretch of beach for boat access. 100-150 m acceptable. Thus it will stop night time hooning and still have safe beach in front of Bangalee with no vehicle traffic. This will make beach safer for children.
What a waste of money and waste of resources
Don't bother.



## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Stick with upgrading the yeppoon foreshore and boat ramp near the information centre.. leave recreation beach access as it is !
The FAQ seems one sided and misleading
Keep the beach open for surfers and boaters
Council to fence and maintain walkways and fence where Esplanade finishes and residents happy to maintain as they are as it is not cost to rate payers or Council, area for safety for children to play and inviting for visitors otherwise our area will be inidated with snakes and other dangerous animals. We are unique area of coastline so work with residential community not against them.
Please don't in any way restrict access to Farnborough Beach. I have visited the beach countless times with my Family and they have been my fondest memories. Removing the access would mean removing the potential for future generations to enjoy the same privileges I had when I was their age. Furthermore, I am greatly concerned with the Masterplan due to its plans with a new ramp within <b>private land</b> property. I firmly believe that this plan in its current state will be tied up in a legal battle for an indefinite period of time.
Fully support the changes!!! Thank you
Stop destroying our beach rights and access for the minority group formed. That access is for everyone,our beaches are for everyone. We will not forget this next election
Keep 4wd access open
Leave it how it is
Also fix the existing access now before there is another accident, if the plan is to keep this access point why is there a delay in making it safe. Securing the current access is much cheaper than creating a new one.
Leave it alone. The earth changes every season. We will adapt to the changes in nature NO help needed from council. BACK OFF!
Survey feedback: I just had to delete 800 characters from the last question - I would have liked to know this question existed. The resort and Bangalee have always existed with the beach being a road and I do not want my access rights to be reduced. If a new access were to be built like you propose, people will use it and reduce traffic past the resort and Bangalee but the beach should be kept open to all vehicles north from the Bangalee access point. Any new access should be built to a 4WD standard (like the track to Stockyard point) to keep costs down and eliminate the 2WDs that currently can access the beach. If a 4WD access were built immediately north of Bangalee the no vehicles south of this new access should apply. Regarding motorbikes on the beach: I believe that until recently the Bangalee access signs stated no motor bikes. They are a noise and environmental harm issue and pose a greater safety risk to beach users/walkers - harder to spot and people are looking out for cars. I would like to know how 'Motorists' have benefited by the night curfew as you state in the survey introduction. For years people have enjoyed driving on the beach after sunset and having dinner and watching the night sky. This access needs to be reinstated. Having an access just north of Bangalee would give the residents of Bangalee their requested peace.
Leave the beach foreshore as it is. People come to see our beaches for what they are.
Let's make it happen as priority for the betterment of the WHOLE community.
Yes. I would like to see no development at all

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

It definitely doesn't sound like a master plan more like something an apprentice drew up on Friday lunch beers. All vehicle access is a great idea. Limiting the area for vehicles to access not. Cutting out access to that much of the beach will stop people spreading out is creating an increased risk of injury and diminishes the reason why people go there.
Nigh embargo only suits the residents of bangalee
I believe that having an access past the residential housing will not make any difference to the enjoyment of people accessing farnborough beach provided it is a 24/7 access. Having the Hinz Ave ramp for just watercraft launch and retrieval should allow for a better time for close residents at night time. The secondary access could also be proposed as a night time access (6pm - 6am) still allowing vehicles to access the beach during daytime through Hinz Ave
I don't support restrictions on the current beach access. As a family we have spent many nights past 8pm up the beach just hanging out.
Unlimited access and no night time lock out or we will vote you all out
It's an absolute waste of time, money and resources. Considering so many other issues within this town, this shouldn't be a priority. Keep it simple and upgraded the ramp we have.
I don't agree with putting the beach access on private land. It's a community access and should be on Council land
Ban all beach access by vehicles.
We regularly drive the beach, for swimming, fishing, bbq picnics and to show visiting family and friends. Almost every time we witness hoon driving irresponsibly. Install trail cameras at various points to monitor driver behaviour. We don't want to lose the ability to enjoy this activity because of the actions of a few Shady tactics by a shady council that the residents have no faith in It seems unnecessary that such changes and money are being spent for " the errant few"
Don't really know what it is, but as long as our freedom stays we groovy
I think it is way overdue and these changes need to be made as soon as possible. Although I favour leaving the boat ramp facility at Bangalee, I worry that it will be difficult to stop people driving along the beach from this access, if the boat ramp remained. Maybe the best solution is to remove all access to vehicles from the Bangalee beach area and use the new access North of the Iwasaki Resort, for boat ramp facilities, as well as the access to Corio Bay.
Bigger carpark for 2wd cars and boat trailers
Leave hinz av open
Just upgrade accesses we currently have
Fix what is already there
I believe access and availability should be maintained for all users preferably without use of private land
I'm glad the council is addressing the problems.
More policing of hoon.
I strongly disagree with the master plan as it limits ratepayers ability to fish, surf, swim, park and enjoy a large stretch of land from hinz ave north to the horse access. For the last time enough of our rates have been wasted with legal fees, master plans, and it has created a huge division with councillors and ratepayers over this. Just improve current access for 4wd's and boats if you wish, add cameras to catch people speeding or not doing the right thing, and DO NOT ADD AN EXCLUSION ZONES where ratepayers and tourists and other parts of the community can enjoy the section of the beach north of Hinz Avenue. By excluding the section North of Hinz ave for boat launches only, you effectively allow the small minority of Bagalee to have a private beach. This is not in the best interest of all Livingstone Shire ratepayers.

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

Plan looks to be a step in the right direction to improve safety in accessing the beach and also reducing traffic in front of Bangalee.
Having lived in several QLD coastal towns, and from other people's feedback, common practice is to provide good roads and pedestrian access points as opposed to allowing beach vehicle access. This in no way diminishes our capacity to enjoy our beaches & is the most effective solution for safety, sustainability & rejuvenation. We don't actually need to drive on the beach in order to fish/swim/surf/relax etc. Promoting 4WD's on this beach is not sustainable if environmental health is actually on the agenda. I walk the beach often & regularly, sometimes nearly up to the Big Dune from Bangalee. Not only was the "closure" ignored, but the "irresponsible few" are actually the norm, and this terminology feels like emotive language designed to subtly influence public opinion. Every time I walk I see cars driving either up dunes into the grass to see how high they can go, or driving along that grassy zone where the dunes start as far as they can over long distances. I often see heaps of dead blue soldier crabs in tyre tracks up in the dry sand, where they couldn't get out of the deep ruts. You see cars doing donuts in turtle nesting zones, & if you walk at the waterline 4WD'S drive within meters of you close enough for you to feel the spray (even though they have the entire beach) and mostly way too fast. Excess noise & fumes make a beach walk feel like walking on a highway. So you go to the trouble to drive out of town to be in nature, & still feel like you're in the middle of suburbia. At peak hour. In what way exactly is all this promoting environmental care or optimising the quality of people's experience of the area? What am I missing? A nice back road and pedestrian access, however, would be awesome
Stop driving on the beach and upgrade the back road including parking areas and walking tracks to the beach at various points along the road like they have in other parts of aus to protect the environment. It is much safer this way as you can still fish, surf and picnic without having to drive on the beach. Allowing what is happening to the beach now is a backward step and its only going to get worse. We should be protecting out beaches, not destroying them as what is happing now. It's out of control and it's not just a handful of people doing the wrong thing, it's a lot of people.
Ban driving on the beach between 8pm and 4am.
What a waste of ratepayers money leave our beaches alone.
Just leave it as it is and upgrade what we already have
I think getting a good quality access for vehicles to get onto the beach north of Bangalee is a great idea. I know that residents are not happy about cars speeding along the beach in front of houses where kids and dogs are. Toilet blocks would be great, as would a picnic area with shade.
Fix the resort
Is it in the interests of current residents? I think not..... Motivated by money and greed
I love how the community works together to look after the foreshore. Keeping it nice and mowed. There is no erosion and the children have a safe place to play off the roads. I think the council should leave things the way they are. The residents are ratepayers too . Thank you
Looking forward to these positive changes !!

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

I am a regular along farnbrough beach and I believe things should stay the way they are The ability to drive on this beach and experience the whole beach is the major reason I live in the shire As a rate payer I don't see the advantage in spending more money and more maintenance costs on a ramp further north when there is already a perfect ramp at Banglee, There will be increase costs to the upkeep of the road further north and more destruction to the dunes along farnbrough beach For closing off the beach to vehicles in the section outlined that is a large area that family's and locals can't visit or experience, the attractiveness of being about to drive along farnbrough is that you can have your area to yourself and enjoy your time at the beach Reducing the area you can visit will increase the population in these areas and create more safety issues to beachgoers, and take away the reasons why we live in the Livingstone shire
No vehicle access should be allowed in front of the residents and the resort
I think that people will still use the Hinz access to drive up the beach (with a boat). We need to educate on the damage to dune structures, the driving on the beach is not so much an issue as that of the off beach driving. Also the speed its scary place to be for a surf and swim with kids.
Vehicle access should be north of Bangalee to make safer for Bangalee residents
Do not close existing access
Can you encourage the mobile phone companies to improve 4G/5G coverage up to Sandy Point so that the public can use mobiles for possible safety incidents?
Only that the access should be shallower so that vehicles can leave or drive onto the beach more easily than at present.
Don't agree with removing access to Farnborough beach to recreational vehicles and limiting to boat launching only
Keep the beach open to vehicles 24/7
Keep it the way it is. Make the access easier so people can get on/off easily
Needs to stay open 24/7
I have been a resident here for 37 years and I know this is our only beach left accessible by 4wd within town reaches and is a huge part of our community something needs to be done asap to Fix the inland track to sandy Point wich hasn't had any maintenance for well over 20 years and open the beach back up 24 hrs a day for beach fishing please its our only beach left that we can drive on to go fishing with a disability 9 mile is too to rough an such along way to get too by 4wd also think the road to 5 rocks and stoney creek need more regular maintenance considering how much money they bring in to our community those roads are a death traps I look forward to seeing an outcome that works for the greater community not just new Farnborough residents
It's always been beach access. Most people bought houses knowing that
Leave it as is
No, Just stop making new tracks through dunes to appease others!
Camping areas needed
No more time restrictions, should be all hour's access
Don't close it. Regulate it more but don't close it. It's a wonderful draw card for tourism for a beach with access still.
Please leave things as they are. We have been using this beach ramp to access Farnborough beach for fishing and surfing since we moved here in 2000.

## Farnborough Beach Foreshore Master Plan Community Consultation Summary

I think the plan takes on concerns of all parties for safety of persons on beach, environmental protection and access to beach for boat launching and access to beach to travel to surfing areas and beautiful destinations with a much more considered solution. Many thanks
I understand council is trying to help all parties. Current boat ramp needs relocating from houses. It needs upgrading
I can't get over the fact that Council are still undertaking community consultation on whether or not we should upgrade the existing ramp. This for me is extremely disappointing.
Its not required. Just upgrade the current ramp at Bangalee. Council doesn't own any of the road reserve above Hinz Avenue, meaning it'll be Council responsibility to afford the required upgrades to bring them to standard and to maintain the roads and road reserves. Council would of spent millions of dollars of rate payers money to construct an additional access, pay to acquire additional road reserve, upgrade the existing ramp and all for what reason? Because a small group complained? That makes little to no sense. Unfortunately, saying no is part of the job being a Councillor. This whole project has been made into mess by this simple fact. Upgrade the current, it's so simple and cost effective. If Council choose to complete the masterplan, they better also ENFORCE all the encroachment and the few thousand square metres of tree clearing in front of the the Bangalee residents.
I do not agree with this masterplan. Too much money to be spent to appease a few entitled residents.
Masterplan must provide a Duty of Care for children living / visiting and playing on the Bangalee Residential beachfront to protect Council against litigation in the event of accidents from vehicles.
Like the concept of the masterplan, limiting 4x4 s on the beach, have witnessed too much hooning, something has to be done. I walk on the beach regularly and for the sake of the environment .
More access at Back road of the dunes day trips. Walk in's only.
Leave it as it is. The community is sick of council interference.
Yes keep the access at bangalee open for 4wd as well. To close it makes no sense at all
Masterplan did not supply much information. One map is very basic.
No restrictions on vehicle access times, for it to remain 24/7 access
Upgrading the whole road to Sandy point would be great for cyclists and people in vehicles.
I would like to move the beach access ramp just north of the capricorn resort. Almost every day, I see 4WDs travelling down the ramp at Bangalee, and when they get on the hard sand, they just want to fish-tail up the beach. A lot of families go down the beach, mostly on week-ends, and the last thing every parent wants to do is yell at the kids, a 4WD is coming, watch out. There has been so much talk about this ramp for many years now, and nothing has changed. I have been a resident since 1978, so one could say I have seen it all. I would like to see the a few kilometres north from here. Time to give parents with young children a bit of peace, so they do not have to yell at the beautiful young treasures. Thank you for listening
Looks like a great plan. Urgency is required to implement the plan.
As long as it's kept open 24/7 and not trying to close it down because silly southerners have moved next to the only beach access we have left isn't fair and wrecks the lifestyle we have. You don't buy a house next to an airport then complain about planes so I don't understand why their input about this is valid.
Keep beaches open 24/7 for 4WD

# **11.3 - RESPONSE TO NOTICE OF MOTION - FARNBOROUGH BEACH MASTER PLAN ENGAGEMENT RESULTS**

## **Signage Works March 2024**

**Meeting Date: 16 April 2024**

**Attachment No: 3**

Please see photos below for the addition and removal of signage.

Below is the new sign that has been placed at the entrance. This sign is standing alone, it cannot be missed and hopefully will ensure better usage of the beach.



Removal of Shared Zone sign at the top of the ramp to ensure that pedestrians aren't using the ramp to access the beach.



New direction sign placed for pedestrians to use side access only.



Removal of unnecessary signage to clean up the area to prevent beach users being overwhelmed with information.





# **11.3 - RESPONSE TO NOTICE OF MOTION - FARNBOROUGH BEACH MASTER PLAN ENGAGEMENT RESULTS**

## **Growth Management Commentary**

**Meeting Date: 16 April 2024**

**Attachment No: 4**

Items to be highlighted from **Growth Management** are:

- separating jurisdiction of state and local government matters
- Consideration of previous proposed Coordinated Project for Capricorn Integrated Resort (2014-2022)
- Opportunities for obtaining alternative access via development application discussions with Iwasaki Sangyo Co. (Aust) Pty Ltd
- State interests in coastal development and beach access points, and
- Other land use and infrastructure matters.

There are implications for all the options outlined above, and any decision should reflect:

- separating state government responsibilities from local government matters
- risk of not doing anything
- duty of care to respond to concerns
- ability to (and having jurisdiction to) effectively change driver behaviour on Farnborough Beach
- likelihood and cost of securing an alternative access
- state interests and processes in establishing new beach access points
- cost implications for LSC regarding improvements/monitoring/establishing new access
- timeframes for an interim or long-term solution, and
- legal obligations.

In addition to the draft briefing session report, I have also read the other reports in the last 12 months, the Have Your Say exercise, and the proposed alternative access plan/map to Farnborough Beach through Iwasaki lands north of the Homestead.

#### **Separating Jurisdiction of State and Local Government Matters**

In this regard the options can be teased out to identify matters relevant for LSC to pursue and those that are outside of LSC control that LSC can advocate and refer to the state.

#### **Driver behaviour**

It is understood that driver behaviour on Farnborough Beach is the responsibility of the Queensland police. Any monitoring or infringements are therefore not able to be dealt with by Livingstone shire council.

#### **Conflicts/potential improvements at the Bangalee Beach access**

This matter is understood to form part of the local government responsibility. This could involve discussions with QLD POLICE about improvements to public messaging around vehicle speed and safety on Farnborough beach at the entrance point. It is recognised that there is existing signage. The suitability or need for additional signage is a decision by others. Suggest at no cost to council solar powered flashing neon speed sign upon entry delivering suitable messaging: "Report Poor Behaviour - Road Safety *Its Everyone's Responsibility*". Any opportunity to partner with QPS for this safety exercise would be welcomed. In addition - Suggest at no cost to council signage upon leaving the beach: 'Thank you for not speeding.'

#### **Development applications and potential new vehicular beach accesses**

The state government through the State Planning Policy and LSC via the 2018 Livingstone Planning Scheme both have an interest in, and regulate, coastal development. Any options to pursue new access points to Farnborough beach need to include dialogue with relevant stakeholders. The ability to look at this is dependent on the location and scale of a future development proposal.

**Opportunities and considerations for obtaining alternative access via development application discussions with Iwasaki Sangyo Co. (Aust) Pty Ltd**

To confidently discuss a new access to improve safety does not reduce 'poor visitor behaviour' on Farnborough beach. This remains a monitoring and regulation matter for the Queensland Police Service.

It is essential that any future development of the Iwasaki Sangyo landholdings that seeks to increase resident / visitor population adjacent to and using Farnborough beach for recreation and enjoyment, considers the current implications and conflicts afforded by the volume and speed of vehicles on Farnborough Beach. Whilst a future development proposal may be ambitious to leverage on coastal location, future development must acknowledge potential and actual conflict points. Preventing or mitigating risk by understanding the intent of development precincts, proposed access to foreshore areas and identifying ability to retain vehicular access are key considerations. As part of any discussion to date, this issue has been raised and the idea of relocating the access away from increased population / users to provide a beach environment free of vehicles.

In addition, council should be aware of the implications and process to close or remove access to the current esplanade area at Bangalee and the implications of then creating a new public road for users north of any proposed development area (north of the existing resort).

The risk of relying on finding a solution via negotiating / obtaining an alternative access via an applicant driven development application process is that:

- Applications and subsequent approvals are never sought
- Any approval obtained is never advanced and the existing access remains and the problem has exacerbated or the beach is closed
- Council is responsible for new transport infrastructure and a new access but poor driver behaviour continues
- Likely impacts of maintaining existing access point or relocating it continues to rely on Queensland Police resources to regulate driver behaviours in the awareness of conflicts.

**Consideration of previous proposed Coordinated Project for Capricorn Integrated Resort (2014-2022)**

As background, in relation to future development plans for the Iwasaki Sangyo Co. (Aust) Pty Ltd landholdings, the following is provided as background advised in relation to the proposed Coordinated Project Capricorn Integrated Resort. [Capricorn Integrated Resort | State Development and Infrastructure](#)

On 12 December 2013, the Queensland Coordinator-General declared the proposed Capricorn Integrated Resort development to be a *coordinated project* for which an Environmental Impact Statement would be required. This is the same process that was followed to obtain the GKI approval by Tower Holdings.

The proposed development would cover the entire Iwasaki Sangyo Co. (Aust) Pty Ltd landholdings in the Livingstone Shire LGA located at Farnborough.

The Iwasaki Sangyo Co. (Aust) Pty Ltd landholdings traverse Hinz Avenue and are adjacent to Farnborough beach and the access at Bangalee. They also extend north towards Corio Bay.

As part of the process to obtain a *coordinated project approval*, an Initial Advice Statement (IAS) from Iwasaki Sangyo Co. (Aust) Pty Ltd was lodged with the Coordinator General

regarding a proposed staged redevelopment of the Iwasaki Capricorn Integrated Resort Project (the Project). This Initial Advice Statement (IAS) set out full details of the Iwasaki Sangyo Co. (Aust) Pty Ltd Development Plan. The long-term vision would include the following Project objectives:

- Establishment of a world class integrated eco-tourism Resort;
- Environmentally sustainable design and construction; and
- Maximised public benefit.

The proposed plans included identifying areas for potential urban uses and areas for conservation and rural production. A summary of the scale of the proposal is below.

Unfortunately, following two terms of references outlining the requirements of the required EIS issued by the state, issued in February 2014 and May 2014, in November 2022 it was declared that the coordinated project was cancelled by the Coordinator General. This meant that the matters to be considered by Livingstone Shire Council in considering development plans were not able to formally be stated.

EIS status	Cancelled
Description	Development of a 1500-hectare integrated resort community.
Proponent	Iwasaki Sangyo Co (Aust) Pty Ltd
Location/s	45 kilometres north of Rockhampton and 9 kilometres north-east of Yeppoon.
Local government/s	Livingstone Shire Council
Investment	\$600 million
Key features	<ul style="list-style-type: none"> <li>• 300-room, five-star resort, including a golf course</li> <li>• caravan and recreational vehicle park</li> <li>• Wagyu cattle farm - for farm stays, cattle and sheep farming and educational activities</li> <li>• residential community of 8000 dwellings and village centre</li> <li>• conservation precinct</li> <li>• airstrip - for tourism, charter flights and a potential fly-in, fly-out hub</li> <li>• refurbishment of the existing 331-room Mercure Capricorn Resort (independent of EIS process).</li> </ul>
Jobs	<ul style="list-style-type: none"> <li>• 8500 (construction over approximately 20 years)</li> <li>• 2160 (operational)</li> </ul>

Nevertheless, the local matters to be considered moving forward for any development of the Iwasaki Sangyo Co. (Aust) Pty Ltd landholdings would likely include, but not be limited to the following:

- location of proposed uses,
- habitat protection,
- infrastructure requirements to service growth,
- impact of reliance on, and suitability of, the current private road access as it relates to standards, upgrades, and tenure etc
- the liveability and amenity offered to beachgoers - revisiting current location of vehicular access to Farnborough beach to reduce activity adjacent to proposed development areas to reduce conflict of vehicle traffic and human to other recreational users, and
- Likely conflicts.
- 

#### **Growth Management final comments**

The options afforded can be refined to *poor driver behaviour* on Farnborough Beach, and *conflicts/potential improvements at the Bangalee Beach access*. The responsibility for each of these varies.

*Any interest to solve behaviour on the beach is the responsibility of the Queensland Police Service. Representations to the state need to be made in this regard by Council advocating for assistance and looking for the support moving forward.*

Likely impacts of either maintaining location of the existing access point (with or without improvements) continues to rely on Queensland Police resources to regulate driver behaviour on Farnborough Beach.

Buy in is needed for effective solutions regarding behaviour and monitoring to be considered alongside the potential cost for improvements with interim, immediate, short and long-term solutions to be identified.

Considerations for relocation of a vehicular access, requires expertise on road reserves, budget/funding, easements, approvals, potential studies to firm up location and environmental impacts, agreements, tenure, condition and standards of infrastructure.

**Summary of matters to be considered in providing commentary:**

- **Current lawful vehicle access** to Farnborough Beach - is via Hinz Avenue, Farnborough. The beach access to allow vehicles to travel north only.
- Access is available to anyone to use currently and is **not regulated or monitored**.
- **Improvements to regulate pedestrian and vehicular movements** has occurred in past years.
- Are there short (interim) trials identified and are they easily able to be transferred into long term solution for medium and long-term management?
- **Impact of poor driver behaviour** active and passive users of Farnborough Beach - Other than residents of Bangalee, the resort operations and the remainder of the land fronting the stretch of Farnborough Beach north of the current beach access are owned by Iwasaki Sangyo Co. (Aust) Pty Ltd. Their enjoyment of their location as well as other users should be considered.
- **Impact of poor driver behaviour** on dunes, vegetation, habitat.
- The road from the roundabout at Farnborough Road to the Bangalee beach access is a **private road**.
- Hinz Avenue, further north adjacent to the Farnborough State School is the only lawful road to the bangalee beach access and properties at Bangalee. **New access points into the beach will require road closures and openings which are a cost.**
- The majority of the Iwasaki lands are in the Rural zone, with the resort extents included in the Major Tourism zone. Any Material Change of Use application for new development by Iwasaki Sangyo will likely trigger a development application. Development outside of the resort extents will require development applications.
- The **existing properties at Bangalee and their residents are immediately impacted by poor driver behaviour with safety and amenity impacts for passive recreation of residents along this stretch adjacent to their homes**. This may have been the case for resort guests also when the Capricorn Resort was operational, but this is no longer the case as the resort has ceased the majority of its operation for many years now. Resort users are now contained to part of the golf course and Japanese restaurant.
- **The biggest issue appears to be 'poor visitor behaviour'**. In addition to behaviour, if user numbers continue to grow – an alternative treatment may be necessary. Signs may reduce 'poor visitor behaviour', but **establishing alternative access points will be expensive**.
- **If there was a future opportunity to work with the state and Iwasaki Sangyo Co. (Aust) Pty Ltd to look for an alternative access north of any intensification of the existing resort area, to deal with growing user numbers, the growth management team supports this**. This may coincide with future planning applications and development

proposals over the lands owned by Iwasaki Sangyo Co. (Aust) Pty Ltd. It may result in closing the existing access. This opportunity may take years to be realised, however never happen or is not an immediate solution. This does not address 'poor visitor behaviour'.

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**11.4 RESOURCING - ADDITIONAL FULL TIME POSITION - COUNCIL RANGER**

**File No:** qA21073  
**Attachments:** Nil  
**Responsible Officer:** Nat Druery - Coordinator Public Environments  
Greg Abbotts - Manager Development and Environment  
Chris Ireland - General Manager Communities  
**Author:** Roy Lewandowski - Principal Local Laws Officer

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**SUMMARY**

*This report proposes resource requirements in addition to the adopted full-time equivalent (FTE) position*

**OFFICER'S RECOMMENDATION**

THAT Council increases its full-time equivalent employment cap adopted on 12 March 2024 by one (1) position (from 364.85 to 365.85) to accommodate an additional Council Ranger resource dedicated to the Public Environments team.

**BACKGROUND**

On 12 March 2024, Council resolved to approve the total number of permanent, full-time equivalent positions being 364.85 (FTE cap), excluding temporary positions.

**COMMENTARY**

This report proposes resource requirements in addition to the adopted full-time equivalent (FTE) position.

Currently the Livingstone Shire Council Rangers Team consists of a Principal, three full-time Rangers, a Ranger contracted for two years (13.3.23 to 14.3.25) and a Ranger (Illegal Dumping Officer) seconded for 12 months as funded by the State Government Illegal Dumping Grant.

The primary objective of the Council Rangers Team is to uphold the integrity of the Local Laws through a balance of Compliance and Community Education.

The duties undertaken by Rangers have significantly increased due to factors associated with economic and population growth and demands imposed by customer and community expectations. Activities include but are not limited to:

- Animal Management, wandering dogs, regulated dogs and impounded dogs;
- Regulated parking (monitoring of timed and paid parking);
- Illegal dumping investigations developed through the State Government Illegal Dumping Grant;
- Council Ranger exposure at educational events; and
- Installation and monitoring of cameras throughout the Shire for illegal dumping and unlawful vehicle activities.

Over the past 2 years there have been increases in the following areas:

- Customer requests;
  - Roadside vending and temporary home permits enquiries;
  - Compliance notice appeals;
  - Dealing with aggressive and difficult people;
  - Regulation of Illegal driving on beaches and foreshores; and
  - Illegal overnight camping and regular early morning patrols.
-

Given the current workloads on existing Rangers the ability to create a new position would not only ease the situation but provide for improved community satisfaction and compliance.

### **PREVIOUS DECISIONS**

On 12 March 2024, Council resolved to increase its full-time equivalent employment cap (previously adopted in March 2018) by three (3) positions (from 364.85 to 365.85).

### **ACCESS AND INCLUSION**

There are no identified access and inclusion implications.

### **ENGAGEMENT AND CONSULTATION**

There are no identified engagement and consultation implications.

### **HUMAN RIGHTS IMPLICATIONS**

There are no identified human rights implications.

### **BUDGET IMPLICATIONS**

Budget allocation has been made within the Public Environments budget to accommodate the additional FTE for the remainder of the existing contracted position (13.3.23 to 14.3.25).

### **LEGISLATIVE CONTEXT**

The employment of staff is normally the domain of the Chief Executive Officer (s. 196.3 of the *Local Government Act 2009*) however, Council's March 2018 resolution creates a full-time equivalent employment cap that cannot be over-ridden without resolution of Council.

### **LEGAL IMPLICATIONS**

Council's Certified Agreement (2021) (clause 3.1.2) requires Council to report to union officials through the Joint Consultative Committee (JCC) on the status of business cases submitted for which the primary purpose is to increase the number of full-time equivalent positions to accommodate increased workload.

### **STAFFING IMPLICATIONS**

The additional 1 FTE will allow council to continue to adequately manage Councils legislative requirements. The position will also support Councils commitment to education.

### **RISK ASSESSMENT**

The FTE cap is a budget control measure to constrain labour costs. An unintended consequence of the cap is the inability for the organisation to grow sustainably in line with population growth.

With staff attrition currently at 15%+ (50-60 positions a year), there would seem to be ample opportunity to manage any residual risks of uncontrolled organisation growth.

### **CORPORATE PLAN REFERENCE**

#### ***Leading Livingstone***

*Community Plan Goal 4.3 - Engagement with the community as advisors and partners*

*4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.*

### **CONCLUSION**

The Council Ranger team provides important community education and compliance activities. The current temporary contacted position has proven successful in providing additional support to the team and therefore it is considered beneficial to make the position permanent.



**11.5 COMMUNITIES MANAGEMENT PORTFOLIO REPORT**

**File No:** GV  
**Attachments:** Nil  
**Responsible Officer:** Chris Ireland - General Manager Communities  
**Author:** Jo McLennan - Executive Officer

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**SUMMARY**

*This report provides a summary of a range of strategic and operational activities within the Communities portfolio for the period 1 January 2024 to 31 March 2024.*

**OFFICER'S RECOMMENDATION**

THAT the Communities portfolio management report for the period 1 January 2024 to 31 March 2024 be received.

**COMMENTARY****ECONOMY AND PLACES****Small species processing facility feasibility study**

Regionality Pty Ltd have been engaged to complete a feasibility study for the establishment of a small species/herd processing facility in Capricornia. A committee was established from the Meeting the Market Forum held in May 2023 consisting of industry stakeholders and representatives from CQUniversity, Livingstone Shire Council and Advance Rockhampton. The committee undertook preliminary research to inform the study and Regionality will be provided with this research including the producer and butcher surveys and community engagement results. Funding for the feasibility study is a collaboration of Livingstone Shire Council (through Black Summer Bushfire Recovery Funding), Rockhampton Regional Council (through Advance Rockhampton) and the CQUniversity.

Regionality Pty Ltd will engage with a range of industry stakeholders, including producers and retailers, followed by a review of value-added supply chains and logistics. Project completion is expected in August 2024.

**Social media for business workshops**

During March, Council partnered with Sinead from Hello Mae Studio to deliver two social media for business workshops. The first workshop held on 13 March aimed at equipping attendees with the basic skills to improve the online presence of their business. Two weeks later, on 27 March, the second workshop delivered content of a more advanced nature, delving into branding, social media strategies, e-commerce and much more. Both workshops were well attended, with the advanced being incredibly popular, prompting us to release five more tickets. In total we had 35 people attend, representing a range of businesses from solo artists to accountants and coffee shops. Feedback was very positive, with attendees expressing their appreciation for Sinead's delivery of the workshop and the generous sharing of her expert knowledge.



### **Small business growth**

Last quarter has seen five new businesses open their doors. Investment in our local economy continues to grow, creating more local job opportunities.

- Orchid & Lily Boutique recently opened a store at James Street Plaza. Specialising in women's clothing and accessories.
- Organic Beauty by Kessie opened a new salon at 22 James St in February. Kessie specialises in organic beauty, cosmetics and personal care.
- AGM Flooring opened for business at The Gateway. Adam and Megan have been servicing CQ with flooring for a few years, they have now opened the doors to their own flooring show room at 14 Macadamia Drive.
- Seaside CrossFit Yeppoon opened their doors in March at The Gateway, Macadamia Drive. The owner Kristie started her own CrossFit journey back in 2013 and is now excited to start her own Affiliate to help the local community hit their fitness goals.
- Swift Storage, also located at The Gateway, is officially open for bookings. Catering for all types of storage solutions from small units for items to large covered bays storing boats and motorhomes.



### **Growing the Northern Corridor - Stage 2**

AECOM in partnership with AEC were engaged in February 2024 to undertake Stage 2 of the Growing the Northern Corridor project. This project will focus on ground truthing the economic development opportunities from Stage 1, and hopefully identify more. It will analyse the economic drivers and establish the expected land uses and employment and residential growth in the region and in particular the Northern Corridor. This will result in structure plans that inform future land use demand and location, supply and take-up rates; allocating growth in an orderly and sequenced manner. Direct stakeholder engagement has commenced with project completion anticipated in June 2024.

### **Emu Park West Residential Development Update**

Three residential serviced lots in Fountain Street Emu Park are under offer awaiting Council consideration in April 2024. A proposed ten-lot residential subdivision went through a six-week public tender process and two offers were received and are awaiting Council consideration in April 2024. The sale is based on the condition that the development is completed within a two-year timeframe.

### **Property Leasing**

	<b>Jul – Sep 2023</b>	<b>Oct – Dec 2023</b>	<b>Jan-Mar 2024</b>
Completed per Quarter	8	4	8
Currently In Progress / Negotiation	13	14	19
In Holding Over Clauses, Awaiting New Lease Template Review to be	6	6	N/A

Completed			
Expiry Dates Approaching within 6 months to Action	3	8	15





### **COMMUNITY AND CULTURAL SERVICES**

The Community and Cultural Services statistics are:




<b>Activity</b>	<b>July – Sept 2023</b>	<b>Oct – Dec 2023</b>	<b>Jan-Mar 2024</b>
<b>Engagement and Events</b>			
Number events/activities	12	33	23
Bookings Hall, Venues, Temporary, Gallery and Banners	40	183	43
Get Involved – total visits	3,426	1,265	3,812
<b>Libraries</b>			
Door Counts (Visitations)	25,101	21,672	24,568
Number of loans digital	14,597	11,722	11, 127
Number of loans physical	32,692	30, 255	30, 858
Total Library members/new	14645 total 389 new	14, 935 total 284 new	15,214 total 309 new
Total Home Library deliveries	141	139	145
PC Activity (Yeppoon) Users	1502	1386	2005
New Library App (Installations running total)	2110	2243	2423
<b>Community Development Sport and Recreation including Youth</b>			
Youth in Livingstone Social Media Accounts - Engagement (Views, Reactions, Comments, PM, Shares)	44,529	39,431	46,799
Published items	41	49	63
<b>Community Centre</b>			
Information desk occurrences	3341	2393	3039
Room visitations	4218	4591	2625
ICare interactions	225	183	224
<b>Strengthening Family Connections</b>			
Number of service users	124	148	145
Number of hours	1254	1211	1210
Number of information, advice			1014

Activity	July – Sept 2023	Oct – Dec 2023	Jan-Mar 2024
or referrals provided	-	-	(new measure)

**Social Media**

Facebook	Followers	Posts	Engagement (Interactions)	Most Reach
LSC Corporate	16,657	167	30,360	
Youth in Livingstone	2,711	45	37,601	 (Post Reach: 5,960)
Yeppoon Lagoon	11,486	23	18,097	
Discover Capricorn Coast	285	43	243	

Instagram	Followers	Posts	Engagement (Interactions)	Most Reach
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LSC Corporate	2,645	74	1,631	
Yeppoon Lagoon	4,032	23	1,263	
Discover Capricorn Coast	536	66	321	

LinkedIn	Followers	Posts	Engagement	Most Impressions
LSC Corporate	3,084	28	1,886	
Discover Capricorn Coast	150	25	102	



**Community Engagement/Council Delivered Events/Ceremonies**

- Australia Day Awards presented 24<sup>th</sup> January
- Opening of Capricorn Memorial Gardens 22<sup>nd</sup> January (accompanied by prospectus)
- Australian Citizenship Ceremony 29<sup>th</sup> January (13 new citizens).
- Small Business survey.
- Flying Fox Roost Management consultation.
- Barmaryee Multi Sport Precinct consultation (clubs and community).
- 26<sup>th</sup> March – launch of Street Flag art competition.

**Key Media**



- Yeppoon Lagoon closed due to Cryptosporidiosis.
- Asbestos found in Emu Park Waste Transfer Station.
- Video – Water Charges explained - <https://fb.watch/r4o9r81sPv/>
- Local Government election (LGAQ content).

**Reference Group Meetings**

- 8<sup>th</sup> February – Southern Beaches Access Reference Group

**Community and Cultural Services alignment to Community Plan: Towards 2050:**

<b>Future</b> Ensuring good governance and exploring opportunities for further grant funding and business opportunities for our community	<ul style="list-style-type: none"> <li>• Administration of the Livingstone Shire Community Grants Scheme, including assistance to groups seeking to apply.</li> <li>• Round Two of Event Sponsorship opened and closed.</li> <li>• Communications Coordinator and Events Officer participated in Local Government Election Working Group.</li> <li>• Manager Community and Cultural Services and Principal Community Development Officer participated in Native Title and Cultural Heritage Law training.</li> </ul>
<b>Liveable</b> Partnering with not for profits and other State and non-government agencies to advocate for services and activities for our community.	<ul style="list-style-type: none"> <li>• Continued delivery (monthly) of the 'Fishing Friendzies' program to foster more responsible behaviours in young people who fish.</li> <li>• LSC sponsored events – Fig Tree Markets, Keppel Coast Blues Music Club, Emu Park Markets, Country Music Group, Great Australia Day Beach Party, The Caves Australia Day Breakfast, Capricorn King of Kings, Great Keppel Island Beach Games, Wide Bay Capricorn Branch Surf Lifesaving Championships, Green Cap Carnival, Melanoma March, Sunset Vibes (Aus Army Band), Singing Ship Indoor Bowls, Australian Idol screening on foreshore, Apex AM Series 2024 skateboarding comp.</li> <li>• ANZAC Day 2024 Library Donation program. Library's ongoing partnership with RSL for this program has commenced in Feb. Local community groups and individuals will participate to donate items to the library in lieu of floral wreaths at ANZAC Day cenotaphs around the Shire</li> <li>• The Dry 2: Force of Nature adult colouring in competition with Event Cinemas. Prizes of a double pass to see the film and a</li> </ul>

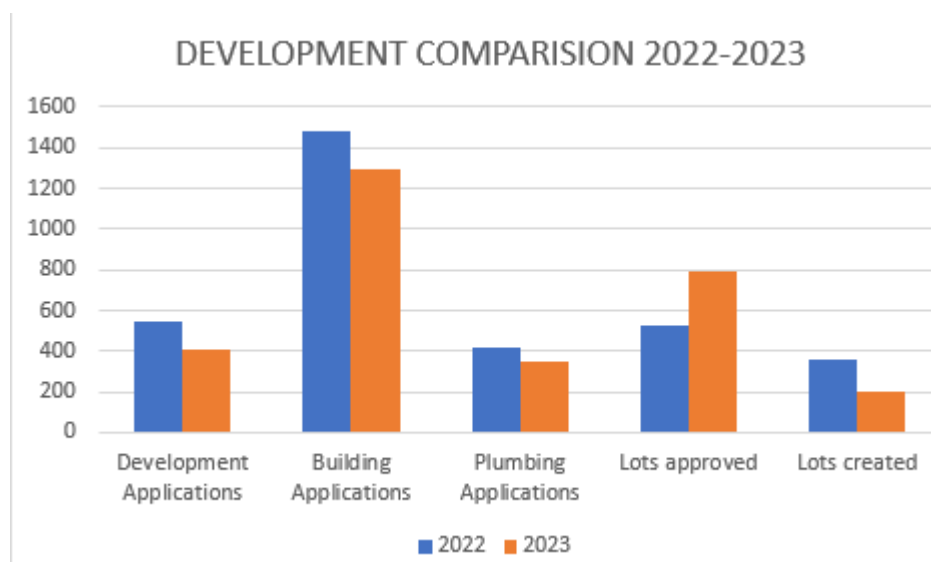
	<p>copy of the novel was given at each library branch. 20 entries.</p> 
<p><b>Leading</b></p> <p>Ensuring that activities are targeted towards the sectors of the community that are in need.</p>	<ul style="list-style-type: none"> <li>• Street Library initiative. The library welcomed a new volunteer in March as a Street Library custodian to visit, monitor and restock the Street Libraries at Farnborough and Merv Anderson Park on a weekly basis.</li> <li>• Harmony Day at the Community Centre – 24<sup>th</sup> March (CDSR).</li> <li>• New signage at Yeppoon Lagoon promoting water wheelchair availability.</li> </ul>
<p><b>Thriving</b></p> <p>Ensuring that programs and activities are aligned to the demographic and geographic of our community.</p>	<ul style="list-style-type: none"> <li>• Delivery of a January portion of summer school holiday program in September, with over 1500 participants across the events/activities.</li> <li>• Development and promotion of Easter school holiday program.</li> <li>• Summer Reading Club (Jan 2024) encourages reading and engagement with literature during the summer holidays. Over 420 books were logged by participants aged 5 – 13 and around 47 incentive prizes given out.</li> <li>• Youth in Livingstone tictok channel launched.</li> <li>• EOI for management of Cordingley St Basketball Stadium.</li> </ul>
<p><b>Natural</b></p> <p>Ensuring effective use of council's digital resources by embracing and then promoting the benefits of digital to our community.</p>	<ul style="list-style-type: none"> <li>• Library Lovers Day Feb 14 2024. National day to celebrate library services (under Australian Library and Information Association). Anyone who borrowed at a library branch in Livingstone Shire on Feb 14 went into the prize draw for chocolates and audiobooks (donated by Bolinda Publishing) at each branch.</li> </ul> 



**DEVELOPMENT AND ENVIRONMENT**

The Development Assessment, Built Environment, Growth Management and Natural Resource Management, Development Engineering statistics:

<b>Activity</b>	<b>July-Sept 2023</b>	<b>Oct – Dec 2023</b>	<b>Jan – March 2024</b>
<b>Building</b>			
Customer Requests	108	131	131
Application Lodged Building (Council)	191	119	128
Application Lodged Building (Private Certifier)	196	142	130
Applications decided Building (Council)	162	120	115
Application decided Building (Private Certifier)	151	122	96
Building (average) days	34	28	5
Building and Plumbing Searches	116	120	123
Building Inspections	524	623	377
<b>Plumbing</b>			
Customer Requests	36	33	57
Applications Lodged Plumbing	125	66	89
Applications decided Plumbing	23	51	71
Plumbing (average) days	1	1	1
Plumbing Inspections	335	310	263
<b>Development</b>			
Customer Requests	632	517	560
Applications Lodged	76	107	89
Applications decided	89	91	62
Development (average) days	23		
<b>Development Engineering</b>			
Customer Requests	26	21	10
Applications Received	4	2	2
Applications Completed	4	0	3
<b>Growth Management</b>			
Limited Planning Certificates	54	70	69
Standard Planning Certificates	0	1	0
Full Planning Certificates	0	0	0



Over the past two years, development in certain areas remained consistently steady. The approval of a significant number of lots in 2023 serves as an indicator of forthcoming development in the area.

### **Public Environments**

Activity	July-Sept 2023	Oct – Dec 2023	Jan - Mar 2024
<b>Environmental Health</b>			
Customer Requests	106	77	115
Licenced Food Premises	6	9	2
Permits – Food Temporary Events	10	4	3
Personal appearance services	0	1	1
Licenced Water Carriers	0	1	0
Public Health Complaints	3	8	4
Food Complaints	4	6	8
Environmental Nuisance	15	5	38
<b>Animal Stock Control</b>			
Proportion of impounded animals returned to owners or rehomed	Dogs 86% Cats 100%	Dogs 96% Cats 97%	Dogs 94% Cats 83%
<b>Local Laws</b>			
Customer Requests	1144	768	870
Parking Infringements Issued	402	459	315
Illegal Littering and dumping infringements	5	4	9
Beach driving infringements	222	90	78
Other Infringements	15	23	32
Permits for use of Council controlled areas (decisions made)	14	12	2
<b>Animal Registration</b>			
New Dogs	305	264	210
New Cats	38	22	20

Activity	July-Sept 2023	Oct – Dec 2023	Jan - Mar 2024
<b>Vector Management Disease Notification</b>			
Barmah Forest virus	1	0	0
Ross River virus	1	2	5
<b>Pest Management Plants</b>			
Giant rats tail grass	5	0	16
Lantana	0	1	2
Leucaena	8	3	12
Parthenium	0	2	6
Other species	7	6	19
<b>Pest Management Animals</b>			
Wild Dog/Dingo	8	3	7
Fox	8	10	10
Deer	0	2	0
Feral Cat	3	3	1
Feral Pig	7	4	3
Common Myna Bird	1	0	2
Other	4	2	2
<b>Natural Resource Management</b>			
Vegetation Management	23	17	22
Beach Rehabilitation	8	2	8
Sustainability	1	1	0
Wildlife (including Flying Foxes)	10	10	4
Fire Hazard	6	7	2

## **PARKS AND FACILITIES**

### **Capricorn Coast Memorial Gardens**

The new Capricorn Coast Memorial Gardens was officially opened on Monday, 22 January 2022. The facility provides a traditional lawn cemetery consisting of 440 Lawn cemetery plots, and four ashes gardens accommodating 136 double niche plots and 16 family plots (up to four ashes inurnments). The site provides a memorial reflection pavilion available for small services or private gatherings, and amenity building.





### **Merv Anderson Park**

Merv Anderson Amenity replacement commenced 29 January. The old amenity was demolished a new building is being constructed which is due for completion late April



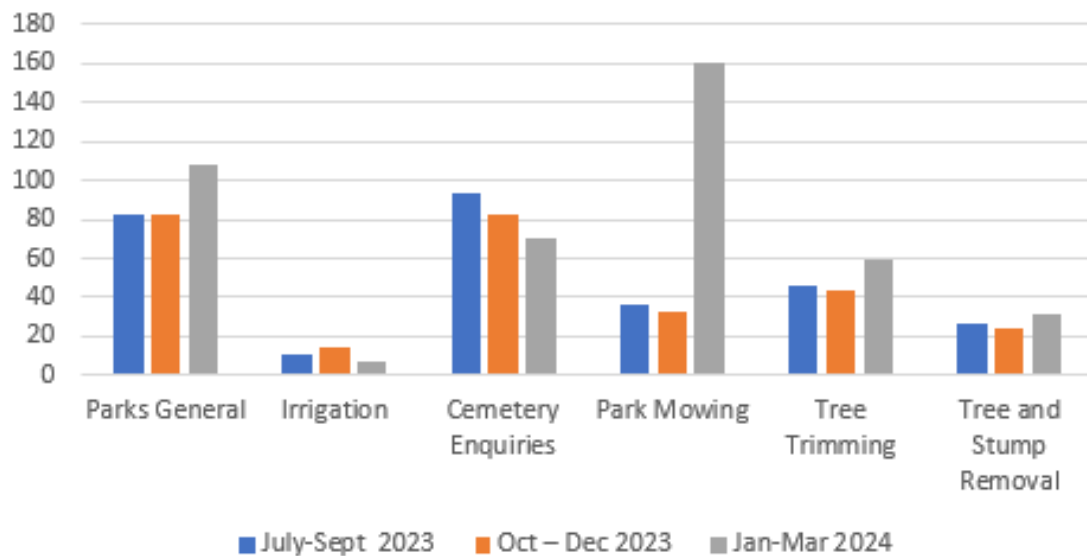
### **Yeppoon Lagoon**

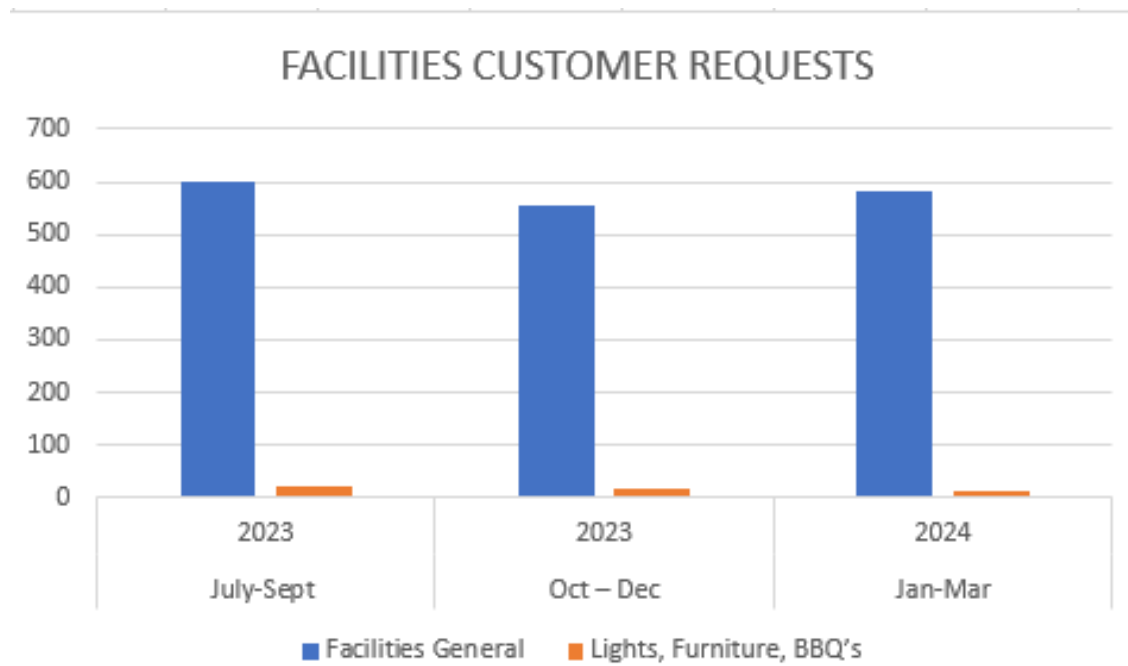
Yeppoon Lagoon - January attendance levels were very high (30,973) with many locals and vacationers using the pool for their parties, get-togethers and to just cool down on the hot days.

February attendance was down by 53% in comparison to January with 14,381 visitors recorded. These number are still higher than February 2023.

**PARKS AND FACILITIES CUSTOMER REQUESTS**


Service	Activity	July-Sept 2023	Oct – Dec 2023	Jan-Mar 2024
Customer Requests	Parks General	83	83	108
	Irrigation	11	14	7
	Cemetery Enquiries	93	83	70
	Park Mowing	36	33	161
	Tree Trimming	46	44	60
	Tree and Stump Removal	26	24	31
	Facilities General	600	557	583
	Lights, Furniture, BBQ's	22	15	12
Cemetery Applications	Burials	23	21	7
	Ashes	4	6	3
	Install Plaques	11	22	5
	Reservations	9	13	17

**OPEN SPACES CUSTOMER REQUESTS**



### DISASTER MANAGEMENT AND COMMUNITY RESILIENCE

Service	Activity	Jan – March 2024
Local Disaster Management Group meeting	Quarterly meeting including tour of critical infrastructure at the Yeppoon Sewage Treatment Plant	21 February
Community Education and Engagement	<ul style="list-style-type: none"> <li>National Emergency Management Agency (NEMA) video promotion of LSC, Black Summer Bushfire Recovery funded project</li> <li>Tour of Hub for Springboard visitors</li> <li>Tour of Hub for students of</li> </ul>	3 January

	<div>Rockhampton Grammar School</div> <div></div> <div><ul style="list-style-type: none"><li>• Building Inclusive Disaster Resilient Communities; Local Action Group</li></ul></div>	<div>6 March</div> <div>11 March</div>
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		14 March
Customer Requests	Fire Hazard	2
	Disaster General Enquiry	9
Disaster Dashboard Subscribers	Opt in Notification Subscribers	856
Disaster Management Training	<ul style="list-style-type: none"> <li>Livingstone Disaster Management Arrangements - New Employee Training</li> </ul>	17 January
	<ul style="list-style-type: none"> <li>Queensland Disaster Management Arrangements Training</li> </ul>	15 February
	<ul style="list-style-type: none"> <li>Evacuation Training</li> </ul>	15 February
	<ul style="list-style-type: none"> <li>Rockhampton and Gladstone DDMG Joint annual exercise</li> </ul>	7 March
	<ul style="list-style-type: none"> <li>Business Continuity Planning Training</li> </ul>	14 March
	<ul style="list-style-type: none"> <li>Disaster Management Planning Training</li> </ul>	14 March
	<ul style="list-style-type: none"> <li>Livingstone Disaster Management Arrangements - New Employee Training</li> </ul>	20 March



Mitigation and Preparedness	<ul style="list-style-type: none"> <li>On site inspections of 120 x Council administered land and fire trails</li> <li>Australian Defence Force (ADF) Marlborough community meeting regarding planned mitigation activities</li> <li>Area Fire Management Group meeting (facilitated by QFES)</li> <li>Yeppoon Public Cyclone Shelter fire compliance building inspection</li> <li>Inspector General Emergency Management (IGEM) review of Local Disaster Management Plan (LDMP); good practice of Cuppa &amp; Chat, evacuation drive throughs and promotion of Opt In Notifications</li> <li>Community noticeboards distributed to Rural Fire Brigade (RFB) and State Emergency Services (SES) groups at Belmont, Cawarral, Emu Park, Great Keppel Island, Keppel Sands, Kunwarara, Marlborough, Nankin, Nerimbera, Ogmoo, The Caves, Yaamba and Yeppoon</li> <li>Chainsaw and Application of Chemicals training delivered to community at Byfield, Yeppoon, Cawarral and The Caves</li> </ul>	<p>22 January – 15 February</p> <p>7 February</p> <p>11 March</p> <p>11 March</p> <p>12 March</p> <p>29 January – 13 March</p> <p>22 February – 22 March</p>
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## Activations

The Livingstone Shire Local Disaster Management Group (LDMG) was activated to ALERT on Monday, 22 January for Tropical Cyclone Kirrily. An operation was established in Guardian with an event action plan, logs, emails and bulletins produced. The associated risk

of impact, storm surge and flooding was minimised for the Shire and the LDMG reverted to STAND DOWN on Wednesday, 7 February.

### Deployment – Tropical Cyclone Jasper

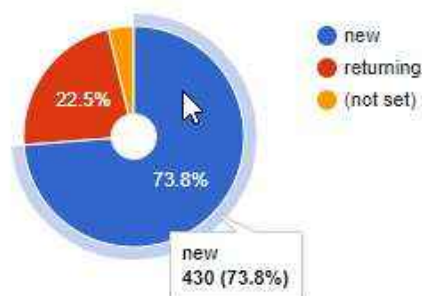
Through Local Government Association Queensland's (LGAQ) Council to Council (C2C) support program, an officer deployed to Douglas Shire Council for a week to support the recovery from Tropical Cyclone Jasper.

### Tropical Cyclone Kirrily

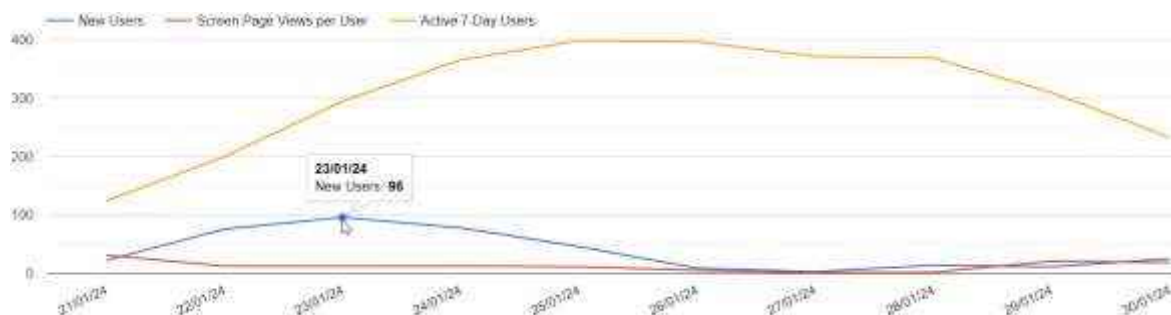
Tropical Cyclone Kirrily crossed the Queensland coast as a Category 3 system just north of Townsville around 10pm on 25 January 2024 with significant rainfall of more than a metre over the Australia Day long weekend.

In the days leading up to TC Kirrily making landfall, the Livingstone Disaster Dashboard experienced a considerable increase in traffic, including 420 new users.

Pageviews by visitor types



The highest number of new visitors was on 23 January which coincided with a LSC Facebook post providing an update of the cyclones predicted path and a link to the Disaster Dashboard.



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**11.6 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2024****File No:** FM12.14.1**Attachments:** 1. **Monthly Financial Report 30 March 2024**[↓](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Caitlyn Good - Management & Treasury Accountant

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**SUMMARY**

*Presentation of the Livingstone Shire Council Monthly Financial Report for the Period Ending 31 March 2024 by the Chief Financial Officer.*

**OFFICER'S RECOMMENDATION**

THAT the Livingstone Shire Council Monthly Financial Report for the period ending 31 March 2024 be received (Attachment 1).

**BACKGROUND**

The attached Financial Report is collated financial data within Council's Finance One and Pathway systems. The report presented includes:

1. Executive Summary
2. Financial Performance Indicators
3. Financial Reports
4. Capital Expenditure
5. Glossary

The attached financial information presents the year-to-date position of Council's financial performance to the 31 March 2024. All prior financial year-end accounting entries have been completed. Commitments are excluded from the reported operating & capital expenditures.

All variances are reported against the revised budget (24BR1) adopted by Council on 19 December 2023.

**COMMENTARY**

The financial report compares actual performance against Council's Budget Review 1 (24BR1) and identifies significant variances or areas of concern. It also provides information about additional areas of financial interest to Council and reinforces sound financial management practices throughout the organisation.

The Council monthly report (attachment one) contains the commentary and analysis and for the sake of brevity, will not be repeated in this cover report.

Additional commentary is disclosed within the report where either the month or year to date variance exceed \$100,000 or 10% of the budget.

1. Executive Summary – summary of the main financial operating results, capital, cash and borrowings.
2. Financial Performance Indicators - a summary of financial performance indicator year-to-date results. Indicators are based on achieving benchmark results. These have been aligned to the sustainability measures in the Financial Management (Sustainability) Guideline 2023
3. Financial Reports –
  - a. Month and year to date results for operating activities. Supplemented by commentary where either a major positive or negative variance exists and supporting graphical summaries or results, or previous information requests.

- b. Balance sheet items with movement on previous month, compared against full year budget. Supplemented by commentary where either a major positive or negative variance exists and supporting graphical summaries of results, or where details were previously provided.
4. Capital expenditure –
  - a. Summary of overall portfolio of program including capital revenue streams.
  - b. Detail of capital expenditure projects >\$100,000.
5. Glossary – updated to reflect the current financial performance indicators.

## **Procurement**

### **Current Contracts >\$200,000 (GST exclusive)**

In accordance with section 237 of the *Local Government Regulation 2012*, Council publishes the details of all contracts valued \$200,000 or more. These details are displayed on Council's website (<https://www.livingstone.qld.gov.au/doing-business/business-and-regulations/contracts-and-tenders>), and on the public notice board located at the Yeppoon Town Hall. In March 2024, no (0) contracts over the prescribed value were established via purchase order.

### **Current Tenders**

Due to the caretaker period being in motion throughout March, there were no (0) open tenders, no (0) tenders evaluated, and no (0) contracts awarded.

## **PREVIOUS DECISIONS**

The 2023-24 Budget was adopted on 13 June 2023.

The 2023-24 Budget Review 1 (24BR1) was adopted on 19 December 2023.

## **ACCESS AND INCLUSION**

This report once adopted by Council will be made publicly available on Council's website.

## **ENGAGEMENT AND CONSULTATION**

Information has been provided by the procurement and revenue functions for this report.

Council conducted community consultation on the 2023-24 budget.

## **HUMAN RIGHTS IMPLICATIONS**

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'.

There are no foreseen human rights implications associated with the adoption of this monthly report.

## **BUDGET IMPLICATIONS**

The Monthly Financial Report shows Council's financial position in relation to the Budget Review 1 (24BR1).

## **LEGISLATIVE CONTEXT**

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

Section 170 of the *Local Government Regulation 2012*, states that council may by resolution amend the budget for a financial year at any time, so long as it complies with all the requirements under section 169, which are essentially all the same material as an annual budget except for decision regarding rates and utility charges which can only be adopted as part of the annual budget process.

## **LEGAL IMPLICATIONS**

There are no anticipated legal implications because of this report.

**STAFFING IMPLICATIONS**

There are no staffing implications because of this report.

**RISK ASSESSMENT**

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

**CORPORATE PLAN REFERENCE*****Leading Livingstone***

*Community Plan Goal 4.3 - Engagement with the community as advisors and partners*

*4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.*

Regular monthly reporting of Council's finance performance and financial position promotes open and accountable financial outcomes whilst providing Council and the community with relevant and reliable information on which to base financial decision-making.

**CONCLUSION**

The financial report provides information about Council's financial performance and position for the period ending 31 March 2024.

## **11.6 - MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2024**

### **Monthly Financial Report 30 March 2024**

**Meeting Date: 16 April 2024**

**Attachment No: 1**

## 1. Executive Summary

This monthly financial report illustrates the financial performance and position of Livingstone Shire Council compared to Councils 2023-24 Revised Budget 1 (24BR1) at an organisational level for the period ended 31 March 2024.

	Month (\$'000s)			YTD 75%		FY (\$'000s)
Key Financial Results (\$'000's)	Actual	23-24 BR1	Variance	Actual	% of Full Year Budget	23-24 BR1
Operating Surplus/(Deficit)	(6,533)	(5,110)	(1,423)	25,293	-1846%	(1,370)
Operating Revenue	2,474	4,070	(1,597)	102,942	94%	109,888
Operating Expenditure	(9,006)	(9,181)	174	(77,649)	70%	(111,258)
Capital Works Expenditure	(2,075)	(3,090)	1,015	(19,281)	41%	47,161
Closing Cash & Cash Equivalents	135,241					99,675
Total Borrowings	50,037					59,076

### Commentary

The Year-to-date results indicate a surplus with operational revenue in line with budget expectations and operating expenditure being behind year-to-date expectations.

Total Capital expenditure of \$2.07 million has been spent in March. Year-to-date Capital expenditure of \$19.28 million is 41% of the full year budget.

As at 31 March 2024 Council had \$135.24 million in cash and \$50.04 million in total debt borrowings.

## 2. Financial Management (Sustainability) Performance Indicators

The financial performance indicators have been aligned to the financial sustainability measures that will be calculated and published as part of the annual statutory financial reporting process for 30 June 2024. These are reported as single year-to-date results compared against the budgeted single-year result.

	YTD Actual	FY Budget	Tier 4 Target	Comment
Financial Capacity				
Council-Controlled Revenue Ratio (%) <sup>#</sup>	91.5%	87.9%	Contextual	Majority of Council revenue attributed to rates income.
Population Growth Ratio (%) <sup>#</sup>	Data not available	0.6%	Contextual	The population estimate for Livingstone Shire Council area as of the 30th June 2022 is 40,952. Since the previous year, the population has grown by 2.69%. Population growth in Regional QLD was 1.88%. (Source: Australian Bureau of Statistics, Regional Population Growth, Australia (3218.0). Compiled and presented in profile.id by .id (informed decisions).
Operating Performance				
Operating Surplus Ratio (%) <sup>*#</sup>	✔ 24.6%	✘ -1.2%	Between 0% and 10%	The positive surplus ratio of 24.6% indicates operational expenses are coverable and remaining surplus can support capital expenditures and meet loan repayments.
Operating Cash Ratio (%) <sup>#</sup>	✔ 50.3%	✔ 31.3%	Greater than 0%	The positive operating cash ratio of 50.30% indicates that council has the ability to self-fund capital expenditure from surplus funds from core operations.
Liquidity				
Unrestricted Cash Expense Cover Ratio (months) <sup>#</sup>	✔ 19.3	✔ 13.2	Greater than 4 months	Council has sufficient unconstrained cash to meet ongoing and emergent financial demands for 19.3 months. Council has access to a \$10m QTC working capital facility which is equivalent to 1.8 months cover.
Net Financial Liability Ratio (%) <sup>*</sup>	✔ -66.4%	✔ -24.5%	Less than 60%	In-line with benchmark. Sufficient operating revenue to service liabilities.
Asset Management				
Asset Sustainability Ratio (%) <sup>*#</sup>	✘ 48%	✘ 70%	Greater than 90%	The extent to which council's existing infrastructure assets are being replaced as they reach the end of their useful lives is 48%.
Asset Consumption Ratio (%) <sup>#</sup>	✔ 68%	✔ 71%	Greater than 60%	Council's infrastructure assets have been consumed by 68% compared to what it would cost to build a new asset with the same benefit to the community.
Asset Renewal Funding Ratio (%) <sup>#</sup>	Commencing 2025-26		Contextual	This ratio will measure the ability of Council to fund projected infrastructure asset renewal/replacements into the future.
Debt Servicing				
Leverage Ratio (times cover) <sup>#</sup>	✔ 1.0	✔ 1.7	0 - 3 times	Adequate capacity to manage unforeseen financial shocks & meet loan repayments.

<sup>\*</sup>Financial Management (Sustainability) 2013 legislated ratios

<sup>#</sup>Financial Management (Sustainability) 2024 legislated ratios

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### 3. Financial Reports

Operating Result for the period ending  
31/03/2024

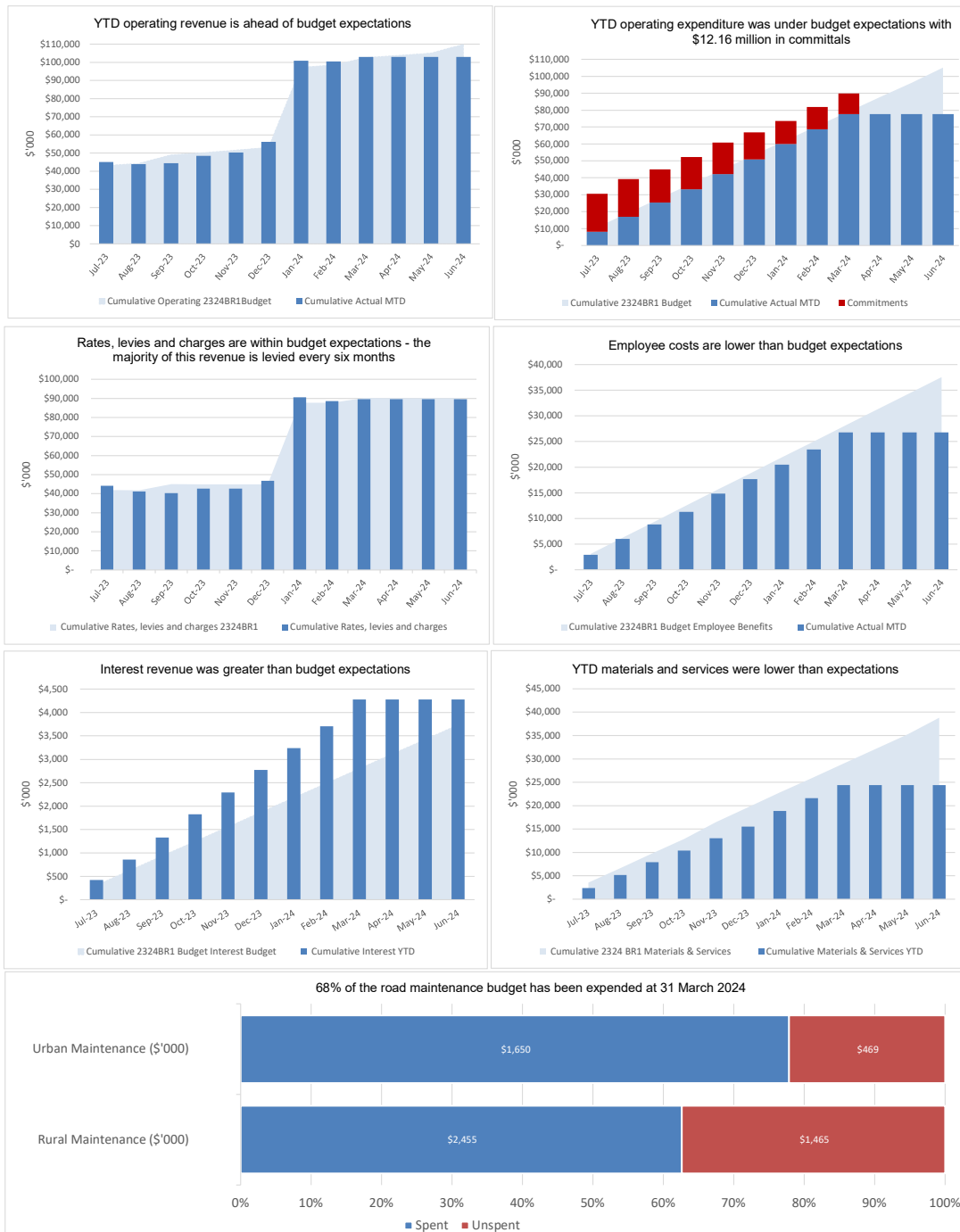
Month (\$'000s)				YTD 75%				FY		
Actual	23-24 BR1	Variance <sup>1</sup>	>\$100K & 10%	Actual	23-24 BR1	Variance <sup>1</sup>	>\$100K & 10%	% of Full YTD	23-24 BR1	
(\$'000)	(\$'000)	(\$'000)		(\$'000)	(\$'000)	(\$'000)		%	(\$'000)	
Operating Revenue										
866	2,535	(1,669)	*	Rates, levies and charges	89,504	90,195	(691)	↔	99%	90,106
460	530	(70)		Fees and charges	4,640	4,766	(126)	↔	73%	6,357
130	258	(127)	*	Sales revenue	1,498	1,849	(351)	*	58%	2,575
355	299	56		Operating grants and subsidies	2,094	1,733	361	✓	38%	5,523
576	311	265	✓	Interest received	4,280	2,801	1,479	✓	115%	3,737
87	138	(51)		Other income	926	1,192	(266)	*	58%	1,590
2,474	4,070	(1,597)	*	Total Operating Revenue	102,942	102,536	406	↔	94%	109,888
Operating Expenses										
(3,312)	(3,125)	(187)	↔	Employee benefits	(26,765)	(28,148)	1,383	↔	71%	(37,551)
(2,802)	(3,155)	353	✓	Materials & services	(24,425)	(29,012)	4,587	✓	63%	(38,806)
(235)	(244)	9		Finance costs	(2,548)	(2,197)	(351)	*	85%	(3,007)
(2,657)	(2,657)	0		Depreciation & Amortisation	(23,911)	(23,911)	0		75%	(31,894)
(9,006)	(9,181)	174	↔	Total Operating Expenses	(77,649)	(83,268)	5,619	↔	70%	(111,258)
(6,533)	(5,110)	(1,423)	*	Net operating result	25,293	19,268	6,024	✓	-1846%	(1,370)

- <sup>1</sup> Positive numbers represent under expenditure or additional revenue  
 ✓ Major positive variance, comment required  
 \* Major negative variance, comment required  
 ↔ Within expectations, no comment required

#### Areas to note

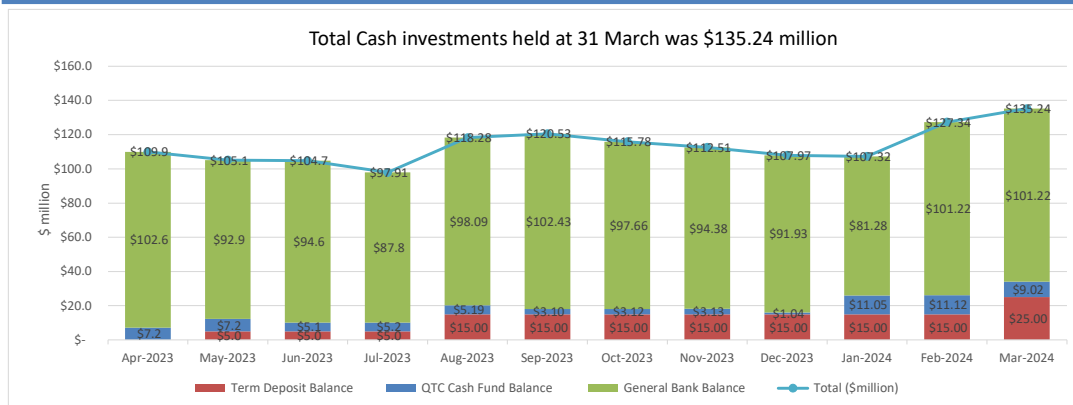
Rates, levies and charges	Year-to-date Rates, levies and charges are within budget expectations. The variance in the March actual and budget results are due to the timing difference of discounts. The discount values for the early payments of rates were factored into the net value of the rates budget, therefore the timing of the budget is consistent with the timing of rates being issued and generated.
Sales revenue	Monthly sales and total year-to-date figures are under budget expectations. Sales revenue is made up of RMPC claims and other private works, both of which are behind budget expectations. Private works invoices are issued as projects progress or upon completion and there were no RMPC invoices issued until September 2023.
Operating grants and subsidies	Operating grants and subsidies are received throughout the year. March results were within budget expectations and year-to-date amount is still ahead of budget expectations. Council also received 100% of the 2023-24 financial assistance grant (\$4,482,068) in June 2023. Council will only receive \$204,758 of the 2023-24 allocation in the current financial year. It will be unknown until June 2024 if there will be a continuation of the prepayment approach (50% from 2017-18, increased to 75% 2022-23).
Interest Received	Interest received continues to be favourable against budget expectations, due to the increment in the RBA cash rate leading to the QTC and Councils Banker raising interest rates. See Cash and Cash equivalents for more information on rates.
Other income	Year-to-date Other Income is tracking behind budget. The majority of the variance is attributed to lower than anticipated revenue received from scrap metal recycling for surplus/waste steel materials.
Materials & services	Month of March results were behind budget expectations. Year-to-date actuals are below budget expectations largely due to lower spend on contractors & consultants (\$3.7m) than expected, as well as timing differences from when goods/services are received but not yet invoiced, for example there is a one-month delay in receiving electricity bills, as well as the timing of prepayments.
Finance Costs	Month-to-date finance costs are within budget expectations. Year-to-date figures are higher than budget expectations due to journals being processed for December soft close for the Landfill/Quarry Restoration Provisions.





Statement of Financial Position for the period ending 31/03/2024				
	Month-end Actual	Last month Actual	Movement	Full Year BR1
	(\$'000)	(\$'000)	(\$'000)	(\$'000)
Cash and cash equivalents	135,241	119,536	15,705	99,675
Receivables	10,445	29,852	(19,406)	10,099
Inventories	522	497	25	3,012
Land held for development or sale	6,012	6,012	-	-
Contract assets	4,772	4,772	-	-
Other assets	744	727	17	4,484
Property, plant & equipment	1,209,193	1,211,510	(2,316)	1,305,746
Intangibles	236	242	(6)	7,719
Capital works in progress	48,811	47,028	1,783	-
<b>TOTAL ASSETS</b>	<b>1,415,977</b>	<b>1,420,175</b>	<b>(4,198)</b>	<b>1,430,735</b>
Payables	9,131	6,305	2,827	5,247
Contract liabilities	3,326	3,294	32	485
Borrowings	50,037	51,930	(1,894)	59,076
Provisions	20,150	19,954	196	19,943
Other liabilities	3,837	3,931	(94)	3,781
<b>TOTAL LIABILITIES</b>	<b>86,480</b>	<b>85,414</b>	<b>1,066</b>	<b>88,532</b>
Asset revaluation surplus	260,563	260,563	-	297,181
Retained surplus/(deficiency)	1,068,934	1,074,198	(5,265)	1,045,022
<b>TOTAL COMMUNITY EQUITY</b>	<b>1,329,496</b>	<b>1,334,761</b>	<b>(5,265)</b>	<b>1,342,203</b>
Areas to note				
<b>Cash and cash equivalents</b>	Cash balances have increased by \$15.71 million compared to the previous month. This is consistent with the timing of Council's half-yearly rates and quarterly water billing, with the notices due 6 March 2024.			
<b>Receivables</b>	\$19.41 million decrease in receivables is due to payments of water billing and rates notices being received. These notices were due for payment by the 6th of March 2024.			
<b>Property, plant and equipment</b>	Movement relates to the monthly depreciation allocation and associated increase in accumulated depreciation.			
<b>Capital works in progress</b>	\$1.78 million increase due to continued capital expenditure in March. Refer to the capital expenditure reports for further detail on the capital works program for 2023-24.			
<b>Payables</b>	Payables have increased at 31 March compared to 29 February due to the timing of pay runs and invoices payable being committed to our system.			
<b>Borrowings</b>	Scheduled quarterly repayment occurred in March of \$2.11m plus monthly interest and administration charges accrued on total borrowings with the total movement in borrowings reflecting the net result.			
<b>Provisions</b>	The increase in provisions reflects the net movement in accrued employee leave entitlements i.e. less people taking leave in March than accruing entitlement. Anticipate the opposite to occur in April with school holiday leave being taken.			

## Cash and Cash Equivalents



Investments are held with Council's general banker and in the Queensland Treasury Corporation (QTC) Capital Guaranteed Cash Fund. Council's interest earning rate as at 31 March 2024 is 4.81% p.a. (net of 0.12% administration fees) with the QTC and 4.85% p.a. with CBA. In March, the weighted average interest rate was 4.91% which is marginally above the target rate of 4.85%, which is 0.5%+ RBA Cash Rate (4.35%). The weighted average interest rate includes the interest rates on term deposits.

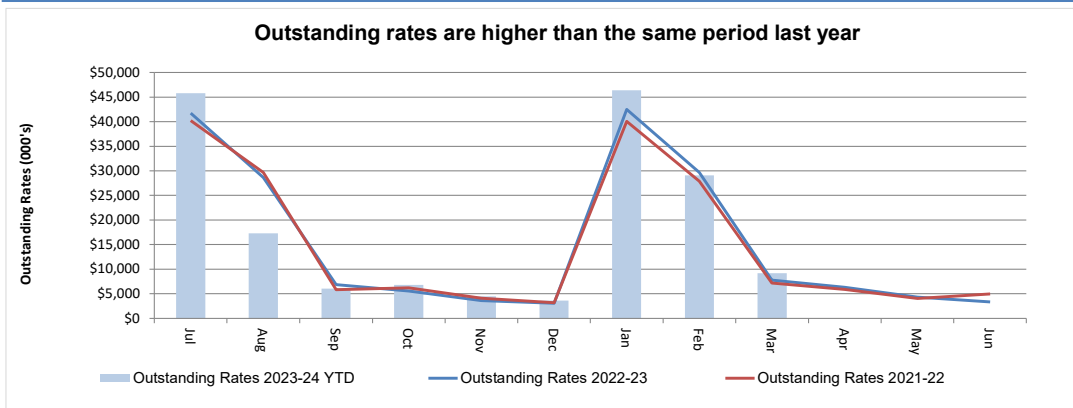
Term deposit rates are monitored regularly by Council officers to identify investment opportunities to ensure Council maximises its interest earnings balanced against the need to invest cash for a fixed term.

In March, two term deposits were entered into, one for 9 months (to mature in December 2024) with Judo Bank at an interest rate of 5.10% p.a., and another with Great Southern Bank for 12 months (to mature March 2025) at an interest rate of 5.20%. These term deposits are expected to yield interest of \$287,136.99 and \$390,000.00 respectively.

The amount of interest earned from month-to-month is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by Council's cash flow requirements on a monthly basis as well as the rating cycle.

Cash needed for day-to-day requirements is deposited with the QTC or Council's general banker. Interest rates from both facilities are monitored regularly by Council finance officers to maximise interest earnings as much as possible.

## Receivables

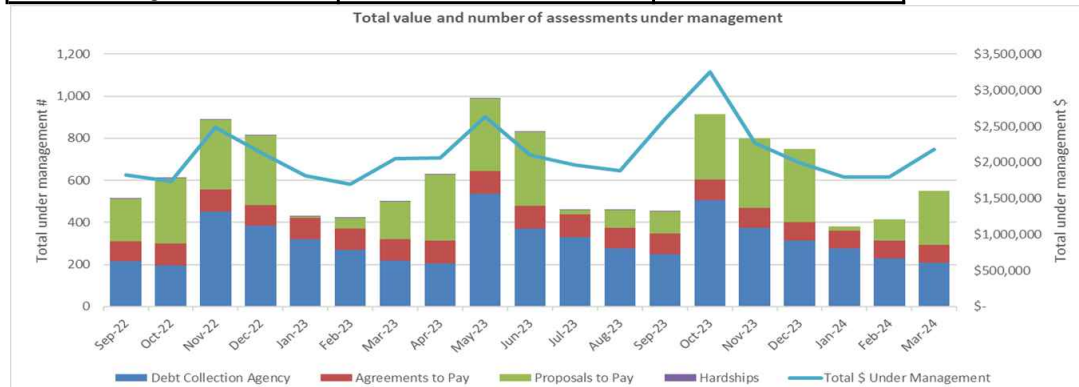


Ageing of Rates Receivable at Month End		
Total Rates Outstanding	\$9,166,929	
Less Current Levy	-\$2,122,349	
Total Eligible for Collection	\$7,044,580	
Current	\$5,392,785	76.55%
1 years	\$908,849	12.90%
2 years	\$288,782	4.10%
3 years	\$127,850	1.81%
4 years	\$77,540	1.10%
5 years	\$248,774	3.53%
Total Eligible for Collection	\$7,044,580	100.0%

Ratepayers have the option to enter into formal payment arrangements, preventing legal action being progressed by Council's debt collection agency. Council resolved to charge 7% per annum on overdue rates and utility charges in 2023-24, applied monthly, on all overdue balances, including those under a formal payment agreement. This percentage rate has remained the same since the 2018-19 Financial Year and Council have ensured that this has remained unaffected by recent large increases in CPI.

31% of the total balances eligible for collection are under management; this reflects 549 assessments out of all 18,490 rateable assessments (3.2%).

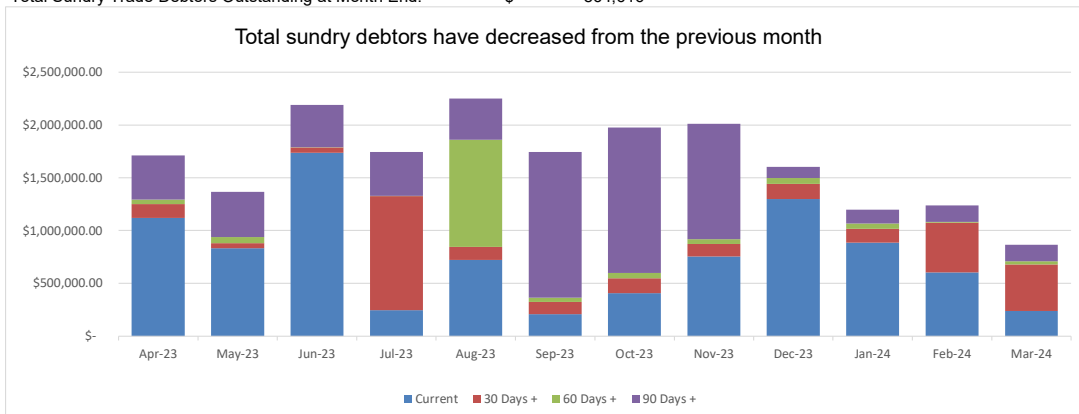
	As at March 2023		As at March 2024	
	#	\$	#	\$
Debt Collection Agency	177	\$ 274,194	208	\$ 1,278,704
Agreements to pay	104	\$ 537,750	86	\$ 509,626
Proposals to Pay	218	\$ 1,214,362	255	\$ 387,518
Council Hardship	2	\$ 24,918	0	\$ -
<b>Total under management</b>	<b>501</b>	<b>\$ 2,051,224</b>	<b>549</b>	<b>\$ 2,175,848</b>



There was an increase in the number of assessments under management on last month (increase of 133), with the value of the assessments under management increasing by \$349k. Compared to the same time last year, there is an increase of 48 assessments and \$125k more under management. Council officers are committed to working with any ratepayer who is experiencing difficulty in paying their rates & charges and strongly encourages anyone in this position to make early contact with Council.

#### Outstanding Sundry Trade Debtors

Total Sundry Trade Debtors Outstanding at Month End: \$ 864,616



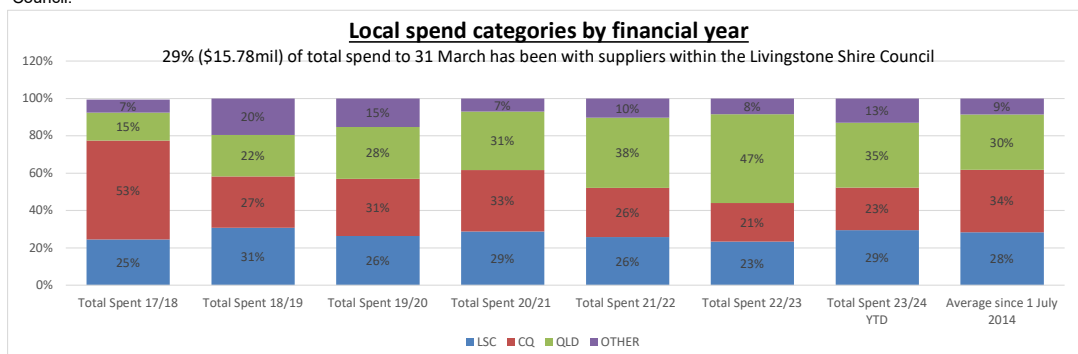
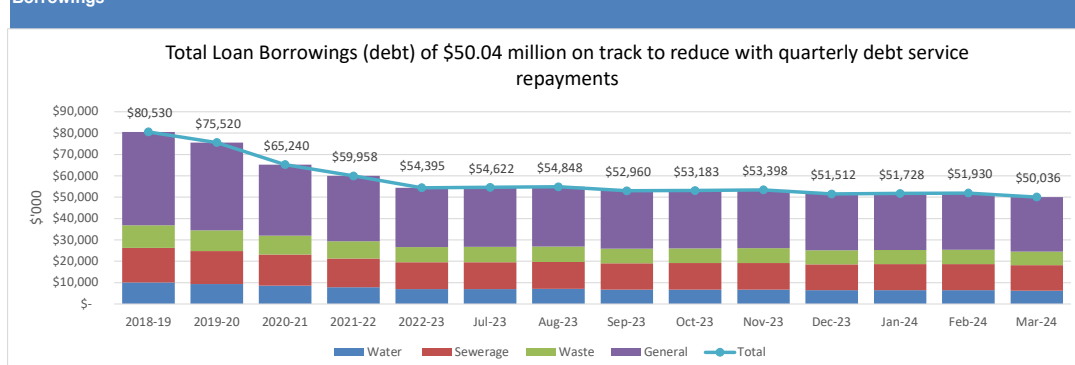
**Payables****Procurement**

Council strongly supports locally owned and operated businesses, including those with an office or branch in our region. Council is able to report on direct local spend for both operational and capital expenditure in addition to employee salaries & wages.

Total expenditure with businesses located within the Shire boundaries, in the current financial year to date, is 29% or \$15.78 million.

	YTD Spend (\$million)	%
LSC - Business located within the shire boundaries.	\$ 15.78	29%
CQ - Business completely set up and run outside of LSC boundaries but within the Central Queensland region.	\$ 12.13	23%
QLD - Business based outside of Central Queensland but within Queensland.	\$ 18.65	35%
OTHER - Business based outside of Queensland.	\$ 6.93	13%
	<b>\$ 53.48</b>	<b>100%</b>

The bar graph below summarises the allocation by local spend categories for the previous seven (7) financial years. Council has since 1 January 2014 procured, on average, 62% of materials & services from within the greater Central Queensland area, which includes Livingstone Shire Council.

**Borrowings**

Debt Position	YTD Actual (\$'000)	Budget
Total Debt held as at 1 July 2023	\$54,395	\$54,395
New borrowings drawn down in 2023-24	-	\$10,574
Interest & administrative charges	\$1,956	\$2,628
Total debt service payments	(\$6,316)	(\$8,520)
<b>Total Debt held at reporting period</b>	<b>\$ 50,036</b>	<b>\$ 59,076</b>

In-line with Council's debt policy, a debt service payment of \$2,105,500 (being approximately \$1,886,000 repayment of principal and \$219,500 interest and administrative charges) is to be paid quarterly during 2023-24. Interest accrues monthly calculated on a daily basis until the next debt service payment. New borrowings are planned to be drawn down at the end of the 2023-24 financial year.

As at 31 March 2024 the weighted average interest rate of all Council debt is approximately 4.82%.

Council has forecast an addition \$9.7m in new borrowings for the current financial year to acquire a water allocation from Rookwood Weir and upgrade the Emu Park Sewerage Treatment Plant. These borrowings are likely to be drawn down in quarter 4 of the financial year.

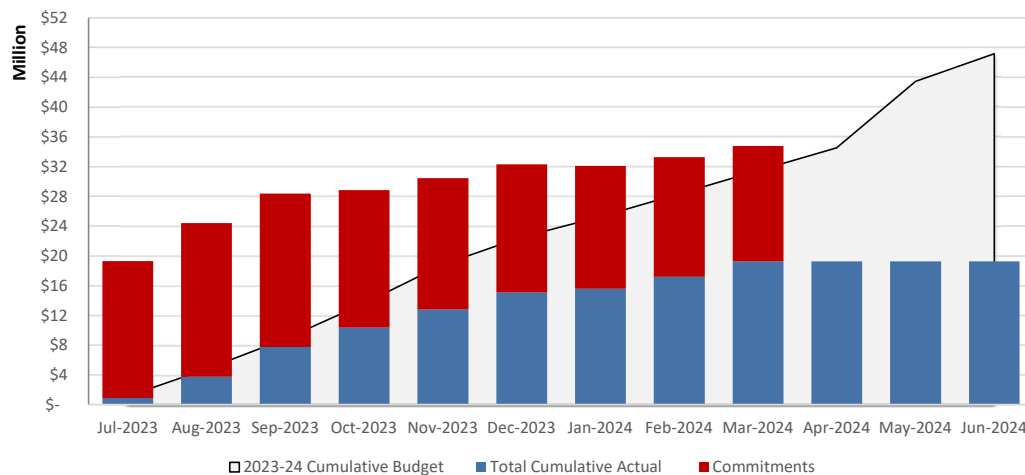
The Department of Housing, Local Government and Planning has approved a working capital facility of \$10 million on a permanent basis subject to an annual review by the Queensland Treasury Corporation in consultation with the department. Council has not accessed the available funds in the working capital facility.

#### 4. Capital Expenditure

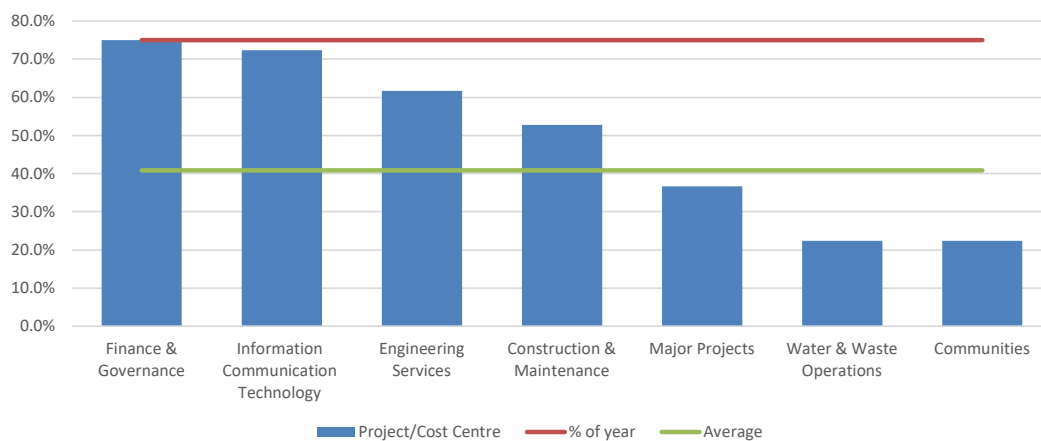
Capital revenue and expenditure report (all projects) for period ending 31/03/2024

Month ('\$000s)				YTD 75%		Full year (\$'000's)
Actual	Budget	Variance		Actual	% of Full year Budget	23-24 BR1
			<b>Capital expenditure</b>			
1,704	2,814	(1,110)	Materials & services	16,548	37.5%	44,086
371	276	95	Internal employee costs	2,733	88.9%	3,076
<b>2,075</b>	<b>3,090</b>	<b>(1,015)</b>		<b>19,281</b>	<b>40.9%</b>	<b>47,161</b>
			<b>Capital Revenue</b>			
1,252	1,260	(7)	Capital grants & subsidies	9,426	62.4%	15,115
334	342	(8)	Infrastructure contributions	2,110	51.5%	4,100
32	6	26	Other Capital Income	1,165	1532.6%	76
<b>1,618</b>	<b>1,608</b>	<b>10</b>		<b>12,700</b>	<b>65.8%</b>	<b>19,291</b>

Total funds committed to capital is \$15.49 million in March 2024



On average, 40.9% of capital budgets were Expended by 31 March 2024



**Capital Project (>\$100,000) Expenditure for the Period**  
**31/03/2024**

Project/Cost Centre Description	23-24 Adopted Budget \$'000	23-24 Budget Revision 1 \$'000	CAPEX Spent YTD \$'000	YTD % Budget (58.3% of year)	Remaining Budget/(Over Budget)	% Project Complete as at 29 February 2024
<b>Information Communication Technology</b>						
(R) CIT-Switches-Routers-UPS replacement	100	100	81	81%	19	80%
Various ICT Projects <\$100,000	186	249	172	69%	77	50%
<b>Subtotal</b>	<b>286</b>	<b>349</b>	<b>252</b>	<b>72%</b>	<b>96</b>	
<b>Finance &amp; Governance</b>						
(R)-Fleet Renewal Annual Program	2,700	2,700	2,152	80%	548	66%
(N)-Fleet-Bushfire mitigation and Suppression	220	420	187	45%	233	90%
	<b>2,920</b>	<b>3,120</b>	<b>2,339</b>	<b>75%</b>	<b>780</b>	
<b>Construction &amp; Maintenance</b>						
(N)-UC-NC-Jabiru Drive Extension T-130	1,560	1,556	902	58%	654	60%
(N)-RC-FW-Artillery Rd FW1 Ch1775-Ch2217	1,500	1,436	1,306	91%	130	20%
(U) RC-Normanby St 22-020 Upgrade	1,334	1,357	106	8%	1,251	0%
(U)-SEW-71-SGM-Scenic Hwy 375 dia gravit	1,200	1,065	809	76%	256	80%
(N)-UC-NC Arthur St carpark and stormwat	1,000	1,075	617	57%	458	50%
(U) UC-RC-Queen St (Arthur to Mary Upgrade	800	400	318	79%	82	100%
(R)-WP-Normanby Street (Mary Street - Be	766	893	1,018	114%	( 125)	85%
(R)-DESIGN-WP-WMR-Farnborough Rd 200mm W	650	656	6	1%	650	0%
(R)-RC-PR-Etna Creek Road (Ch5900-8000)	600	600	25	4%	575	0%
(N)-Design-UC-PW-Taranganba Rd Tanby-Car	570	607	658	108%	( 51)	100%
(U)-SP-SEW-60 450 SRM new SPS to Shaw Av	546	247	17	7%	230	0%
[R] Cordingley St Works Depot reseal acc	500	100	1	1%	99	0%
(N)-UC-Misc-Hartley St Pedestrian Facili	300	0	0	0%	-	10%
(R)- PR Pavement rehab Daniel Park to Sc	150	150	7	5%	143	1%
(R)-WP-Normanby Street (Hill Street - Be	150	150	1	1%	149	0%
(R)-WP-Brae St Flinders Nth and Elma St	100	359	31	9%	328	0%
(U)-RC-FW-Artillery Rd FW2 Ch6300-Ch6350	0	270	44	16%	226	100%
(U)-RC-FW-Artillery Rd FW# Ch6525-Ch6575	0	265	46	18%	219	100%
(R)-UC-SW-Renewal Program-\$305K	0	180	11	6%	169	10%
(R) UC-Barmaryee restoration & capability	0	164	158	97%	6	100%
CP419 CAPITAL CONTROL RURAL RESEAL PROGRAM	600	600	26	4%	574	90%
CP422 CAPITAL CONTROL RURAL GRAVEL RESHEETS	1,620	1,620	1,623	100%	( 3)	100%
CP423 CAPITAL CONTROL BEACH ACCESS RENEWAL PROGRAM	100	48	70	146%	( 22)	60%
CP423 CAPITAL CONTROL FLOODWAY RENEWAL PROGRAM	150	213	149	70%	64	40%
CP428 CAPITAL CONTROL URBAN RESEAL PROGRAM	770	770	5	1%	765	0%
Various construction projects <\$100,000	203	523	128	25%	395	0
<b>Subtotal</b>	<b>15,168</b>	<b>15,304</b>	<b>8,081</b>	<b>53%</b>	<b>7,223</b>	
<b>Waste Water and Sewer</b>						
Rookwood Weir Water Allocation	7,500	7,500	0	0%	7,500	0%
(R)-WP-Meikleville Reservoir Roof Replace	653	750	463	62%	287	38%
(R)-WP-WWTP clarifier scraper replacement	450	447	159	36%	287	35%
(R)-WP- 2324 Active Water renewals \$252.	253	253	18	7%	235	7%
(R) SEW - 2324 Passive Sewer Renewals \$2	200	165	0	0%	165	0%
(R)-SP-2324 Active Sewer Renewals \$200K	200	200	167	84%	33	84%
(R)-SEW-Sewer Relining Passive Sewer ren	0	401	608	152%	( 207)	100%
(N)-SP-YSTP membrane augmentation \$600k	0	353	183	52%	170	100%
(N)-WP-WAT-26-Reservoir West Emu Park LZ	0	295	430	146%	( 135)	99%
(N)-W&R-Caves Waste Transfer Station Upg	100	104	79	76%	25	100%
Various water & waste projects <\$100,000	424	694	394	57%	300	0%
<b>Subtotal</b>	<b>9,780</b>	<b>11,160</b>	<b>2,501</b>	<b>22%</b>	<b>8,659</b>	

**Capital Project (>\$100,000) Expenditure for the Period**  
**31/03/2024**

Project/Cost Centre Description	23-24 Adopted Budget \$'000	23-24 Budget Revision 1 \$'000	CAPEX Spent YTD \$'000	YTD % Budget (58.3% of year)	Remaining Budget/(Over Budget)	% Project Complete as at 29 February 2024
<b>Major Projects</b>						
(U)-SP-Emu Pk STP Process Upgrade 19-128	5,534	6,271	1,553	25%	4,718	65%
(N) SEW-65-66-86-121-Tanby Rd South PFTI	4,960	1,064	247	23%	817	10%
(U)-RC-RC-Stanage Bay Rd 20-012 design &	2,800	0	39	0%	( 39)	99%
(N)-MP-Station Quarter Community Recover	2,022	2,411	1,764	73%	647	80%
(U)-FC-Yeppoon Aquatic Centre Upgrade es	950	986	213	22%	773	5%
(N)-E&P-Gateway Stages 2B&3 Gateway Busi	740	1,172	236	20%	936	99%
(R)-SEW-2324 Sewer Relining Program Pass	650	450	202	45%	248	95%
(N)-W&R-Yeppoon Landfill Cell extension	600	622	127	20%	495	5%
(U)-WC-Kellys Dam Seepage Measurement Wor	550	733	397	54%	336	99%
(R) RC-BDG-Doonside Rd Canal Ck Ch6325 T	420	50	25	50%	25	40%
(N)-SP-Yeppoon STP Solar Array	315	304	306	101%	( 3)	99%
(R)-RC-BDG-Werribee Rd Replace Timber Br	270	50	45	90%	5	44%
(N) Cap Coast Cemetery Internal works PC	135	0	5	0%	( 5)	100%
(N)-E&P-West Emu Park Res Devp \$157k	70	88	48	54%	40	99%
Various CP424 projects <\$100,000	0	0	0	0%	-	0%
<b>Subtotal</b>	<b>20,016</b>	<b>14,202</b>	<b>5,209</b>	<b>37%</b>	<b>8,993</b>	
<b>Engineering Services</b>						
(N)-SW-Yeppoon Crk D-13 Q100 L700 SP2968	101	0	0	0%	-	0%
Various CP431 projects <\$100,000	646	634	391	1	243	0%
<b>Subtotal</b>	<b>747</b>	<b>634</b>	<b>392</b>	<b>1</b>	<b>243</b>	
<b>Community Wellbeing</b>						
Lagoon Pebblecrete & Softfall Rectification	0	400	37	9%	363	15%
(R)-FC-Lagoon Building 'A' Air Con Repla	365	371	0	0%	371	40%
(N)-SP-GKI WWTP - Design and Project Mgm	0	350	39	11%	311	7%
(N) CCMG Plinths and Landscaping PCL-530	0	348	192	55%	155	40%
(R)-FC-Amenities Merv Anderson Annual P	332	337	75	22%	261	70%
Cooee Bay Tennis court resurface	0	200	8	4%	192	30%
Various Facility projects <\$100,000	270	259	153	59%	106	45%
Various Community projects <\$100,000	0	0	0	0%	-	0%
Various Park projects <\$100,000	0	0	0	0%	-	0%
Various Community & Wellbeing projects <\$100,000	0	0	0	0%	-	0%
Various Economic Development projects <\$100,000	0	0	1	0%	( 1)	0%
GKI WWTP Design & Project Mgt	0	0	0	0%	-	0%
<b>Subtotal</b>	<b>967</b>	<b>2,264</b>	<b>506</b>	<b>22%</b>	<b>1,758</b>	
Provision for project inflation risk	1,314	128			128	
<b>TOTAL CAPITAL PROGRAM</b>	<b>51,198</b>	<b>47,161</b>	<b>19,281</b>	<b>40.9%</b>	<b>27,880</b>	



## 5. Glossary

Key Terms	
Operating Result	Total operating revenue less total operating expenses
Total Operating Expenditure	All council expenses minus capital items such as: - losses on disposal of assets, and - impairment losses - depreciation on right of use assets - interest on finance leases associated with right of use assets - other capital expenditure items as identified by Council
Total Operating Revenue	All council income minus capital items such as: - capital grants, subsidies, contributions and donations - gains on disposal of assets - other capital revenue items as identified by Council
Definition of Ratios	
<b>Financial Capacity</b>	
<b>Council-Controlled Revenue Ratio (%)<sup>#</sup></b>	
Council-controlled revenue is an indicator of a council's financial flexibility, ability to influence its operating income, and capacity to respond to unexpected financial shocks.	
A higher council- controlled revenue indicates a stronger ability to generate operating revenue without relying on external sources. Councils with a high ratio generally have a healthy rate base and are better able to respond to unexpected financial obligations such as natural disaster recovery.	$\frac{\text{Net rates, levies and charges} + \text{Total Fees \& charges}}{\text{Total operating revenue}}$
A lower council-controlled revenue ratio indicates that a council has limited capacity to influence its operating revenue and that it is more reliant on external (and usually less reliable) sources of income such as operating grant funding, sales and recoverable works contracts, and rental income.	
<b>Population Growth Ratio (%)<sup>#</sup></b>	
Population growth is a key driver of a council's operating income, service needs and infrastructure requirements into the future.	
A growing council population indicates a greater capacity to generate its own source revenue through rates as well as statutory charges. Population growth also puts additional pressure on councils to invest in new community infrastructure to support service needs.	$\frac{\text{Prior year estimated population}}{\text{Previous year estimated population}} - 1$
<b>Operating Performance</b>	
<b>Operating Surplus Ratio (%)<sup>#</sup></b>	
This is an indicator of the extent to which operating generated cover operational expenses. Any operating surplus would be available for capital funding or other purposes.	
An operating surplus ratio above 0% is an indication that council is managing its finances within its existing funding envelope and generating surplus funds for capital funding or other purposes.	$\frac{\text{Operating result}}{\text{Total operating revenue}}$
An operating surplus ratio below 0% is an indication that a council's operating expenses exceed its revenue. An operating deficit in any one year is not a cause for concern, if over the long term, a council achieves a balanced operating result or small surplus. Operating deficits over the long term affect a council's ability to internally fund its capital requirements and other initiatives as and when they fall due, potentially requiring external funding support.	
<b>Operating Cash Ratio (%)<sup>#</sup></b>	
The operating cash ratio is a measure of councils ability to cover its core operational expenses and generate a cash surplus excluding depreciation, amortisation and finance costs.	
A positive operating cash ratio indicates that a council is generating surplus cash from its core operations, which suggests that council has the ability to self-fund its capital expenditure requirements.	$\frac{\text{Operating result add Depreciation and amortisation add finance costs}}{\text{Total operating revenue}}$
A negative operating cash ratio is a significant indicator of financial sustainability challenges and potential future liquidity issues, as all other things being equal, a negative results means that a council's cash position is declining and revenues are not offsetting the cost of core operational requirements.	

Liquidity	
<b>Unrestricted Cash Expense Cover Ratio (months)<sup>#</sup></b>	
The unrestricted cash expense cover ratio is an indicator of the unconstrained liquidity available to a council to meet ongoing and emergent financial demands, which is a key component to solvency. It represents the number of months a council can continue operating based on current monthly expenses.	$\frac{\text{(Total Cash and Equivalents add Current investments add available ongoing QTC working capital facility limit less Externally Restricted Cash)}}{\text{(Total Operating Expenditure less Depreciation and amortisation less Finance Costs)}}$
A higher unrestricted cash expense cover ratio indicates that a council has sufficient free cash available to contribute to the cost of future planned and unplanned expenditures such as infrastructure investment or disaster recovery. An excessively high ratio may be indicative of cash hoarding, poor cash management, or large upcoming capital investment requirements.	
A low ratio suggests limited unconstrained liquidity available to council to use for capital investment or in an emergency. For councils with efficient cash management practices and strong borrowing capacity, this is not a concern. Where a council also has a negative operating cash ratio, a very low or negative unrestricted cash expense cover ratio is an indicator of potential solvency concerns.	
<b>Net Financial Liability Ratio (%)<sup>*</sup></b>	
This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues. A ratio greater than zero (0) implies liabilities exceed current assets.	$\frac{\text{Total Liabilities} - \text{Current Assets}}{\text{Total operating revenue}}$
This ratio is no longer reported against under the new financial management sustainability guideline.	
Asset Management	
<b>Asset Sustainability Ratio (%)<sup>#</sup></b>	
The asset sustainability ratio approximates the extent to which the infrastructure assets managed by a council are being replaced as they reach the end of their useful lives.	$\frac{\text{Capital expenditure on replacement of Infrastructure Assets (Renewals)}}{\text{Depreciation expenditure on Infrastructure Assets}}$
An asset sustainability ratio close to 100% suggests that a council is spending enough on the renewal of its assets to compensate for the deterioration in its asset base as loosely proxied by its reported depreciation.	
<b>Asset Consumption Ratio (%)<sup>#</sup></b>	
The asset consumption ratio approximates the extent to which council's infrastructure assets have been consumed compared to what it would cost to build a new asset with the same benefit to the community.	$\frac{\text{Written down replacement cost of depreciable infrastructure assets}}{\text{Current replacement cost of depreciable infrastructure assets}}$
The minimum target of 60% indicates that a council's assets are being broadly consumed in line with their estimated useful lives.	
Councils with lower than target ratio will need to invest more in those assets (in terms of replacement or maintenance) to ensure they are maintained at a standard that will meet the needs of their communities. On the other hand, if the ratio is much higher than the target ratio, councils may need to revisit their asset management plans to asset their current service levels or whether their estimates of the assets useful lives are appropriate.	
<b>Asset Renewal Funding Ratio (%)<sup>#</sup></b>	
The asset renewal funding ratio measures the ability of a council to fund its projected infrastructure asset renewal/replacements in the future.	$\frac{\text{Total of Planned Capital Expenditure on Infrastructure Asset Renewals over 10 years}}{\text{Total of Required Capital Expenditure on Infrastructure Asset Renewals over 10 years}}$
Ideally, the asset renewal funding ratio should be as close to 100% as possible, as this indicates that a council is appropriately funding and delivering the entirety of its required capital program as outlined by its asset management plans.	
A ratio that is too far in excess of 100% indicates capital spending above and beyond what is proposed by a council's asset management plans. A ratio that is too far below 100% may indicate an underfunded capital program and therefore a potentially increasing infrastructure backlog and asset failures. Either scenario suggests a mismatch between a council's capital requirements and forecast capital program, whether due to poor planning and/or limited resources or skills to deliver the assets required by the community.	
<b>Debt Servicing Capacity</b>	
<b>Leverage Ratio (times cover)<sup>#</sup></b>	
The leverage ratio is an indicator of a council's ability to repay its existing debt. It measures the relative size of the councils debt to its operating performance.	$\frac{\text{Book Value of Debt}}{\text{Total Operating Revenue less Total Operating Expenditure add Depreciation and Amortisation add finance costs}}$
A higher leverage ratio indicates an increasingly limited capacity to support additional borrowings due to already high debt levels and/or decreasing operational performance, while a lower ratio indicates the opposite.	
A lower leverage ratio is not itself a guarantee that further debt will be approved for a council, while councils with higher leverage ratios are not necessarily precluded from having additional borrowings approved due to other mitigating circumstances.	
<sup>#</sup> Financial Management (Sustainability) 2013 legislated ratios	
<sup>#</sup> Financial Management (Sustainability) 2023 legislated ratios	
6. Reference Material	
Local government sustainability framework	<a href="https://www.statedevelopment.qld.gov.au/local-government/for-councils/finance/local-government-sustainability-framework">https://www.statedevelopment.qld.gov.au/local-government/for-councils/finance/local-government-sustainability-framework</a>
	<a href="#">Sustainability Framework</a>
	<a href="#">Financial Management (Sustainability) Guideline</a>
	<a href="#">Risk Framework</a>
	<a href="#">Frequently Asked Questions</a>
Budget 2023-24	<a href="https://www.livingstone.qld.gov.au/current-budget">https://www.livingstone.qld.gov.au/current-budget</a>
Estimated Resident Population (ERP)	<a href="https://profile.id.com.au/livingstone/population-estimate">https://profile.id.com.au/livingstone/population-estimate</a>

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**11.7 CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS –  
AUTHORISED DELEGATES**

**File No:** GV  
**Attachments:** Nil  
**Responsible Officer:** Cale Dendle - Chief Executive Officer  
**Author:** Cale Dendle - Chief Executive Officer

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**SUMMARY**

*This report pertains to the proposal to incorporate the Central Queensland Regional Organisation of Councils as a corporation limited by guarantee and the appointment of directors and delegates to represent Council.*

**OFFICER'S RECOMMENDATION**

THAT Council affirms its decision of 15 December 2020, being the following Delegates appointed by Council to the Central Queensland Regional Organisation of Councils Limited are authorised to exercise Council's voting entitlements at general meetings of the company in the following order:

- 1) the Mayor;
- 2) in the absence of the Mayor; the Deputy Mayor; and
- 3) in the absence of the Mayor and Deputy Mayor an alternative proxy will be appointed.

**BACKGROUND**

At its Ordinary meeting of 15 December 2020, Council resolved to:

THAT Council resolves the following Delegates appointed by Council to the Central Queensland Regional Organisation of Councils Limited are authorised to exercise Council's voting entitlements at general meetings of the company in the following order:

- 1) the Mayor;
- 2) in the absence of the Mayor; the Deputy Mayor; and
- 3) in the absence of the Mayor and Deputy Mayor, an alternative proxy will be appointed.

At its ordinary meeting of 18 August 2020, Council resolved to:

- 1) *engage in a beneficial enterprise with Banana Shire Council, Central Highlands Regional Council, Gladstone Regional Council, Rockhampton Regional Council, and Woorabinda Aboriginal Shire Council by establishing a corporation limited by guarantee which is not listed on a stock exchange;*
  - 2) *approve the Constitution for the company as tabled in Attachment One;*
  - 3) *approve the name of the company (Central Queensland Regional Organisation of Councils Limited);*
  - 4) *authorise King and Company to lodge the application for registration as a corporation limited by guarantee under the Corporations Act, subject to provision and completion of all relevant application details from all member Councils;*
  - 5) *appoint Mayor Andy Ireland as a Director (the Primary Director) to the Central Queensland Regional Organisation of Councils Limited;*
  - 6) *appoint Deputy Mayor Adam Belot as an Alternative Director to act in place of the Primary Director to the Central Queensland Regional Organisation of Councils Limited; and*
-

- 7) *appoint Mayor Andy Ireland, Deputy Mayor Adam Belot, and Council's Chief Executive Officer as Delegates to the Central Queensland Regional Organisation of Councils Limited, to attend at all general meetings of the company (noting that only two delegates can represent Council at any one general meeting).*

It is now necessary for Council to formalise its participation at general meetings of the Central Queensland Regional Organisation of Councils Limited by authorising the nominated delegates to exercise Council's voting entitlements. Each member (being each Council) is entitled to one vote, so the recommendation identifies the authorisations and circumstances under which they can be exercised.

### **COMMENTARY**

The establishment of the Central Queensland Regional Organisation of Councils Limited provides an opportunity to strengthen the central Queensland area, providing a platform by which councils can collectively discuss matters of regional significance and advocate on behalf of their communities and ultimately the region.

In order to finalise the process of establishing Central Queensland Regional Organisation of Councils as a Corporation Limited by Guarantee, it is necessary to authorise Council's appointed delegates to exercise Council's voting entitlements at general meetings. Consequently, it is proposed that the authorisation be in the following order:

- 1) the Mayor;
- 2) in the absence of the Mayor, the Deputy Mayor; and
- 3) in the absence of the Mayor and Deputy Mayor, the Council Chief Executive Officer.

### **PREVIOUS DECISIONS**

At its ordinary meeting of 15 December 2020, Council resolved to:

THAT Council resolves the following Delegates appointed by Council to the Central Queensland Regional Organisation of Councils Limited are authorised to exercise Council's voting entitlements at general meetings of the company in the following order:

- 1) the Mayor;
- 2) in the absence of the Mayor; the Deputy Mayor; and
- 3) in the absence of the Mayor and Deputy Mayor, an alternative proxy will be appointed.

### **ACCESS AND INCLUSION**

The establishment of the Central Queensland Regional Organisation of Councils Limited will provide a voice for all Councils with central Queensland and enable all member Council's to collectively pursue projects or interest which are of benefit to the region.

### **ENGAGEMENT AND CONSULTATION**

The evolution of the Central Queensland Regional Organisation of Councils Limited has entailed substantial discussion and deliberations with the Councils of central Queensland. Projects or initiatives which are subsequently pursued by the entity will be subject to relevant engagement and consultation with the interested parties, peak bodies, and communities. The entity will also be responsible for engaging with other levels of government regarding matters of importance to the region.

### **HUMAN RIGHTS IMPLICATIONS**

Council's human rights obligations will not be compromised by its participation in and memberships of Central Queensland Regional Organisation of Councils Limited.

**BUDGET IMPLICATIONS**

There will be some costs associated with participation in the Central Queensland Regional Organisation of Councils Limited, which will be shared between the member Council's.

**LEGISLATIVE CONTEXT**

The *Local Government Act 2009* empowers a Council to conduct a beneficial enterprise, defined as '*an enterprise that a local government considers is directed to benefiting, and can reasonably be expected to benefit, the whole or part of its local government area.*'

The registration of a corporation limited by guarantee is undertaken pursuant to the *Corporations Act 2001*. The *Corporations Act 2001* also prescribes the function and conduct of a corporation limited by guarantee.

**LEGAL IMPLICATIONS**

The authorisation of nominated delegates to exercise Council's voting entitlements at general meetings will enable Council to vote on any item which is presented to the Central Queensland Regional Organisation of Councils Limited for its consideration.

**STAFFING IMPLICATIONS**

Participation in the Central Queensland Regional Organisation of Councils Limited will be managed within existing staffing resources.

**RISK ASSESSMENT**

The establishment of the Central Queensland Regional Organisation of Councils Limited creates an opportunity for the central Queensland region to have an increased ability to successfully advocate at other levels of government and with other industry groups. It also provides an opportunity for increased co-operation across the councils, which can lead to efficiencies and improved service delivery and greater prosperity across the region.

**CORPORATE PLAN*****Liveable Livingstone***

*Community Plan Goal 1.2 - Supporting healthy living at any age*

*1.2.4 Take action to enable the implementation of the Active Livingstone Strategy.*

*1.2.4 Take action to enable the implementation of the Active Livingstone Strategy.*

The establishment of the Central Queensland Regional Organisation of Councils Limited aligns with Council's commitment to actively participate in the regional body and will enable it to advocate for regional initiatives for the betterment of the broader community.

**CONCLUSION**

Council has already resolved to participate in the establishment of the Central Queensland Regional Organisation of Councils Limited as a Corporation Limited by Guarantee.

**11.8 ELECTION OF THE LGAQ POLICY EXECUTIVE DISTRICT REPRESENTATIVE  
2024-2028**

**File No:** GV  
**Attachments:** Nil  
**Responsible Officer:** Cale Dendle - Chief Executive Officer  
**Author:** Amanda Ivers - Coordinator Executive Support

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**SUMMARY**

*Chief Executive Officer reporting on election of LGAQ Policy Executive District Representative 2024-2028.*

**OFFICER'S RECOMMENDATION**

THAT:

1. Council does not make a nomination from Livingstone councillors for the position of LGAQ Policy Executive District Representative 2024-2028.
2. Instead, Council supports the nomination of Cr \_\_\_\_\_ from \_\_\_\_\_ for the position.

**BACKGROUND**

Local Government Association of Queensland has invited (refer attached correspondence) nominations for the position of Policy Executive District Representative for the new electoral term.

**COMMENTARY**

Livingstone Shire Council is in District No. 6 (Central Queensland) of LGAQ's representative governance arrangements. Cr Matt Burnett (Mayor of Gladstone) has previously held this position and is, once again, seeking support to continue on (refer attached letter to Mayor Belot).

Although Cr Burnett will likely be nominated by Gladstone Regional Council, Livingstone councillors might consider voicing their support for this (or an alternative) nomination.

**PREVIOUS DECISIONS**

Livingstone supported the nomination of Cr Matt Burnett from Gladstone Regional Council in 2020.

**ACCESS AND INCLUSION**

Nil

**ENGAGEMENT AND CONSULTATION**

LGAQ is inviting nominations for this position on Policy Executive. Cr Matt Burnett from Gladstone has sought support from Central Queensland councils.

**HUMAN RIGHTS IMPLICATIONS**

Nil.

**BUDGET IMPLICATIONS**

Nil.

**LEGISLATIVE CONTEXT**

Nil.

**LEGAL IMPLICATIONS**

Nil. Governance of LGAQ elections and appointments is governed by that company's (of which Livingstone is a member) constitution.

**STAFFING IMPLICATIONS**

Nil.

**RISK ASSESSMENT**

Nil.

**CORPORATE PLAN REFERENCE*****Leading Livingstone***

*Community Plan Goal 4.2 - Collaboration and partnerships to advocate for the needs of the community*

*4.2.2 Identify opportunities for alignment between Council's interests and objectives with those of Federal and State Governments.*

**CONCLUSION**

Local Government Association of Queensland has invited nominations for the position of Policy Executive District Representative for the new electoral term.

**11.9 POLICY REVIEW: COUNCILLOR FACILITIES AND EXPENSES POLICY****File No:** GV**Attachments:** 1. **Councillor Facilities & Expense Policy (v6.1)**[↓](#)**Responsible Officer:** Cale Dendle - Chief Executive Officer**Author:** Amanda Ivers - Coordinator Executive Support

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**SUMMARY**

*The Councillor Facilities and Expenses Policy has been reviewed and is being presented to Council for consideration and adoption.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves to adopt the *Councillor Facilities and Expenses Policy* as attached (version6.1).

**BACKGROUND**

The *Councillor Facilities and Expenses Policy* was last reviewed in 2021.

**COMMENTARY**

The singular modification to the *Councillor Facilities and Expenses Policy* a to increase the vehicle milage under 5.10.2 to \$10,000/annum.

**PREVIOUS DECISIONS**

The *Councillor Facilities and Expenses Policy* was initially adopted on the 3 January 2014 and subsequently reviewed and adopted on the 11 February 2014, 31 March 2016, 14 June 2016, 18 August 2020 and 16 February 2021.

**ACCESS AND INCLUSION**

This policy ensures that Council's functions as a planner, legislator, and regulator demonstrates commitment to equitable outcomes.

**ENGAGEMENT AND CONSULTATION**

Consultation has taken place with King and Company.

**HUMAN RIGHTS IMPLICATIONS**

Section 4(b) of the *Human Rights Act 2019* requires public entities such as Council 'to act and make decisions in a way compatible with human rights'. There are no human rights implications associated with this report.

**BUDGET IMPLICATIONS**

The suggested amendments have minor impacts to Council's budget.

**LEGISLATIVE CONTEXT**

Section 250 of the *Local Government Regulation 2012* states a local government may, by resolution, amend its expenses reimbursement policy at any time.

Section 252 of the *Local Government Regulation 2012* states that:

*'A local government can not resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.'*

**LEGAL IMPLICATIONS**

Section 252 of the *Local Government Regulations 2012* states that:

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*'A local government can not resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.'*

**STAFFING IMPLICATIONS**

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

**RISK ASSESSMENT**

Having multiple policies which deal with the reimbursement of expenses and provisions of facilities could cause confusion of allowable reimbursements and provisions that will be provided to Councillors.

**CORPORATE PLAN*****Leading Livingstone***

*Community Plan Goal 4.3 - Engagement with the community as advisors and partners*

*4.3.2 Commit to open and accountable governance to ensure community confidence and trust in Council and its democratic values.*

The proposed *Councillor Facilities and Expenses Policy* has been drafted in a manner which reinforces Council's commitment to open and accountable governance.

**CONCLUSION**

The proposed *Councillor Facilities and Expenses Policy* has been drafted in a manner which reinforces Council's commitment to open and accountable governance. It has been reviewed to reflect best practice and is recommended for adoption.

## **11.9 - POLICY REVIEW: COUNCILLOR FACILITIES AND EXPENSES POLICY**

### **Councillor Facilities & Expense Policy (v6.1)**

**Meeting Date: 16 April 2024**

**Attachment No: 1**



## COUNCILLOR FACILITIES AND EXPENSES POLICY

### (STATUTORY POLICY)

#### 1. Scope

The Councillor Facilities and Expenses Policy (this 'Policy') applies to the Mayor, Deputy Mayor and Councillors of Livingstone Shire Council.

#### 2. Purpose

The payment and/or reimbursement of expenses and provision of facilities for Councillors must be consistent with the principles of good corporate governance and be only for the purpose of enabling them to perform their role as a Councillor as outlined in the *Local Government Act 2009* and the *Local Government Regulation 2012*.

This Policy does not provide for salaries or other forms of Councillor remuneration as this is determined independently by the Local Government Remuneration Commission.

#### 3. References (legislation/related documents)

##### Legislative reference

*Income Tax Assessment Act 1997*

*Local Government Act 2009*

*Local Government Regulation 2012*

Taxation Rulings issued by the Australian Taxation Office

##### Related documents

Corporate Uniform Policy

Workplace Health and Safety Policy

Councillor Complaints Investigation Policy

Code of Conduct for Councillors in Queensland

#### 4. Definitions

To assist in interpretation, the following definitions shall apply to this Policy:

Approval Officer	In the case of the Mayor, the Approval Officer is the Chief Executive Officer. In the case of all other Councillors, the Approval Officer is the Mayor.
Council	Livingstone Shire Council.
Conference	An event, including a tour, seminar, conference, workshop or meeting for professional development.
Council business	Official business conducted by a Councillor on behalf of

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	<p>Council, where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business objectives for the Council, for example attending official Council meetings, Councillor forums and workshops, committees/boards as Council's official representative, scheduled meetings relating to Councillor portfolios, or Council appointments.</p> <p>Council business should result in a benefit being achieved for Council or the Livingstone Shire local government area, for example attending civic ceremony duties such as opening a school fete.</p> <p>Council Business does not include participating in a community group event or being a representative on a board not associated with Council.</p>
Event	A conference, training activity or Council business related function or event.
Expenses	Reasonable costs incurred, or to be incurred, in connection with a Councillor discharging their duties and responsibilities as a Councillor under the <i>Local Government Act 2012</i> .
Facilities	Reasonable facilities Council deems necessary to assist Councillors in discharging their duties and responsibilities as a Councillor under the <i>Local Government Act 2012</i> .
High Risk Country	A country for which the overall advice level published by the Commonwealth Department of Foreign Affairs and Trade (DFAT) is to "reconsider your need to travel" or "do not travel".
Local region	Within the local government areas administered by the Rockhampton Regional, Isaac Regional, Central Highlands Regional, Banana Shire and Gladstone Regional Councils.
Training	A training course or further education and development activity.

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## 5. Policy Statement

This Policy is made in accordance with the following provisions of *Local Government Regulation 2012*:

### 249 What div 2 is about

- (1) This division is about the expenses reimbursement policy.
- (2) The **expenses reimbursement policy** is a policy providing for the following—
  - (a) payment of reasonable expenses incurred, or to be incurred, by councillors for discharging their duties and responsibilities as councillors;
  - (b) provision of facilities to councillors for that purpose.

### 250 Requirement to adopt expenses reimbursement policy or amendment

- (1) A local government must adopt an expenses reimbursement policy.

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(2) A local government may, by resolution, amend its expenses reimbursement policy at any time.

**251 Notification of adoption of expenses reimbursement policy**

- (1) As soon as practicable after a local government adopts or amends its expenses reimbursement policy, the local government must—
- (a) Ensure a copy of the policy may be inspected and purchased by the public at the local government's public office; and
  - (b) Publish the policy on the local government's website.
- (2) The price for purchasing a copy of the policy must be no more than the cost to the local government of making the copy available for purchase.

**252 Meetings about expenses reimbursement policy**

A local government cannot resolve under section 275 that a meeting at which a proposed expenses reimbursement policy is discussed (including its adoption or amendment, for example) be closed.

**5.1 Guidelines for Expense Reimbursement**

The general guidelines in this clause are subject to the specific provisions of the Councillor Facilities and Expenses Procedure.

- 5.1.1** Expenses may be either reimbursed to Councillors or paid direct by Council for something that is deemed a necessary cost or charge.
- 5.1.2** Reimbursement of expenses incurred will be paid through administrative processes approved by the Chief Executive Officer and as specified in the Councillor Facilities and Expenses Procedure. All claims for reimbursement must be submitted to Council on a monthly basis. Councillors cannot claim expenses more than three months after the expense is incurred.
- 5.1.3** All Councillor travel, accommodation and event registration fees shall be booked centrally by an officer designated to arrange all corporate travel for the organisation. This ensures access to the most competitive rates available.
- 5.1.4** Travel should be via the most practical and direct route using the most economical and efficient mode of transport.
- 5.1.5** Where possible, the maximum standard for accommodation should be a four-star rating however, where particular accommodation is recommended by conference organisers as part of a conference package, a higher standard of accommodation is acceptable.
- 5.1.6** Any fines incurred while travelling in Council owned vehicles or privately owned vehicles when attending to Council business will not be reimbursed by Council.
- 5.1.7** Economy class air travel is to be used where possible.
- 5.1.8** Travel transfer expenses associated with Council business travel will be reimbursed by Council e.g. trains, buses, taxis and ferries.
- 5.1.9** Council will meet the costs of meals incurred by a Councillor which are not covered by event registration fees on a reimbursement basis.
- 5.1.10** No costs associated with the purchase of alcohol will be reimbursed by Council. Hospitality expenses related to official receptions and other

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functions organised by Council are met from relevant approved budgets.

- 5.1.11 Should the Councillor choose not to attend a dinner or eat a meal provided at an official reception or function, then the full cost of the alternative meal will not be reimbursed by Council.
- 5.1.12 Council will not reimburse expenses incurred by the Councillor's spouse/partner or any other members of the Councillor's family when accompanying the Councillor on Council business unless it is a Federal Government, State Government or Council endorsed (e.g. ceremonial event) event at which the spouse/partner of the Councillor has been specifically invited.
- 5.1.13 Expenses referred to in clauses 5.3, 5.4, 5.5, 5.6 and 5.7 of this Policy shall include non-alcoholic refreshments and meals incurred whilst attending such meetings/functions/events unless these are provided directly by Council or a third party organiser or provider of the meeting/function/event.
- 5.1.14 Councillors cannot claim for participation in raffles or donations to groups as an expense under this policy, as these are regarded as private expenses.
- 5.1.15 Where a Councillor chooses not to attend an event, function or meeting where payment has been prepaid and an alternate Councillor is unable to attend in their stead, the Councillor originally registered to attend the event, function or meeting is liable to reimburse Council the costs it incurs in relation to the event, function or meeting at the discretion of Council.

## 5.2 Corporate Purchase Card

The Mayor will be provided with a Corporate Purchase Card for the purposes of discharging their duties and responsibilities as a Councillor.

The Mayor must use the corporate purchase card subject to the terms and conditions of the card and in accordance with the Corporate Purchase Card Guidelines.

The Mayor's use of the corporate purchase card:

- a) is subject to a maximum expenditure limit of three thousand dollars (\$3,000) per month; and
- b) is subject to a maximum transaction limit of one thousand dollars (\$1,000) per transaction; furthermore
- c) must comply with Council's Corporate Purchase Card Guideline, Procurement Policy and other associated policies and procedures; and
- d) must not adversely affect Council's relation with the public at large.

## 5.3 Training and Conference Attendance

### 5.3.1 Identification of Training and/or Conference Need

Councillors must maintain a current and broad knowledge of issues which affect Council and the Livingstone Shire community. Councillors should take an active interest in keeping themselves up to date with training and/or conferences that can assist them in maintaining this knowledge.

### 5.3.1 Support for Training and/or Conference Attendance

Council offers all Councillors financial support to attend Council-approved

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training and/or conferences. The nature of the financial support will be in accordance with this policy and the Councillor Facilities and Expenses Procedure.

#### 5.3.2 Withdrawal of Support

Council may, by resolution, withdraw financial support for any training and/or conferences if:

- a) the Councillor fails to attend, progress or complete training or a conference as specified in the Councillor Facilities and Expenses Procedure;
- b) in Council's opinion the Councillor's behaviour at the conference or training is unacceptable having regard to the *Local Government Act 2009* and the Code of Conduct for Councillors in Queensland;
- c) the Councillor ceases to be a Councillor of Livingstone Shire Council; or
- d) Council funding no longer enables support to be provided.

#### 5.3.3 Equity of Development Opportunities

Training and conference opportunities must be accessible on an equitable basis. Where appropriate, and reasonably practicable, training and conference activities will accommodate specific needs of individual Councillors.

### 5.4 Principle for Approving Travel Arrangements

**5.4.1** Council endeavours to provide a high quality level of service to Councillors who are travelling on behalf of Council, while ensuring that accountability of public moneys is maintained. Travel arrangements must be administered in the most cost effective and efficient manner.

**5.4.2** Council is committed to ensuring that while travelling as part of their official Council duties, Councillors are not adversely financially impacted. However all expenses incurred while travelling are to be paid or reimbursed in accordance with the Councillor Facilities and Expenses Procedure and must be substantiated, reasonable and appropriate.

**5.4.3** The Approval Officer has an obligation to ensure that all travel is necessary to the business of Council. When considering the appropriateness of a Councillor's travel request, the Approval Officer must consider:

- a) Where the Councillor is to travel, taking into consideration whether the travel is to an area that is a High Risk Country;
- b) Whether the absence of the Councillor is convenient to Council;
- c) Whether it is appropriate for Council to be funding the travel;
- d) Whether the travel is in relation to Council business and what value it adds to Council; and
- e) How to ensure that the costs of the travel are identified appropriately and managed to a level acceptable to Council.

It is the Approval Officer's responsibility to ensure that all Councillor travel arrangements are in accordance with this Policy and the Councillor Facilities and Expenses Procedure, and any other relevant Council policy, directive and/or procedure.

### 5.5 Allowable Expenses within the Council Area

Councillors are entitled to claim expenses incurred in attending to their

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role as Councillors within the Livingstone Shire Council area. Examples include:

- Attendance at Council meetings and arranged events;
- Attendance at functions and events;
- Inspections; and
- Attendance to constituents or constituent groups.

#### **5.6 Allowable Expenses within the Local Region**

Subject to this Policy and the Councillor Facilities and Expenses Procedure, Councillors are entitled to claim expenses incurred in attending regional local government associated functions and events within the local region.

#### **5.7 Allowable Expenses outside the Local Region**

- 5.7.1** Subject to this Policy and the Councillor Facilities and Expenses Procedure, Councillors are entitled to claim expenses incurred in attending to their role as Councillors outside the local region provided such attendance has been authorised by resolution of Council.
- 5.7.2** The Mayor will not be required to have the approval of Council under clause 5.7.1 above if attending functions or meetings relevant to the role of Mayor.
- 5.7.3** Where Councillors are appointed by the Council as Council's representative on a committee or association, all reasonable travel and accommodation outside the local region associated with the Councillor's fulfillment of that role is deemed as approved without the need for a further specific approval by resolution of Council.
- 5.7.4** In emergent circumstances where prior approval by resolution of Council cannot be obtained under clause 5.7.1 of this Policy, the Chief Executive Officer may approve such travel on the basis of obtaining the approval of a majority of Councillors by directly contacting Councillors. In such circumstances the Chief Executive Officer shall seek confirmation of the Councillors' approval at the next available general meeting of Council.
- 5.8 General Provision of Facilities**
- 5.8.1** As a general rule facilities required to assist Councillors in their official capacity as councillors will be provided by Council under this clause 5.8.
- 5.8.2** Council determines the reasonable standard for facilities for Councillors. If a Councillor chooses a higher standard of facility than that prescribed by Council, any difference in cost must be met by the Councillor personally.
- 5.8.3** All facilities provided to Councillors remain the property of Council and must be accounted for during annual equipment audits. The facilities must be returned to Council when the Councillor's term expires or the Councillor otherwise ceases to be a councillor of Council.
- 5.8.4** Council will cover all ongoing maintenance costs associated with fair wear and tear of Council owned equipment to ensure it is operating for optimal professional use.
- 5.8.5** Councillors must not use Council facilities for personal or political

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purposes.

#### 5.9 Administrative tools and support

- 5.9.1** The Mayor will be provided with a dedicated office in the Lagoon Place administration centre, Yeppoon.
- 5.9.2** The Council Chambers located at 4 Lagoon Place, Yeppoon is available for Councillors to meet with constituents or small constituent groups. Other rooms are available for Councillors to use which can be booked through the Councillor Support Section.
- 5.9.3** The Mayor and Councillors will be provided with the appropriate level of administrative support for Council business purposes as approved in the annual budget to undertake their respective roles and responsibilities.
- 5.9.4** Councillors are provided with a laptop computer (with internet access) and printer for Council business use.
- 5.9.5** Councillors are entitled to access photocopiers and paper shredders for Council business use at the various Council offices
- 5.9.6** Councillors are provided stationery for Council business purposes only, including, but not limited to:
- Pens and pen sets;
  - Note paper and Paper;
  - Letterhead;
  - Business cards;
  - Envelopes;
  - Laptop carry bag; and
  - 'With Compliments' slips.
- 5.9.7** Councillors will be provided with a mobile telephone by Council. Council will place the phones on a phone plan which most suits the Council business demands of the Mayor and Councillors. It is understood that from a practical point of view this phone will be available for both their Council business and reasonable private use. Unless the costs can be justified as a genuine Council business cost all call costs above the plan limit must be met by the respective Councillors as a private expense. Should Councillors decide to not accept a Council provided phone, Council will reimburse the Councillor for all Council related call costs.
- 5.9.8** Councillors will be provided access to copies of relevant legislation, books and journals considered necessary for undertaking their duties as Councillors.
- 5.9.9** Council will not reimburse or provide funds, services or facilities for the purposes of advertising for Councillors.
- 5.9.10** Councillors will be paid an allowance of \$100 per month for them to provide their own home office and associated communication requirements for Council business use. It is the responsibility of each Councillor to ensure that where a home office is established, all workplace health and safety legislative requirements are met and where required, Council's Workplace Safety Unit will provide assistance.

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- 5.9.11 Councillors will be provided with any safety equipment such as overalls, safety shoes, safety helmets or glasses, as required, in their role as Councillors. Councillors will be provided with official name badges, a blazer, and two shirts with a Council insignia, being any combination of dress shirt(s) and/or polo shirt(s), for official use.

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**5.10 Vehicles****5.10.1 Mayor**

In lieu of a Council provided vehicle, Council will pay the Mayor a private vehicle allowance of \$20,000 per annum, paid by fortnightly instalments.

**5.10.2 Councillors**

The use of Councillor's private vehicles for Council business (as defined) will be reimbursed by Council, with Councillors electing one of the following two options:

- 1) Councillors accept an annual payment of \$103,000 as reimbursement for the use of their private vehicles on Council business; or
- 2) Councillors make a monthly claim for reimbursement of the use of their private vehicles on Council business by submitting the appropriate form detailing the relevant travel based on log book details. The amount reimbursed will be based upon the published Australian Taxation Office business use of motor vehicle cents per kilometer rate applicable at the time of travel.

**5.11 Insurance****5.11.1 Introduction**

Councillors will be covered under relevant Council insurance policies while discharging civic duties.

Specifically, insurance cover will be provided for public liability, professional indemnity, workers compensation, Councillors and officers liability and personal accident.

**5.11.2 Public Liability and Professional Indemnity**

Council has included Councillors under Council's Public Liability and Professional Indemnity policy (Local Government Mutual –LGM). Any deductible payable as a consequence of a claim made pursuant to this policy will be paid by Council.

**5.11.3 Worker's Compensation**

Council has included Councillors in its Worker's Compensation coverage (Local Government Self Insurance Scheme – LGW). That provides for a level of benefits substantially the same as for an employee of Council with the exception that elected members cannot bring a common law damages action against Council under the *Worker's Compensation & Rehabilitation Act 2003*.

This Workers Compensation covers Councillors while they are engaged in official Council business.

This business would include, but is not limited to such activities as attending a Council meeting or workshop, representing Council at an official function, or attending activities at another Council or location that is relevant to their elected position.

**5.11.4 Councillors and Officers Liability**

Council has effected separate Councillors and Officers Liability Insurance on behalf of Councillors. If Councillors wish to take the benefit of this insurance, Councillors must:

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- in the event that a claim is made, first notify the Chief Executive Officer (or his/her delegate) of the existence and circumstances of the claim; and
- thereafter allow management of the claim (e.g. engagement of lawyers etc) to be handled by Council's Claims Managers – Jardine Lloyd Thompson Ltd and/or the insurer.

Any deductible payable as a consequence of a claim made pursuant to this policy:

- will be paid by Council, so long as the Councillor complies with the requirements above; or
- otherwise, must be paid by the Councillor.

#### 6. Breaches of Policy

A breach of Council's policies or procedures, including this Policy, by a Councillor is 'inappropriate conduct' as defined in the *Local Government Act 2009*, which will be dealt with in accordance with that Act.

#### 7. Changes to this Policy

This Policy is to remain in force until otherwise amended/replaced by resolution of the Council.

#### 8. Repeals/Amendments

This Policy repeals the Livingstone Shire Council Policy titled 'Councillor Facilities and Expenses Policy (v5)'.

Version	Date	Action
1	03/01/2014	Adopted
2	11/02/2014	Amended Policy Adopted
3	31/03/2016	Amended Policy Adopted
4	14/06/2016	Amended Policy Adopted
4.1	27/08/2018	Administrative Amendments – reflect organisational restructure
5	18/08/2020	Amended Policy Adopted - Policy reviewed and amended by King and Company, Councillor Training and Conference Policy and Councillor travel has been incorporated into this policy
6	21/09/2021	Amended Policy Adopted - amendment to section 5.9.11

**CALE DENDLE**  
**CHIEF EXECUTIVE OFFICER**

Councillor Facilities & Expenses Policy

Adopted/Approved: Adopted, 21 September 2021 16 April 2024

Portfolio: Office of the CEO

Version: 6.0

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**11.10 POLICY REVIEW: COUNCILLOR PORTFOLIO POLICY AND APPOINTMENTS**

**File No:** GV  
**Attachments:** 1. Councillor Portfolio Policy (v6.1)[↓](#)  
**Responsible Officer:** Cale Dendle - Chief Executive Officer  
**Author:** Amanda Ivers - Coordinator Executive Support

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**SUMMARY**

*This report is to present the Councillor Portfolio Policy and proposed portfolio appointments for consideration by Councillors for adoption.*

**OFFICER'S RECOMMENDATION**

THAT Council adopts the Councillor Portfolio Policy as attached (version 6.1).

**BACKGROUND**

On 19 May 2020, Council resolved to endorse the Councillor Portfolio Policy with the assignment of appropriate portfolios to respective Councillors. Following recent review with the newly elected Councillors for 2024-2028 term, the attachment of allocations has been removed, with the policy remaining otherwise unchanged.

**COMMENTARY**

In consultation with the Mayor and Councillors, the attached Councillor Portfolio Policy has been drafted for consideration for adoption. The Policy provides for the purpose and objectives of the portfolio framework and the expectations and responsibilities of Councillors.

**PREVIOUS DECISIONS**

On 19 May 2020, Council resolved to adopt the Councillor Portfolio Policy.

**ACCESS AND INCLUSION**

There are no identified access and inclusion implications.

**ENGAGEMENT AND CONSULTATION**

There are no identified engagement and consultation implications.

**HUMAN RIGHTS IMPLICATIONS**

There are no identified human rights implications.

**BUDGET IMPLICATIONS**

There are no budget implications with the decision.

**LEGISLATIVE CONTEXT**

*Local Government Act 2009*

**LEGAL IMPLICATIONS**

There are no legal implications.

**STAFFING IMPLICATIONS**

There are no staffing implications.

**RISK ASSESSMENT**

There are no risk implications.

**CORPORATE/OPERATIONAL PLAN****Leading Livingstone**

*Community Plan Goal 4.1 – Innovative and accountable to achieve a shared future*

*4.1.4 Provide Leadership and contemporary management systems which drive a co-ordinated and connected organisation.*

**CONCLUSION**

This report is to present the Councillor Portfolio Policy for consideration by Councillors for adoption.

# **11.10 - POLICY REVIEW: COUNCILLOR PORTFOLIO POLICY AND APPOINTMENTS**

## **Councillor Portfolio Policy (v6.1)**

**Meeting Date: 16 April 2024**

**Attachment No: 1**



## COUNCILLOR PORTFOLIO POLICY (COMMUNITY POLICY)

### 1. Scope

The Councillor Portfolio Policy (this 'Policy') applies to Portfolio Councillors and Council employees who have a responsibility in ensuring that the Portfolio Councillor is kept informed on key matters relating to their area of portfolio responsibility.

### 2. Purpose

The purpose of this Policy is to clarify expectations and set clear directions for the role of Portfolio Councillors, including:

- defining the relationship between the Portfolio Councillor and the staff within the portfolio area;
- their involvement in guiding and suggesting policy; and
- their role in representing Council on issues which fall within the portfolio.

### 3. References (legislation/related documents)

#### Legislative reference

*Local Government Act 2009*

#### Related documents

Councillor Code of Conduct

Councillor Interaction with the Organisation Policy

Media Policy

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

Portfolio	The primary area of responsibility for a Councillor, providing a strategic focus to achieve organisational and community objectives.
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### 5. Policy Statement

The main role of Portfolio Councillor is to be a spokesperson within the Council Chamber advising on topical issues for their allocated portfolio and not to be involved in the day to day operations of the portfolio.

The portfolio to be assigned to a respective Councillor is determined by resolution of Council. Changes to Councillor Portfolios can occur at any time by means of a Council resolution.

#### Councillor Portfolio Policy

Adopted/Approved: Adopted, 16 April 2024  
Version: 6.1

Portfolio: Office of the CEO  
Business Unit: Executive Support



### 5.1 Objectives

- Council will be better informed by the portfolio holder who will have a more intimate understanding of the portfolio's activities and issues than Councillors generally.
- The Portfolio Councillor will be able to speak with knowledge about their portfolio.
- To maximise the use of Councillors' time whilst ensuring Council has at its disposal all relevant information for making decisions.
- The Portfolio Councillor will be better able to represent and understand the topical or pending issues of the portfolio area.
- By the Portfolio Councillors providing strategic objectives and ambitions of Council regarding issues, it will assist the Officers in understanding the preferences and direction.
- The community can identify which Councillor to approach according to portfolio issues.

### 5.2 Portfolio Briefings

- Portfolio Councillors and the relevant Executive Director / Chief Officer will arrange for regular briefings to be provided to the Councillor. These briefings should be strategic in nature and dictated by the demands of the portfolio but should be at a minimum of every two (2) months.
- Proposals and initiatives should be discussed between the Portfolio Councillor and the Executive Director / Chief Officer to assist the development of reports for the information of Councillors at a Briefing Session or consideration of a decision by Council at a formal Council meeting. The preparation and content of the report will remain the responsibility of the Executive Director / Chief Officer.
- Any issues or problems relating to a portfolio should be discussed with the relevant Executive Director / Chief Officer in the first instance. Where the issue or problem cannot be resolved, the matter is to be escalated to the Chief Executive Officer and the Mayor.

### 5.3 Portfolio Councillor Responsibilities

In addition to their responsibilities as a Councillor under the *Local Government Act 2009*, Portfolio Councillors should:

- 1) Take a particular interest in their portfolio subject and familiarise themselves with media articles and publications about the subject matter;
- 2) Represent the Council when required in relation to portfolio related matters;
- 3) Participate as Council's representative on external bodies as resolved by Council on issues relevant to the portfolio;
- 4) Communicate with Council's administration through the Executive Directors /Chief Officers; and
- 5) Be a key point of contact and engage with industry and community groups and associations on their portfolio matters.

The Council may periodically request the elected members to undertake both a self-assessment and a peer review of their performance in the context of their portfolio and community expectations.

Councillor Portfolio Policy

Adopted/Approved: Adopted, 15 August 2023  
Version: 6.0

Portfolio: Office of the CEO  
Business Unit: Executive Support

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**6. Changes to this Policy**

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

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

**7. Repeals/Amendments**

This Policy repeals the Livingstone Shire Council Policy titled 'Councillor Portfolio Policy (v6.10)'.

<b>Version</b>	<b>Date</b>	<b>Action</b>
1.0	19/05/2020	Policy adopted
2.0	20/04/2021	Amended Policy Adopted - Attachment 1 updated
3.0	15/02/2022	Amended Policy Adopted – Attachment 1 updated
4.0	19/04/2022	Amended Policy Adopted – Attachment 1 updated
4.1	20/09/2022	Administratively updated – Attachment 1 updated as per Council resolution 11.16
5.0	15/11/2022	Amended Policy Adopted – Attachment 1 updated
6.0	15/08/2023	Amended Policy Adopted – Attachment 1 updated

**CALE DENDLE  
CHIEF EXECUTIVE OFFICER**

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**Councillor Portfolio Policy**

**Adopted/Approved:** Adopted, 15 August 2023  
**Version:** 6.0

**Portfolio:** Office of the CEO  
**Business Unit:** Executive Support

## **12    AUDIT, RISK AND IMPROVEMENT COMMITTEE REPORTS**

Nil

## **13 URGENT BUSINESS/QUESTIONS**

*Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting*

**14    CLOSED SESSION**

In accordance with the provisions of section 254J of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

**RECOMMENDATION**

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J of the *Local Government Regulation 2012*, for the reasons indicated.

**15.1 Native Title Proceedings - Barada Kabalbara and Yetimarala People #1 and #2**

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

**15.2 Proposed Sale of 15 Golding Street, Yeppoon**

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

**15.3 Emu Park West Stage 1 to 3 Residential Development Update and Offers to Purchase**

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

**15.4 Legal Proceedings - Lot 5 on O7501**

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

**15.5 Yeppoon Lagoon - Defects report and rectification plan**

This report is considered confidential in accordance with section 254J(3)(e) (g), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government; AND negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

**15.6 Proposed Sale of Portion of Land on Morris Street Yeppoon**

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

**15.7 Request for Council Views - Proposed Dealing - Conversion of Two Lots of Unallocated State Land to Freehold - Cawarral**

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

## 15 CONFIDENTIAL REPORTS

### 15.1 NATIVE TITLE PROCEEDINGS - BARADA KABALBARA AND YETIMARALA PEOPLE #1 AND #2

**File No:** fA39410

**Attachments:**

1. Final Marrawah Law Report
2. Mapbook - BKY#1
3. Mapbook - BKY#2

**Responsible Officer:** Sonia Tomkinson - Manager Economy and Places  
Chris Ireland - General Manager Communities

**Author:** Christine Macdonald - Principal Property Officer  
Alison Morris - Property Officer

**Previous Items:** Native Title Proceedings - Barada Kabalbara and Yetimarala People # 1 and # 2 - Briefing Session - 10 Apr 2024 9:00 AM

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

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#### SUMMARY

*This report pertains to Native Title Claims, QUD 13/2019 and QUD 15/2019, by the Barada Kabalbara and Yetimarala People over an area within Livingstone Shire Council local government area.*

**15.2 PROPOSED SALE OF 15 GOLDING STREET, YEPPON****File No:** fA17970**Attachments:**

1. Aerial Image
2. Golding Street Information Sheet
3. Offer to Purchase - 15 Golding Street
4. IPN Valuers - 15 Golding Street
5. Amended Offer to Purchase - 15 Golding Street

**Responsible Officer:** Sonia Tomkinson - Manager Economy and Places  
Chris Ireland - General Manager Communities**Author:** Christine Macdonald - Principal Property Officer  
Alison Morris - Property Officer**Previous Items:** 8.5 - Sale of Land on Golding Street, Yeppoon - Briefing Session - 06 Sep 2022 9.00am  
7.15 - Sale of Land on Golding Street, Yeppoon - Briefing Session - 07 Mar 2023 9.00am  
15.1 - Proposed Sale of Land on Golding Street, Yeppoon - Ordinary Council - 21 Mar 2023 9.00am  
0.0 - Sale of 15 Golding Street, Yeppoon - Briefing Session - 10 Apr 2024 9:00 AM

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

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**SUMMARY**

*This report pertains to the proposed sale of Council owned land at 15 Golding Street, Yeppoon.*



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**15.3 EMU PARK WEST STAGE 1 TO 3 RESIDENTIAL DEVELOPMENT UPDATE AND OFFERS TO PURCHASE****File No:** ED8.05.05-027

**Attachments:**

1. Lots 1-3 Fountain Street on SP329758
2. Lot 1, 134 Fountain Street - Buyers Signed Contract
3. Lot 2, 126-128 Fountain Street - Buyers Signed Contract
4. Lot 3, 122-124 Fountain Street - Buyers Signed Contract
5. Stage 1 Acumentis Valuation Report 19 July 2023
6. Valuer Response to Lot 1 Offer Received
7. Stage 2 Reconfiguration of Lot Plan
8. Stage 2 First Offer to Purchase
9. Stage 2 Valuation March 2024
10. Stage 2 Second Offer to Purchase
11. Emu Park West Stage 2 development options

**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Sonia Tomkinson - Manager Economy and Places

**Previous Items:** 15.1 - Emu Park West Residential Subdivision - Ordinary Council - 25 Oct 2022 9.00am  
15.2 - Emu Park West Residential Development Options - Ordinary Council - 19 Apr 2022 9.00am

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

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**SUMMARY**

This report provides an update on Emu Park West Stages 1 to 3 Residential Development Project and the current offers to purchase lots in Stages 1 and 2.

**15.4 LEGAL PROCEEDINGS - LOT 5 ON O7501****File No:** qA1326

**Attachments:**

1. Locality Plan
2. Belar Street Photos
3. Magistrates Court Order
4. District Court Appeal
5. Supreme Court Order
6. High Court Order
7. Briefing Session Report - 1 April 2019

**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Greg Abbotts - Manager Development and Environment  
Nat Druery - Coordinator Public Environments

This report is considered confidential in accordance with section 254J(3)(e), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government.

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**SUMMARY**

*This report is seeking a resolution of a long running legal (compliance) matter.*

**15.5 YEPOON LAGOON - DEFECTS REPORT AND RECTIFICATION PLAN****File No:** 21-114**Attachments:** Nil**Responsible Officer:** Chris Ireland - General Manager Communities**Author:** Sharon Sommerville - Acting Manager Parks and Facilities

This report is considered confidential in accordance with section 254J(3)(e) (g), of the *Local Government Regulation 2012*, as it contains information relating to legal advice obtained by the local government or legal proceedings involving the local government including, for example, legal proceedings that may be taken by or against the local government; AND negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interest of the local government.

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**SUMMARY**

*Officers reporting on identified defects at Yeppoon Lagoon and proposed rectification options.*

**15.6 PROPOSED SALE OF PORTION OF LAND ON MORRIS STREET YEPPON****File No:** fA39980

**Attachments:**

1. Area of Interest
2. State Vegetation Mapping
3. Nesting Curlews
4. Five Mature Trees
5. Fig Tree Creek Master Plan
6. Email correspondence between Council and JLT Risk Solutions Pty Ltd
7. Completed tree works
8. Valuation Report
9. Written offer

**Responsible Officer:** Sonia Tomkinson - Manager Economy and Places  
Chris Ireland - General Manager Communities

**Author:** Christine Macdonald - Principal Property Officer

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

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**SUMMARY**

*This report pertains to a request to purchase a portion of Council owned freehold land described as Lot 2 on SP296918 by an adjoining landowner.*

**15.7 REQUEST FOR COUNCIL VIEWS - PROPOSED DEALING - CONVERSION OF TWO LOTS OF UNALLOCATED STATE LAND TO FREEHOLD - CAWARRAL****File No:** qA24797**Attachments:**

1. Correspondence from Department of Resources
2. Aerial Images
3. Environmental Mapping

**Responsible Officer:** Sonia Tomkinson - Manager Economy and Places  
Chris Ireland - General Manager Communities**Author:** Christine Macdonald - Principal Property Officer  
Alison Morris - Property Officer  
Sonia Tomkinson - Manager Economy and Places

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

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**SUMMARY**

*The report pertains to a request from the Department of Resources seeking Council's views or comments in relation to the conversion of two parcels of Unallocated State Land located in Cawarral to freehold tenure.*

## **16 CLOSURE OF MEETING**