



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING AGENDA

**TO BE HELD AT THE COUNCIL CHAMBERS - CIVIC CENTRE
101 GOONDOON STREET, GLADSTONE**

On 4 June 2019

Commencing at 9.00am

**Leisa Dowling
CHIEF EXECUTIVE OFFICER**

Table of Contents

ITEM	PAGE
G/1. MAYORAL STATEMENT OF CURRENT ISSUES.....	3
G/2. CONFIRMATION OF MINUTES	4
G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 21 MAY 2019	4
G/3. OFFICERS' REPORTS.....	5
G/3.1. OFFICE OF THE CEO	5
G/3.2. STRATEGY AND TRANSFORMATION.....	6
G/3.3. STRATEGIC ASSET PERFORMANCE	7
G/3.4. OPERATIONS	8
G/3.5. COMMUNITY DEVELOPMENT AND EVENTS.....	9
G/3.6. CUSTOMER EXPERIENCE.....	10
G/3.6.1. DEVELOPMENT APPLICATION 57/2017 REQUEST FOR NEGOTIATED NOTICE OF DECISION FOR A RECONFIGURATION OF A LOT (1 INTO 2 LOTS) AT LOT 214 ROUND HILL ROAD, AGNES WATER QLD 4677	10
G/3.6.2. REQUEST TO APPLY INFRASTRUCTURE CHARGES ECONOMIC DEVELOPMENT INCENTIVE SCHEME TO DEVELOPMENT APPROVAL 32/2017 FOR NATURE BASED TOURISM AT 2546 ROUND HILL ROAD, ROUND HILL QLD 4677.....	20
G/3.7. PEOPLE CULTURE AND SAFETY.....	25
G/3.8. FINANCE GOVERNANCE AND RISK	26
G/4. DEPUTATIONS	27
G/5. COUNCILLORS REPORT	28
G/6. URGENT BUSINESS.....	30
G/7. NOTICE OF MOTION	31
G/7.1. NOTICE OF MOTION	31
G/8. CONFIDENTIAL ITEMS	34
G/8.1. LIFEGUARD SERVICES SOLE SUPPLIER.....	34

G/1. MAYORAL STATEMENT OF CURRENT ISSUES

Nil.

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 21 MAY 2019

Responsible Officer: Chief Executive Officer

Council Meeting Date: 4 June 2019

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 21 May 2019.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 21 May 2019 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 21 May 2019.

Tabled Items:

Nil.

Report Prepared by: Executive Secretary

G/3. OFFICERS' REPORTS

G/3.1. OFFICE OF THE CEO

Nil.

G/3.2. STRATEGY AND TRANSFORMATION

Nil.

G/3.3. STRATEGIC ASSET PERFORMANCE

Nil.

G/3.4. OPERATIONS

Nil.

G/3.5. COMMUNITY DEVELOPMENT AND EVENTS

Nil.

G/3.6. CUSTOMER EXPERIENCE

G/3.6.1. DEVELOPMENT APPLICATION 57/2017 REQUEST FOR NEGOTIATED NOTICE OF DECISION FOR A RECONFIGURATION OF A LOT (1 INTO 2 LOTS) AT LOT 214 ROUND HILL ROAD, AGNES WATER QLD 4677

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 4 June 2019

File Ref: DA/57/2017, DB1.1

Development Application:

Application Number: DA/57/2017
Applicant: Captain Cook Holdings Pty Ltd C/- Zone Planning Group Pty Ltd
Owner: Captain Cook Holdings Pty Ltd (under contract to Stockwell Development Group)
Appeal Period Suspended: 12 January 2018
Representations Initially Lodged: 9 February 2018
Location: Lot 214 Round Hill Road, Agnes Water QLD 4677
RPD: Lot 214 on SP 262272
Area: 30.686 hectares
Current Use Of Land: Vacant
Zoning: Emerging Communities
Proposal: Reconfiguration of a Lot (1 into 2 lots)
Submissions Close Date: N/A
Number Of Submissions: N/A

Purpose:

The purpose of this report is to consider the Change Representations against the approved conditions of a Development Approval for a Reconfiguration of a Lot (1 into 2 lots) over land at Lot 214 Round Hill Road, Agnes Water.

Executive Summary:

Council approved a Development Permit for a Reconfiguration of a Lot (1 into 2 lots) on land at Lot 214 Round Hill Road, Agnes Water at Council's General Meeting on 19 December 2017. The reconfiguration is of a large 30 hectare Emerging Community lot which is geographically separated into two part lots. A District Shopping Centre (DA/18/2017) and a Service Station (DA/17/2017) have been approved over Proposed Lot 1 but are currently also under negotiated assessment.

Upon receipt of the Development Permit dated 19 December 2017, the Applicant suspended the Appeal Period on 12 January 2018 and lodged representations on 9 February with respect to two conditions. These relate primarily to the dedication of a 40m wide strip of land along the entire western boundary of the subject site for the Agnes Water Second Arterial Route.

Further meetings were held on 28 March 2018 and 6 February 2019 in regard to redesigning the site and subsequently revising the representations. To allow additional time to revise site plans and technical reports, the Decision Making Period for the Negotiated Assessment was extended on 11 May 2018, 16 July 2018, 7 August 2018, 5 November 2018, 30 November 2018, and 2 April 2019.

Amended representations were submitted on 1 April 2019. Following assessment of the Applicants request against the provisions of the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 1* (the Planning Scheme), the *Interim Local Government Infrastructure Plan* (the Interim LGIP) and the *Sustainable Planning Act 2009* (the Act), it is recommended that the Applicants request be refused.

Subject Site:

The subject site is located at Round Hill Road, Agnes Water, more formally described as Lot 214 SP 262272. The site is comprised of two parcels separated by Lot 2 SP 257657. The site is located on the south-western edge of current urban development in the Agnes Water locality. While to the south, a large band of lots have been developed as Rural Residential lots. The total area of the subject site is 30.686 hectares. An aerial view of the subject site is illustrated in Figure One.



Figure One: Subject Site and Surrounding Area

As shown in Figure Two, the site is zoned Emerging Communities and is adjoined by land that is zoned as Emerging Communities, Community Facilities, Rural Residential and Low Density Residential.



Figure Two: Zoning of Subject Site Background:

Agnes Water Second Arterial Route

In 2015, Gladstone Regional Council commissioned a report by GHD Pty Ltd, titled "Agnes Water Second Arterial Route Feasibility Design Report". The purpose of the report was to investigate options to provide a road link between Round Hill Road and Captain Cook Drive. The preferred option is illustrated below in Figure three.

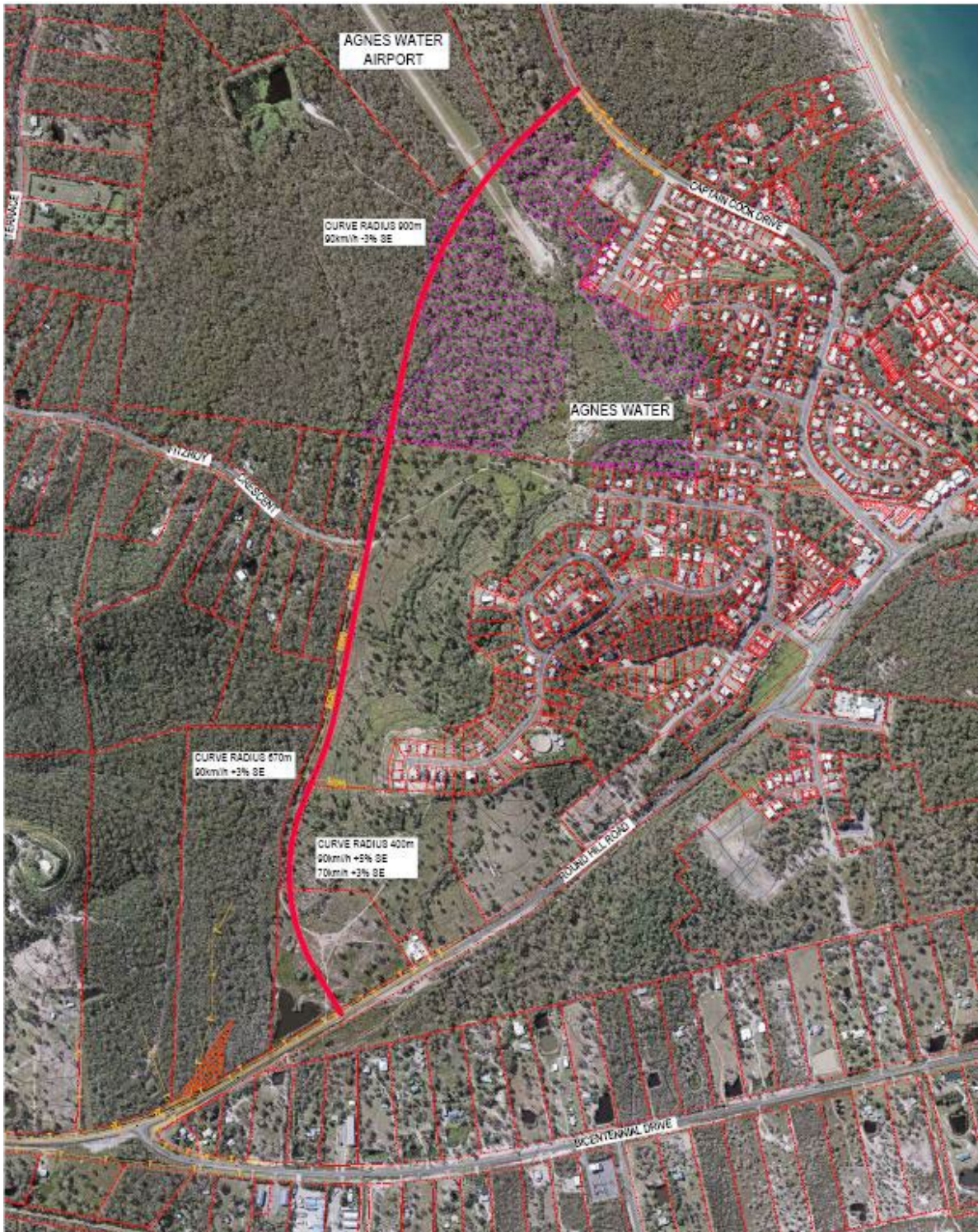


Figure Three: Proposed Agnes Water Second Arterial Route Alignment

Council has discussed the preferred alignment of the Agnes Water Second Arterial Route and the need to accommodate the future road corridor and preferred alignment within the development footprint with the Applicant prior to lodgement and at the Information Request stage.

The Agnes Water Second Arterial Route is identified in Table SC3.2.3 - Transport Network of Part 4 Interim LGIP of the Planning Scheme. Table SC3.2.3 Transport network has described the Agnes Water Second Arterial Route as the "Seventeen Seventy Link Road (Round Hill Road - Captain Cook Drive). It is planned to be required post 2031 for an estimated establishment cost of \$7,360,000.

Current and Previous Approvals and Applications

The following Development Applications are also under negotiated assessment on Proposed Lot 1:

- DA/17/2017 Material Change of Use (Service Station under the superseded *Planning Scheme for Miriam Vale Shire 2009*); and
- DA/18/2017 Material Change of Use (District Shopping Centre comprising Catering Premises, Commercial Premises, Shops, Showroom, Medical Centre, Veterinary Facility, Child Care Centre and Indoor Recreation under the superseded *Planning Scheme for Miriam Vale Shire 2009*).

The Development Application for a Preliminary Approval s242 for the proposed Agnes Water Residential Precinct Zone Code and a Development Permit for a Reconfiguration of a Lot (1 into 2 lots) on land at Lot 214 Round Hill Road, Agnes Water, was received by Council on 30 June 2017.

As part of the common material, the Applicant did not provide an adequate needs assessment demonstrating that there was an overwhelming community and economic need for the proposal. As such, Council issued an Information Request on 17 June 2017 requesting that the Applicant demonstrate the current and future level of community need for a new residential subdivision using the population projections within the Local Government Infrastructure Plan. The Applicant was to demonstrate the number of lots required compounding from 2016 to 2031 as estimated by the Planning Scheme.

The Applicant did not provide the above requested information. Subsequently, a Further Advice to the original Information Request was issued on 11 October 2017 which again requested that the Applicant provide evidence that there is a community need to create additional low density residential lots within the Emerging Community Zone.

Based on a review of the properly made submissions and Council's further advice, the Applicant withdrew the Preliminary Approval component of this development application on 7 December 2017.

Subsequently, the subject application for a Reconfiguration of a Lot (One Lot into Two Lots) was approved by Council at its 19 December 2017 General Meeting subject to conditions. Upon receipt of the Development Permit, the Applicant suspended the Appeal Period on 12 January 2018 and lodged representations on 9 February 2018 with respect to two conditions. These relate primarily to the dedication of a 40m wide strip of land along the entire western boundary of the subject site for the Agnes Water Second Arterial Route.

Further meetings were held on 17 January 2018, 28 March 2018, 11 July 2018, 11 December 2018, 6 February 2019, and 14 March 2019 in regard to redesigning the site and subsequently revising the representations. To allow additional time to revise site plans and technical reports, the Decision Making Period for the Negotiated Assessment was extended on 11 May 2018, 16 July 2018, 7 August 2018, 5 November 2018, 30 November 2018, 2 April 2019, and 2 May 2019.

During the Negotiated Decision Making Period, Stockwell Development Group entered a contract with Captain Cook Holdings Pty Ltd to purchase the site. Captain Cook Holdings Pty Ltd authorised Stockwell Development Group to act on its behalf in regard to DA/17/2017, DA/18/2107 and DA/57/2017 on 28 November 2018.

Revised representations were submitted on 1 April 2019.

Following assessment of the Applicants request against the provisions of the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 1* (the Planning Scheme), the *Interim Local Government Infrastructure Plan* (the Interim LGIP) and the *Sustainable Planning Act 2009* (the Act), it is recommended that the Applicants request be refused and the original decision notice conditions remain.

Current Approval:

The Applicant holds a Development Approval for Reconfiguration of a Lot (One lot into two lots). The approved lots will comprise the following characteristics as illustrated in Table One and Figure Four below:

Table One: Post-development Lot Characteristics

Lot	Lot Area	Access To:
1	6.416 hectares	Round Hill Road and proposed Agnes Water Second Arterial
2	24.27 hectares	Sunlover Avenue, Fitzroy Crescent and proposed Agnes Water Second Arterial Route

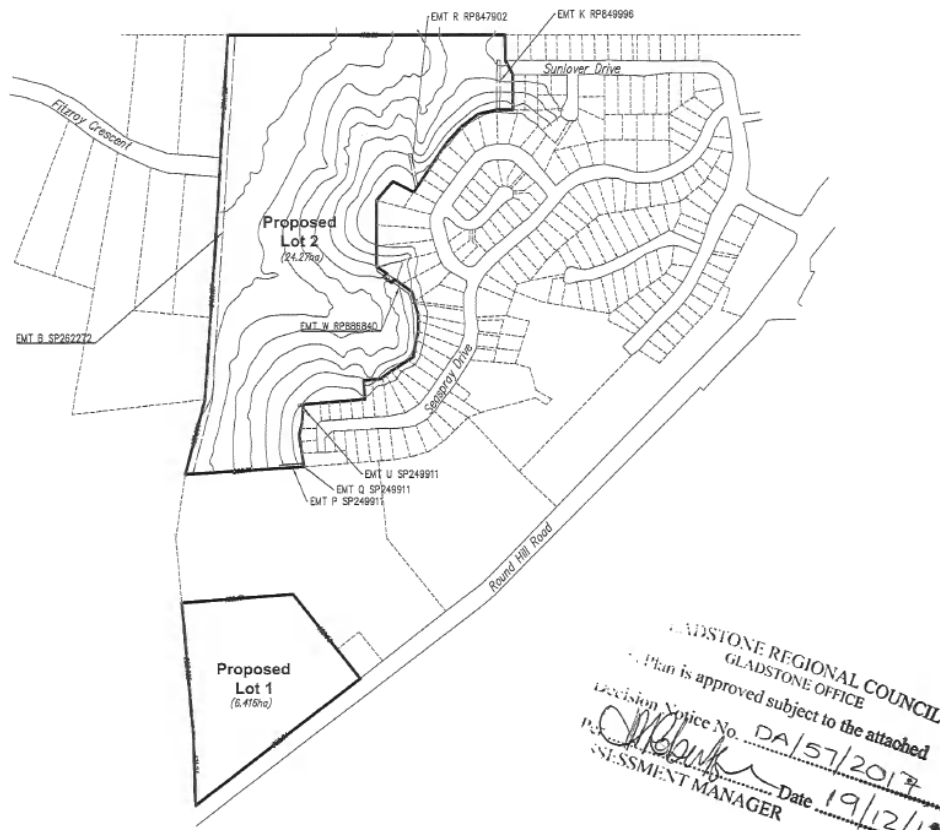


Figure Four: Approved Reconfiguration Plan

Adopted Infrastructure Charges Notice Calculation:

As per the Gladstone Regional Council Adopted Infrastructure Charges Resolution (No.1) 2015 Amendment No. 2, an Adopted Infrastructure Charges Notice was issued on 20 December 2017 in accordance with the Act for \$28,311.20.

Public Notification and Submissions:

As the application triggered Impact Assessment, Public Notification was required for 30 business days and was undertaken between 18 September 2017 and 31 October 2017. Upon completion of the notification period, thirteen (13) Properly Made and four (4) Not Properly Made Submissions were received. Of these submissions only one submission was generally in support of the proposal but raised concerns in relation to ongoing access to properties located along Fitzroy Crescent.

Assessment:

The Applicant made representations against Conditions 1a and 2 of the current Development Permit which has been addressed below. Please note that the original condition is in **bold**, the Applicants representations are in *italics* and the Planning Officer's comments are in normal type.

Condition 1a

Prior to the lodgment of a request for Survey Plan Endorsement, an amended Plan of Subdivision is to be provided to Council for approval. The Plan of Subdivision is to include a 40 metre wide strip of land along the entire Western boundary of the site for the purpose of the Agnes Water Second Arterial Route.

Original Applicant's Comment (9 February 2018)

Condition 1(a) in its current form is considered to be an unreasonable burden on the development and is inconsistent with the requirements for a 'reasonable and relevant' condition under section 345 of the Act, as confirmed in the legal advice provided by Wilson Ryan Groce. An excerpt from this document is shown below:

'As all the client's consultants are of the unanimous view that the Development Conditions are not required because of the development, do not address the impacts of the development, are not required to address road safety and fall short of providing community infrastructure not currently planned for it is believed it will be difficult for Council to justify the imposition of such Development Conditions.

We are instructed that Council officers have identified Sections 315 and 317 of the Sustainable Planning Act as the basis for imposing the current Development Conditions.

We are also instructed that the Interim LGIP identifies a proposed arterial route adjacent to but not located on the current development site. Ordinarily, development conditions which require the construction of trunk infrastructure enable the developer to obtain infrastructure off-sets for the work undertaken. The adoption of an infrastructure charges resolution is the statutory mechanism by which local Government levies monetary contributions from developers. However, when an LGIP includes the subject works on adjacent lands as the basis for collection of infrastructure levies across the whole of the local Government area and another developer is required to carry out those works, the overall outcome is commonly referred to in the development industry as "double dipping".

It is noted that if Council were to give weight to the current infrastructure provisions under the Planning Scheme, which fall under the interim LGIP, the imposition of conditions of approval on the subject development would be inconsistent with the policy position adopted in the interim LGIP.

In reviewing the interim LGIP, it is noted that Schedule 3.2 contains a schedule of works in which Table SC3.2.3 details planned upgrades to the Transport Network. Table SC3.2.3 refers to drawings R-AGW-001 and R-AGW-002 relating to the Agnes Water Second Arterial Route (see Figure Five below). As illustrated in the figure below, the route for the future arterial route is partly located on the proposed development site (proposed Lot 2 only).

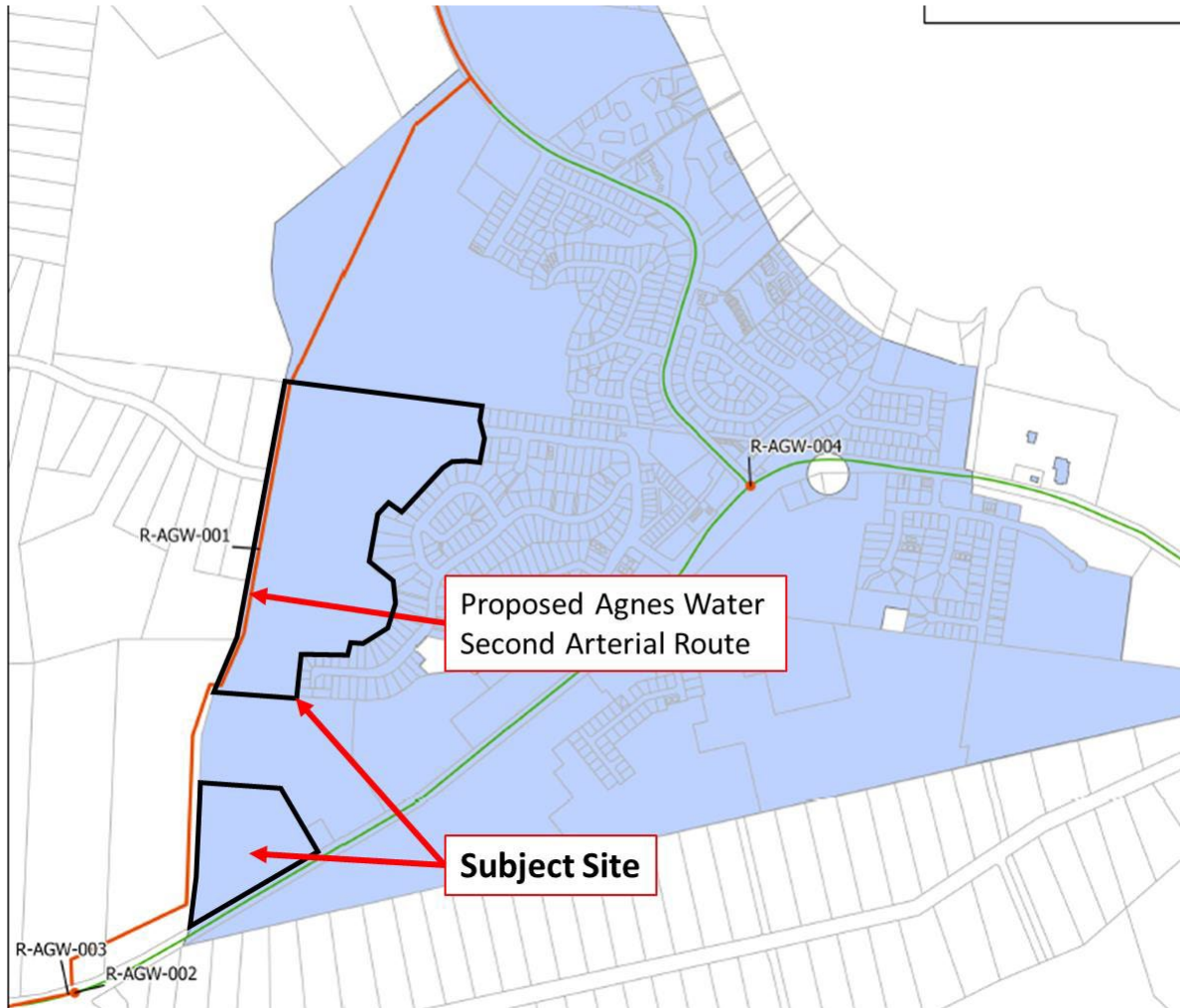


Figure Five: Extract from Map 19 – PFTI – Transport Illustrating Planned Route for Agnes Water Second Arterial Route (interim LGIP)

As outlined in the letter prepared by Pinnacle Engineering Group, the Interim LGIP identifies the proposed Agnes Water Second Arterial Route as a 'collector street'. In accordance with Council's Policy No. P-2014/31 – Road Hierarchy a 'collector street' is required to have a 25m wide road reserve. Therefore, Council's requirement for a 40m wide road reserve along the entire western boundary of the subject site is inconsistent with their adopted infrastructure planning policy.

Additionally, it is noted that the route for the second arterial does not cross the southern portion of the subject site (proposed Lot 1), instead it is contained within the adjoining Council owned, land to the west (described as Lot 8 on RP616792).

Therefore, it is requested that Condition 1(a) be deleted.

Revised Applicant's Comment (1 April 2019)

Similar to the further representations made in regard to DA/17/2017 and DA/18/2017, the Applicant's position has not changed with respect to the above representations and the applicant will seek to enter into an Infrastructure Agreement with Council for a development offset for trunk infrastructure for the land required to be dedicated.

Council Officer's Response:

Upon review of the Applicants representations made on 9 February 2018 and 1 April 2019, including legal advice from Wilson Ryan and Grose Lawyers, it is recommended that Condition 1a be maintained in its entirety on the following grounds:

1. Alignment with the Strategic Framework – Theme 3.5 Connecting Our Places

The Development Application was lodged under the Gladstone Regional Council Planning Scheme 2015 Version 1 (the Planning Scheme) and triggered Impact Assessment including assessment against the Strategic Framework. Strategic Outcome (2) of the theme 3.5 *Connecting our places* requires that the development should achieve *the efficient use of existing transport and community infrastructure and the timely and equitable delivery of new infrastructure*. Likewise, Strategic Outcome 8 requires that *the Gladstone airport and major road transport corridors such as the Bruce and Dawson highways and other State controlled roads and arterial routes are protected from inappropriate development that undermines their efficient and safe operation*.

The Reconfiguration of a Lot (1 into 2 lots) must not compromise the existing road network or the proposed Agnes Water Second Arterial Route. With that in mind, conditions such as Condition 1a were imposed to ensure the public and active transport road networks (via road reserves) are created and located to provide the safest and most efficient outcomes. As a result of further investigation into the alignment of the Future Agnes Water Second Arterial Route, concerns regarding sight distances and intersection spacing have been raised in regard to the alignment proposed by the Interim Local Government Infrastructure Plan (Interim LGIP). Topographical restrictions along that alignment also may result in far increased construction costs, which has also contributed to the consideration of the alignment.

It is also noted that the Agnes Water Second Arterial Route is designated as a 'sub-arterial' road within the Local Government Infrastructure Plan (current LGIP). This class of road requires a minimum 40m road reserve width as per Council's Road Hierarchy Policy.

2. Authority to impose conditions given under sections 315, 317, 646 to 648 of the Sustainable Planning Act 2009

Section 317 of the *Sustainable Planning Act 2009 (SPA)* states that an Assessment Manager may give weight to any infrastructure provisions or planning scheme policy during the assessment of an application under a superseded planning scheme if it came into effect after the application was made but before the decision stage is started. Or, if the decision stage was stopped, before the day the decision stage is re-started.

The Local Government Infrastructure Plan (current LGIP) which includes the preferred alignment which passes through proposed Lot 1 commenced on 6 March 2018. The original application was considered Properly Made on 4 July 2017 and a Decision Notice was issued on 18 December 2017. However, the Applicant suspended the Appeal Period on 12 January 2018 to make representations. The Applicant requested extensions to the Decision Making Period on several occasions and did not lodge final representations until 1 April 2019. Subsequently, it could be considered, the current LGIP is now able to be assessed as part of the assessment of the representations given the time elapsed.

Attention is also drawn to sections 646 to 648 of SPA which concern the imposition of necessary infrastructure conditions for LGIP-identified infrastructure and deemed compliance with necessary or reasonable requirements of conditions (located within Chapter 8, Part 2). In particular, section 648 states that a necessary infrastructure condition may be imposed for infrastructure even if it will service premises other than the subject premises.

Subsequently, it is considered that Condition 1a is a reasonable and relevant condition and that the later LGIP is also applicable to this assessment.

Condition 2

As part of the lodgement of a request for Survey Plan Endorsement, the Applicant is to dedicate at no cost to Council a 40 metre wide road reserve located along the entire Western boundary of the site for the purpose of the Agnes Water Second Arterial Route.

Applicants Request:

Further to the representations against condition 1(a) contained herein, as the future Agnes Water Second Arterial Route is identified as trunk road infrastructure under Council's Interim LGIP and Adopted Infrastructure Charges Register (AICR). Therefore, the dedication of the corridor for said infrastructure 'at no cost to Council' as per the current wording of Condition 2 is inconsistent with the Councils' current infrastructure policy position.

Reflecting the representation made against Condition 1(a), it is requested that Condition 2 be deleted.

If Council continue to seek some form of road corridor over proposed Lot 2 (eg. a 25m wide corridor as currently suggested under the interim LGIP), the applicant requests Council agree to enter into an infrastructure agreement to offset the cost of the corridor given its recognition as trunk infrastructure.

Councils Response:

As per Councils comment for Condition 1a, it is recommended that Condition 2 be maintained in its entirety based upon the same grounds cited for Condition 1a. Furthermore, it is unlawful to condition that an Infrastructure Agreement must be entered into. During discussions with the Applicant, Council Officers have indicated that Council may be willing to enter into an Infrastructure Agreement for items that are determined to be trunk infrastructure. However, that is a separate process to the development assessment process.

Officer's Recommendation:

That the request for a Negotiated Decision Notice to Development Permit 57/2017 for a Reconfiguration of a Lot (1 into 2 lots) on land at Lot 214 Round Hill Road, Agnes Water be refused.

Attachments:

1. Original Written Representations dated 9 February 2018
2. Current Representations dated 1 April 2019
3. Decision Notice issued 18 November 2017
4. Map of Preferred Alignment under the current LGIP (Adopted 6 March 2018)

Tabled Items:

Nil

Report Prepared by: Acting Senior Planning Specialist

G/3.6.2. REQUEST TO APPLY INFRASTRUCTURE CHARGES ECONOMIC DEVELOPMENT INCENTIVE SCHEME TO DEVELOPMENT APPROVAL 32/2017 FOR NATURE BASED TOURISM AT 2546 ROUND HILL ROAD, ROUND HILL QLD 4677

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 4 June 2019

File Ref: FM7.2, DA/32/2017

Purpose:

The purpose of this report is to allow Council to consider a request to apply the Infrastructure Charges Economic Development Incentive Scheme Policy (P-2018-03) to a Nature Based Tourism approval located at 2546 Round Hill Road, Round Hill (DA/32/2017).

Officer's Recommendation:

That Council advise Zone Planning Group (acting on behalf of Mr Tim Lawry) that the request for a reduction in the Infrastructure Charges for DA/32/2017 – Nature Based Tourism use at Lot 19 RP616664 under Policy P-2018-03 is refused as the application does not meet the required criteria listed in point 1 and point 3 of section “6.1 Application of Policy”.

Background:

Development Application for a Material Change of Use for Nature Based Tourism (74 Sites in 3 Stages) on land at 2546 Round Hill Road, Round Hill (Lot 19 RP 616664), was received on 4 May 2017, considered Properly Made on 10 May 2017 and Acknowledged on 11 May 2017.

After assessment of the proposal against the *Gladstone Regional Council Planning Scheme 2015*, a Development Permit was issued under Delegated Authority on 16 October 2017. After receipt of the Development Permit, the Applicant Suspended the Appeal Period on 2 November 2017. The Applicant lodged representations against Conditions 3, 4, 5, 6, 7, 14, 15, 16, 17, 18, 19, 26, and 30 on 4 December 2017. Amendment of Condition 4 and 5 necessitate amendment of Condition 1 in regard to the relevant drawing version. The request was approved in part with numerous amendments to the aforementioned conditions made in the Negotiated Decision Notice issued on 12 March 2018.

An image of the approved site plan is shown in Figure One.

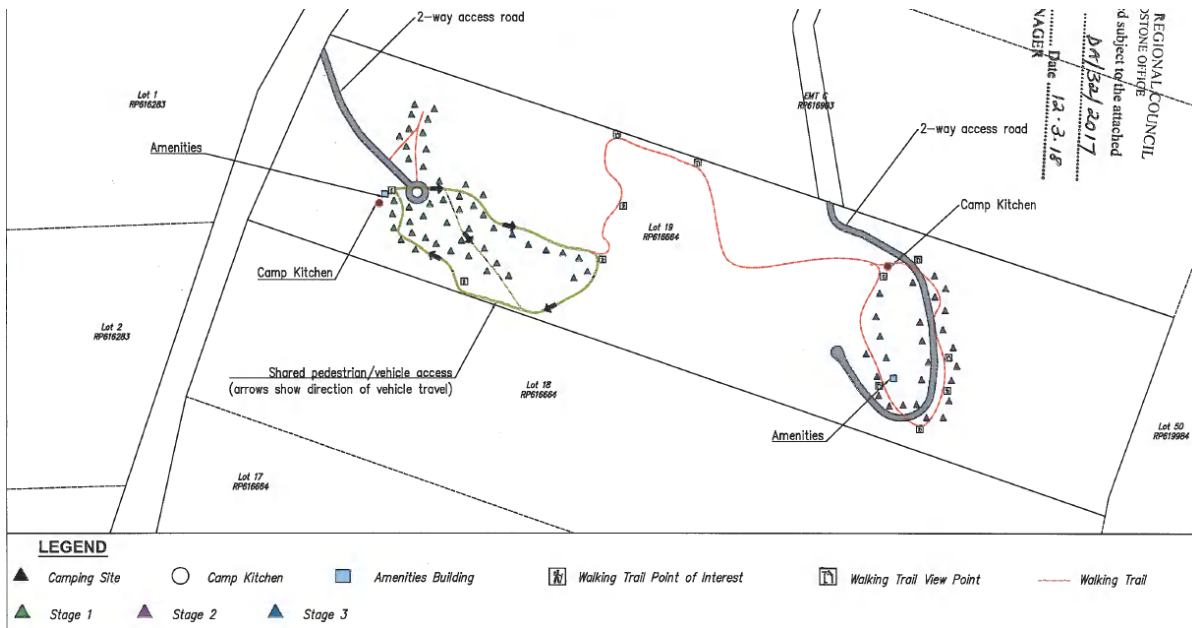


Figure One – Approved Site Plan

An Adopted Infrastructure Charge Notice was issued on 23 October 2017 for the following amounts:

- Stage 1: \$106,800
- Stage 2: \$53,400
- Stage 3: \$41,950
- Total: \$202,150

On 4 December 2017, the Zone Planning Group (on behalf of Mr Tim Lawry) lodged written representations against the Adopted Infrastructure Charges Notice issued on 23 October 2017. The Applicant requested that infrastructure charges be calculated at the rate advised at the Applicant’s Pre-lodgement Meeting held on 21 September 2016. The Applicant also requested that a 50% reduction be applied which would result in a total infrastructure charge of \$49,450. The Applicant presented this material and additional information regarding Adopted Infrastructure Charge rates within other local governments in a Delegation to Council on 29 January 2018.

Council responded to this request on 21 February 2018. While the superseded (Adopted Infrastructure Charges Resolution (No. 1 (2015))) was in effect at the time of the Pre-Lodgement meeting, it was replaced by the Adopted Infrastructure Charge Resolution (No. 1) 2015 – Amendment No (2) which commenced on 8 March 2017. As the application was not lodged until 4 May 2017, it was determined that the Adopted Infrastructure Charge Resolution (No. 1) 2015 – Amendment No (2) applied. Furthermore, the request for a variation of 50% to the charges could not be applied as the proposed use was not considered a Not for Profit Organisation or a Re-use of Existing Premises which were allowances as part of that charging resolution. It is noted that the current Economic Development Incentive Scheme did not come into effect until 3 July 2018. Subsequently, the request for a Negotiated Adopted Infrastructure Charge Notice was refused.

Since that refusal, the applicant has discussed the implications of the Infrastructure Charges Economic Development Incentive Scheme and the potential for this development to be considered under that policy. These discussions have led to this request being lodged.

It is noted that this is the first formal request lodged to Council under this Policy, although there have been many enquiries regarding its applicability since it came into effect.

Consideration:

Infrastructure Charges Economic Development Incentive Scheme (Policy P-2018-03) applies to Development Applications for making a Material Change of Use of Premises which meet the following prerequisites:

1. *Are lodged with Council after the 1 July 2018; with respect to applications lodged prior to the 1 July 2018, Council may in its sole discretion, consider Development Applications approved and not yet constructed, or Development Applications that have been lodged but not yet decided, and*
2. *Are for any land use as defined within SC1.1 Use definitions of the Planning Scheme other than an Excluded Use as defined herein; and*
3. *Are proposed to be located within a Priority Infrastructure Area.*

The subject request has been considered against these criteria below.

Prerequisite 1: Date of Lodgement

A Development Application for a Material Change of Use for Nature Based Tourism (74 Sites in 3 Stages) on land at 2546 Round Hill Road, Round Hill (Lot 19 RP 616664), was received on 4 May 2017, considered Properly Made on 10 May 2017. The Application has been approved but has not yet commenced construction.

As the application was lodged more than 12 months prior to 1 July 2018, it does not meet the first requirement to qualify for the Infrastructure Charges Economic Development Incentive Scheme (Policy P-2018-03).

Prerequisite 2: Land Use defined under the Planning Scheme

Under the Planning Scheme, a Nature Based Tourism Use is defined as *“the use of land or premises for a tourism activity, including tourist and visitor short-term accommodation, that is intended for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value, local ecosystem and attributes of the natural environment. Nature-based tourism activities typically:*

- *maintain a nature based focus or product*
- *promote environmental awareness, education and conservation*
- *carry out sustainable practices.”*

The proposed development is considered consistent with this use definition. Nature Based Tourism is not considered an Excluded Use under Policy P-2018-03. Subsequently, the request is considered consistent with the second prerequisite of this policy.

Prerequisite 3: Located within a Priority Infrastructure Area

The Priority Infrastructure Area (PIA) identifies and maps future expected urban development over a 10 to 15 year period, which has been identified in the LGIP, as the most cost efficient way to service with trunk water, sewer, stormwater, roads and parks infrastructure. This projected development area also represents the most efficient cost to the community to develop.

The proposed development is located at 2546 Round Hill Road, Round Hill (Lot 19 RP 616664) which is approximately 1.8km from the nearest boundary of the Priority Infrastructure Area.

As the site is situated outside the Priority Infrastructure Area (PIA), the request is not consistent with the third prerequisite of this policy.

Other Prerequisites

The development application was not made by or on behalf of a Federal or State Government Agency.

Legal Environmental and Policy Implications:

The Applicant lodged a request to apply the Infrastructure Charges Economic Development Incentive Scheme (P-2018-03) to a Nature Based Tourism use located at 2546 Round Hill Road, Round Hill (DA/32/2017) on 11 April 2019.

It was determined that the development approval does not meet the two of the three criteria listed under section "6.1 Application of Policy".

The policy gives Council the ability to consider Development Applications that were lodged prior to 1 July 2018 and approved but not yet constructed, or Development Applications that have been lodged but not yet decided, but not for applications that do not meet the other criteria.

Council is empowered to make decisions outside of policy, and should you so choose an alternative resolution is

That Council advise Zone Planning Group (acting on behalf of Mr Tim Lawry) that despite not meeting the prerequisites of the Infrastructure Charges Economic Development Incentive Scheme (P-2018-03), an Infrastructure Agreement be entered into for a reduction in the Infrastructure Charges for DA/32/2017 for the following reasons.....

It should be noted that encouraging developments outside of the PIA could mean that major trunk infrastructure may need to be built up to 15 years earlier than planned or in locations not previously considered, which could have a negative impact on Council's Long Term Financial Plan and may have flow-on effects on rates and the ability for Council to efficiently maintain assets.

It should be also noted that to maintain eligibility for an incentive under this Policy, *developments must:*

- 1. Be completed within two years from when the Material Change of Use of Premises Development Permit starts to have effect; or*
- 2. If staged, the first stage be completed within two years of when the Material Change of Use of Premises Development Permit starts to have effect with all stages of the development being completed within four years of when the Material Change of Use of Premises Development Permit starts to have effect; and*
- 3. Should these Incentive Conditions not be met then no reduction in the Levied Charges shall be applicable and the balance of the Levied Charges then outstanding shall be immediately due and payable.*

The Applicant has not yet submitted the Operational Works or any Building, Plumbing and Drainage Works applications which are required to action the existing approval (DA/32/2017). In order to maintain eligibility, the Applicant must complete Stage 1 by 12 March 2020 (i.e. less than 12 months).

Financial and Resource Implications:

An Adopted Infrastructure Charge Notice was issued on 23 October 2017 (see attached) for the following amount:

- Stage 1: \$106,800
- Stage 2: \$53,400
- Stage 3: \$41,950
- Total: \$202,150

If Council endorses the Officer's Recommendation, there will be no financial impacts to Council.

Should Council decide to apply a discount, \$101,075 in income from the current applicable Infrastructure Charges would not be charged.

Anticipated Resolution Completion Date:

If the request is refused, the Applicant will be informed within 10 business days of the decision.

If the request is approved, the Applicant must enter into an Infrastructure Agreement with Council and complete Stage 1 by 12 March 2020 to be eligible for the reduction.

Attachments:

1. Negotiated Decision Notice issued 12 March 2018;
2. Adopted Infrastructure Charge Notice issued 23 October 2017;
3. Request Infrastructure Incentives Scheme Approval for Development Permit (DA/32/2017) for a Material Change of Use for Nature Based Tourism at 2546 Round Hill Road, Round Hill dated 11 April 2019; and
4. Infrastructure Charges Economic Development Incentive Scheme (P-2018-03)

Tabled Items:

Nil.

Report Prepared by: Acting Senior Planning Specialist

G/3.7. PEOPLE CULTURE AND SAFETY

Nil.

G/3.8. FINANCE GOVERNANCE AND RISK

Nil.

G/4. DEPUTATIONS

Nil.

G/5. COUNCILLORS REPORT

Responsible Officer: Chief Executive Officer

Council Meeting Date: 4 June 2019

File Ref: CM7.2

Purpose:

To brief Council on the ideas and content presented at the 4th Annual 2019 Welcoming Cities Symposium, which was attended by Councillor Natalia Muszkat on 2-3 April 2019 in Brisbane.

Officer's Recommendation:

That Council note the Conference Attendance report by Cr Natalia Muszkat on the 2019 Welcoming Cities Symposium.

Background:

The Welcoming Cities Symposium brought together international, national and local practitioners, policy-makers, researchers, business innovators and civic leaders to share and discuss the challenges, benefits and opportunities of migration, settlement, cultural diversity and inclusion.

Consideration:

Nil.

Communication and Consultation (Internal/External):

The Chief Executive Officer and Mayor.

Legal Environmental and Policy Implications:

Attendance was in accordance with Councils Expenses Reimbursement and Provision of Facilities Policy section 6.2. All criteria of section 6.2 was satisfied and as such a Council resolution was not required.

Financial and Resource Implications:

Total conference attendance cost inclusive of conference registration, travel, accommodation and meals was \$727.31

Commentary:

Nil

Summary:

The 2019 Symposium featured Q&As and panels discussing and showcasing leading welcoming and inclusion policy and practice, and the launch of the assessment portal for the Welcoming Cities Standard. The Symposium program centered on discussions of multiculturalism and diversity within Australia and the associated opportunities and challenges.

Anticipated Resolution Completion Date:

3 April 2019.

Attachments:

1. 4th Annual 2019 Welcoming Cities Symposium Report – Cr Muszkat

Tabled Items:

Nil.

Report Prepared by: Executive Assistant to the Office of the Chief Executive Officer

G/6. URGENT BUSINESS

Nil.

G/7. NOTICE OF MOTION

G/7.1. NOTICE OF MOTION

Council Meeting Date: 4 June 2019

File Ref: N/A

Purpose:

For Council to consider broadcasting Council Meetings to pave the way for even greater transparency to ratepayers.

Councillor's Recommendation:

That Council, in the interest of even greater public confidence in Council and greater transparency to ratepayers, commit to provide video streaming of Council's Meetings to the public via the internet as soon as possible (and no later than January 2021); and

- a. where possible, the video streaming be broadcasted live (noting that discussions that are held during closed meeting will not be broadcast);
- b. if for any reasonable, unforeseen circumstances video streaming is not possible, then at the very least audio streaming be rolled out by the stated due date.

Background:

Video streaming technology is not new with many Councils across Queensland and Australia for many years video streamed their meetings to the public (live or delayed).

Council decision making should be as open to the public as possible. Ratepayers deserve to know how Councillors discuss, debate and collaborate in making decisions. Ratepayers should not be forced to travel for hours and wait for hours just to hear part of the meeting relevant to them. Council meeting discussions and decisions should be available to ratepayers on demand.

From Rosedale to Raglan and all the way up to Kroombit Tops and as far out as Heron Island, the Gladstone region is proudly diverse. Spanning 10,400 square kilometres, Gladstone is vast. The long drive distances from various regional centres can make it obstructive for interested residents to attend in person to their Council's meetings. Today, the tyranny of distance can be overcome with even the most basic technology.

Consideration:

The proposed motion is in full alignment with Council's values.

Connect:

The many advances in technology now allow easy and affordable communication between the public and also public agencies and their communities. Council is no different and can better engage in the spirit of trust and transparency with our community. Recent upgrades completed at

the Council chambers in the form of microphones and camera can pave the way for embracing digitalisation and the 21st century, as many other Councils across the nation already have.

Innovate:

Council could develop its own dedicated streaming channel. However, it would be wise to consider existing reliable pathways, trialed by many other Councils, such as Skype, YouTube or Facebook. The existing platforms would likely provide more efficient and affordable options.

Additionally, over time, Council may consider allowing greater engagement through digital medium: for example for school children to better engage and receive education about local government.

Diversify:

Gladstone Regional Council's recent goal was to be the best local government in the State, if not the Nation. Council can diversify and improve its engagement with ratepayers and the community.

Communication and Consultation (Internal/External):

Internal consultation with senior employees and Councillors.

Legal Environmental and Policy Implications:

Adoption of the proposed motion will result in amendments required to Council Meeting Procedures Policy however this can occur in line with scheduled reviews undertaken.

Financial and Resource Implications:

Council already has recently invested heavily in new microphones and camera at the chambers, therefore the capital estimated cost would be less than \$20,000 (likely significantly less).

Depending on the platform used, the ongoing expected cost would be about \$1800 per month or less. Using mediums such as YouTube, it would be reasonable to expect the cost to be significantly less. Savings opportunities also exist where Council, if it wishes, can over time transition some existing paper based information through to this medium and save costs on printing and also improve environmental outcomes.

Commentary:

Case Study:

For example, if you are a publican at Rosedale and you are interested in the affairs of your local government, it would be unreasonable to expect that person to drive for several hours back and forth to Gladstone just to observe the Council and most unreasonable to expect that to happen on a regular basis, given the many pressures of small business and indeed daily life for everyday Australians of our vast region.

References:

Central Highlands Council meetings go live from July, 2016 (Central Highlands Council)
<http://www.centralhighlands.qld.gov.au/about-council/news/council-meetings-to-go-live/>

Onkaparinga Council and Committee meetings go Live to more transparent to ratepayers, August, 2018 (The Advertiser)

<https://www.adelaidenow.com.au/messenger/south/onkapinga-council-votes-to-live-stream-meetings/news-story/2a614b23ad1ddccdda0d6604126481d6>

Gold Coast Council meetings to go live on the web, January 2012

<http://www.goldcoast.qld.gov.au/council-meetings-to-go-live-on-the-web-7045.html?override=true>.

Summary:

Nil.

Anticipated Completion Date:

January 2021

Attachments:

Nil.

Tabled Items:

Nil.

Report Prepared by: Councillor Sobhanian

G/8. CONFIDENTIAL ITEMS

G/8.1. LIFEGUARD SERVICES SOLE SUPPLIER

Responsible Officer: General Manager Operations

Council Meeting Date: 4 June 2019

File Ref: PE1.1, SR7.1

Reason for Confidentiality:

This report is **CONFIDENTIAL** in accordance with Section 275 (1) of the Local Government Regulation 2012, the meeting is to be closed to the public to discuss business relating to the following: -

- (e) contracts proposed to be made by it.

ATTACHMENTS