



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING AGENDA

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

On 18 February 2020

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 4 FEBRUARY 2020	4
G/3. OFFICERS' REPORTS.....	5
G/3.1. OFFICER'S REPORTS.....	5
G/3.1.1. AGNES WATER TO BAFFLE CREEK LINK ROAD.....	5
G/3.1.2. FUNDING APPLICATION - DESTINATION EVENT	12
G/3.1.3. 158-20 PHILIP STREET RETIREMENT & AGED CARE ACCOMMODATION EOI	17
G/3.1.4. DEVELOPMENT APPLICATION 27.2019 FOR A MATERIAL CHANGE OF USE OF PREMISES FOR A THEATRE LOCATED AT 20 O'CONNELL STREET, BARNEY POINT QLD 4680	20
G/3.1.5. RESPONSE TO DEPUTATION FROM BOYNE ISLAND TANNUM SANDS GOLF CLUB INC.....	49
G/3.1.6. AMENDMENT TO SUBORDINATE LOCAL LAW NO. 2 ANIMAL MANAGEMENT.....	55
G/3.1.7. CHANGES TO DELEGATIONS REGISTER - COUNCIL TO CEO	59
G/3.1.8. WELCOMING CITIES SYMPOSIUM 2020 ATTENDANCE REQUEST	62
G/3.1.9. MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 28 JANUARY 2020	64
G/3.1.10. 2019/20 OPERATIONAL PLAN UPDATE REPORT - QUARTER 2.....	75
G/4. DEPUTATIONS	78
G/5. COUNCILLORS REPORT.....	78
G/6. URGENT BUSINESS.....	78
G/7. NOTICE OF MOTION	78
G/8. CONFIDENTIAL ITEMS	79
G/8.1. 25-20 PHILIP STREET PRECINCT STAGE 1B	79
G/8.2. RPQS 103-20 GRINDING SERVICES	80
G/8.3. RPQS 30-20 PROVISION OF TRAINING SERVICES	81
G/8.4. RPQS 59-20 WET & DRY PLANT HIRE	82
G/8.5. RPQS 100-20 ROADMAKING AND LANDSCAPING MATERIALS	83

G/1. MAYORAL STATEMENT OF CURRENT ISSUES

Nil.

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 4 FEBRUARY 2020

Responsible Officer: Chief Executive Officer

Council Meeting Date: 4 February 2020

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 4 February 2020.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 4 February 2020 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 4 February 2020.

Tabled Items:

Nil.

Report Prepared by: Executive Secretary

G/3. OFFICERS' REPORTS

G/3.1. OFFICER'S REPORTS

G/3.1.1. AGNES WATER TO BAFFLE CREEK LINK ROAD

Responsible Officer: General Manager Strategic Asset Performance

Council Meeting Date: 18 February 2020

File Ref: RD1.8

Purpose:

Following recent community engagement activities, the purpose of this report is to seek Council's direction on the future of the Agnes Water to Baffle Creek Link Road.

Officer's Recommendation:

That, due to the capital and ongoing maintenance costs of an Agnes Water to Baffle Creek Link Road, Council resolves to:

1. Remove the Agnes Water to Baffle Creek Link Road project from current and future programs of works.
2. Authorise the Chief Executive Officer to develop and implement a community engagement strategy to inform the community of the reasons for not progressing with a link road between Agnes Water and Baffle Creek.

Background:

The absence of an alternate link road, between Agnes Water and south eastern communities, has been raised by the community as a potential public safety risk during emergency events. The community has also advocated for an alternative link road to promote economic growth in Agnes Water and Baffle Creek area and allow improved access to facilities and services located in Agnes Water.

In response to community requests, Council officers have been investigating the feasibility of a second link road since 2016. This work has culminated in the development of concept designs for five possible options to link Agnes Water to Baffle Creek by a second access road. These options include:

1. Option 2: Connecting from Jobson Street through Lot 21 to Yabby Road, following the power line easement and connecting with Maude Hill Road.
2. Option 2A: Connecting from Anderson Way through Lot 21 to Yabby Road, following the power line easement and connecting with Maude Hill Road.
3. Option 3A: Connecting from Rocky Crossing Road, through National Park land connecting to Yabby Road, following the power line easement and connecting with Maude Hill Road.
4. Option 4/4A: Connecting from Springs Road, running through the Deepwater National Park and connecting with Wreck Rock Road.
5. Option 5: Connecting with Round Hill Road at Uxbridge Road, following the road land parcel to connect with Maude Hill Road.

A community engagement strategy was developed and implemented to seek feedback from the community on the need for a second link road and their preferred option. The engagement strategy included:

- Two formal engagement sessions, one each held at Agnes Water and Baffle Creek. Information was presented on each option and community members had the opportunity to clarify questions relating to each option. Community members present were provided with the opportunity to nominate their preferred option and provide additional feedback.
- Stands at community markets held at Agnes Water and Baffle Creek and a Conversations with Councillors at Agnes Water. Community members had the opportunity to drop in and learn more about the options and provide feedback on their preferred option.
- Online platform where community members could find out information on each option and provide feedback on the options and vote for a preferred option.

Population in the Agnes Water, Deepwater and Baffle Creek areas:

The following population statistics were sourced from the 2016 Census data.

Locality	Population
Deepwater	206
Rules Beach	86
Baffle Creek	156
Oyster Creek	54
Taunton	69
Euleilah	182
Captain Creek	358
Round Hill	136
Agnes Water	2210
Seventeen Seventy	69
Gladstone Region (whole)	61,640

Emergency Access:

Due to the topography of the area and the proximity to the sea, the existing road between Agnes Water and Baffle Creek will have greater flood immunity compared to each of the five options investigated. In the event of flooding, each of the alternate link road options would remain flooded and unusable for longer periods of time than the existing road network. The availability of the alternate link road to facilitate safe access in the event of flooding will depend on where desired journeys begin and end and rainfall impacts.

Depending on the location and condition of bushfires, an alternate link road may or may not provide a safe alternate evacuation path. It should be noted that each option requires traversing through heavily vegetated land parcels which can be hazardous during bushfires.

Council officers are currently in the process of developing a detail design for a fire trail along Uxbridge Road. While this trail will provide improved access to the firefighting personnel it will not be to a public road standard and would not allow two-wheel drive access.

Due to the nature of the environment, accessing and evacuating the Agnes Water, Deepwater and Baffle Creek areas can be difficult during emergency events. The difficulties have in the past been overcome by the innovative planning of the Local Disaster Management Group. For example, during the Central Queensland 2018 Bushfires, SES flood boats were made available to transport residents from Baffle Creek to Winfield. During past flood events, SES flood boats have also been used to provide relief including prescription medications.

Queensland Ambulance Service are exploring a date for a community meeting to discuss first responder interest in the area.

Impacts on Travel Times:

Comparative travel times have been calculated from two locations in Baffle Creek/Deepwater area. Stage 1 travel times are based on a travel speed of 100km/h for options 2, 2A and 3A and 40km/h for options 4A and 5. Ultimate travel times are based on a travel speed of 100km/h for all options.

Travel times from the intersection of Round Hill Road and Captain Cook Drive to the intersection of Coast Road and Fernfield Road:

Option	Travel Distance (km)	Travel Time (minutes)	
		Stage 1	Stage 2
Current Route	56.3	43	
2	44.2	45	45
2A	44.9	45	45
3A	45.9	45	45
4/4A	36.1 / 35.5	46	39
5	51	54	50

Travel times from the intersection of Round Hill Road and Captain Cook Drive to the Wartburg Rural Fire Station at 300 Deepwater Road:

Option	Travel Distance (km)	Travel Time (minutes)	
		Stage 1	Stage 2
Current Route	65.7	51	
2	34.8	32	32
2A	35.5	32	32
3A	36.5	32	32
4/4A	26.7 / 26.1	37	28
5	41.6	48	33

Economic Assessment:

An internal desktop assessment has been carried out to identify the economic impacts of providing a link road between Agnes Water and Baffle Creek. This assessment has been based on information sourced from .id Economic Atlas Profiling and Economic Impact Modelling tool as well as anecdotal information collected from earlier consultation and technical assessments.

Benefit Area	Quantum of Benefit
Impacts of construction	\$20million to the region through purchase of plant, equipment, material and labour. \$3.85million to the region through spend of salary and wages in the region.
Value Add of construction on the local economy	The combination of all the direct, industrial and consumption effects would result in an estimated value add to the regional economy of \$23.45M across associated industries.
Resident employment impacts	123 jobs would be created within the region and 214 jobs outside of the region during the construction phase. The majority of these positions will be to support construction of the road.

Members of the Deepwater community have expressed that reduced travel time to Agnes Water would allow them easier access to a range of shops and amenities. It is anticipated that this could provide some benefit to the Agnes Water economy. However, it is also anticipated that this could have detrimental impact on the Baffle Creek economy due to the reduced patronage of Deepwater residents to the shops and amenities in Baffle Creek.

The Gladstone Region Visitor Economy Strategy 2025 states that the following are some of the key tourism experiences identified in the Agnes Water/Baffle Creek area:

- 4WD Deepwater and Eurimbula National Parks
- Baffle Creek coastline for 4WD, swimming, camping, fishing and boating

Upgrading the Deepwater National Park track to allow 2WD access would improve accessibility to the coastline, however it may also remove or reduce a current key tourism experience.

It should be noted that the strategy prioritises the improvement of existing roads into Agnes Water as the lack of an all-weather road to Agnes Water was identified as a major constraint for future tourism growth.

Cost:

Cost estimates have been provided for each option, including allowances for detail design, additional investigations and a 25% contingency. Depending on the option selected up to \$550,000 should be allocated for detailed design and obtaining environmental approvals.

The estimated capital costs for each option are:

Option	Stage 1	Stage 2	
	5.5m wide gravel track (interim)	2-lane gravel road (additional to interim costs)	2-lane sealed road (additional to interim costs)
2	\$22.00 M	\$22.00 M	\$24.00 M
2A	\$17.50 M	\$22.50 M	\$25.00 M
3A	\$17.50 M	\$22.50 M	\$25.00 M
4/4A	\$13.00 M	\$44.00 M	\$46.00 M
5	\$22.00 M	\$28.00 M	\$31.00 M

Whole of life cost estimates for each option are shown below:

Option	Whole of Life Costs over 60 Years		
	Stage 1	Stage 2	
	5.5m wide gravel track (interim) (assumed 5yr life before upgrade)	2-lane gravel road (assumed 55yr life)	2-lane sealed road (assumed 55yr life)
2	\$28.56 M	\$139.48 M	\$61.30 M
2A	\$22.72 M	\$135.82 M	\$60.89 M
3A	\$22.72 M	\$111.70 M	\$60.83 M
4/4A	\$16.88 M	\$232.35 M	\$97.29 M
5	\$25.56 M	\$169.56 M	\$75.97 M

Note: Whole of life costs calculated utilising the Queensland Treasury Corporation’s Whole of Life Costing Tool V1.1

Options, Risk and Opportunity Analysis:

Option 1: Do not proceed further with a link road between Agnes Water and Baffle Creek

Linkage to Corporate Plan:

Corporate Goal #6 provide a commitment to asset management practices that support smart infrastructure decisions and ensures reliable, affordable, safe and sustainable infrastructure is

available for the community and supports the lifestyle and economic goals and sustainability of the region for current and future generations.

Provision of an alternate access road between Agnes Water and Baffle Creek meets the above commitment to provide infrastructure that supports the community lifestyle. The road however comes at a relatively high per usage cost and as it will not provide improved flood immunity, it may not be reliable and safe during and following wet weather events. The high-level economic assessment has failed to identify ongoing economic benefit.

Risks and Opportunities:

The objectives to be met through the proposed project have been identified as:

1. An alternate link that can be used by residents of Agnes Water and communities to the south east to evacuate to safety or access essential supplies/services in the event of a natural disaster.
2. Enabler for economic growth and reduced travel times as Agnes Water is seen as the preferred destination for services.

The proposed link road will provide a secondary access between Agnes Water and Baffle Creek during normal weather events. However, due to the topography of the alternate link options, the flood immunity will generally be lower than the existing link road. This means the roads will most likely not be accessible during and following wet weather events.

Due to the alignment of alternate link roads, the safe speed will be lower than the existing link road. Despite shorter travel distances, the travel times may be greater under normal driving conditions between Agnes Water and Baffle Creek. It is however recognised that residents in the Deepwater area would benefit from shorter travel times to Agnes Water.

Option 2: Proceed subject to funding

Due to the community advocacy for a link road between Agnes Water and Baffle Creek, Council could commit to the project delivery subject to obtaining 100% funding for construction from external sources.

Based on recent experience with funding programs, Council would need to have the project funding ready. This would involve completing the detail design, procure land tenure and obtain all relevant environmental approvals.

An alternate recommendation could be:

That due to the advocacy from the community for a link road between Agnes Water and Baffle Creek, Council authorise the Chief Executive Officer to:

1. *Undertake the detail design for alignment _____,*
2. *Procure land tenure along the above route.*
3. *Develop and implement a community engagement strategy to inform the community of the outcome and advise that construction of the link road will be dependent on 100 percent external funding being obtained.*

Communication and Consultation:

Internal

During the course of the project, consultation occurred internally with Strategic Asset Performance, Community Development and Events, Operations staff.

External

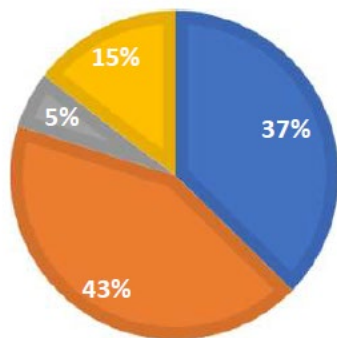
Community feedback was actively sought on the options through the implementation of an engagement strategy. The strategy allowed engagement with the Federal Member for Flynn, the State Member for Burnett, Agnes Water Community Members, Baffle Creek Community Members and other Gladstone Region Community Members.

Engagement activities were well supported with approximately:

- 30 community members attending the Agnes Water engagement session.
- 54 community members attending the Baffle Creek engagement session.
- 65 people dropping by the market stalls and Conversations with Councillors afternoon.
- 2464 views were registered from the online platform.

In summary, as at 9am 10 February 2020, 343 responses were registered. The majority of responses were registered from the Agnes Water and Baffle Creek communities. A summary of where responses originated from is shown below:

■ Agnes ■ Baffle ■ Gladstone ■ Other



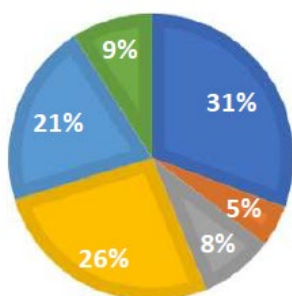
Votes by location:

- 128 from Agnes Water area
- 146 from Baffle Creek area
- 19 from 4680 postcode
- 50 from other areas.

Based on all survey responses, the strongest support was for no new road, with 31% selecting this option as their preferred option. With 69% of the responses supporting an alternate link road, the preferred alignment was Option 3A being the Rocky Crossing Road to Maude Hill Road.

The results are summarised below, with more detailed analytics available in Attachment 2.

■ Option 1 ■ Option 2 ■ Option 2A
 ■ Option 3A ■ Option 4/4A ■ Option 5



Summary of Responses

1. Option 1 - No new road (31%)
2. Option 3A – Rocky Crossing Road to Maude Hill Road (27%)
3. Option 4/4A – Deepwater National Park (21%)
4. Option 5 – Uxbridge Road to Maude Hill Road (9%)
5. Option 2A – Anderson Way to Maude Hill Road (8%)
6. Option 2 – Jobson Road to Maude Hill Road (5%)

Legal Strategy and Policy Implications:

For Option 2, irrespective of the alignment option chosen, additional work will be required to understand the environmental requirements and secure land to construct the road.

Financial and Resource Implications:

Currently within the IPP \$5.6million has been allocated to complete detail design, negotiate land acquisitions and construct the road. These costs were based on preliminary cost estimates prepared in 2017.

Option 1 would represent the removal of \$5.6million from the IPP.

Option 2 would have limited impact on 2019/20 budget. Approximately \$300,000 would be required to fund detailed design with an additional \$500,000 required to fund environmental approvals. Until contact is made with existing landholders, it is difficult to estimate the cost to complete land tenure arrangements.

Summary:

The objectives to be met through the proposed project have been identified as:

1. An alternate link that can be used by residents of Agnes Water and communities to the south east to evacuate to safety or access essential supplies/services in the event of a natural disaster.
2. Enabler for economic growth and reduced travel times as Agnes Water is seen as the preferred destination for services.

On re-evaluation of multiple criteria following community engagement, Option 3A has been identified as the preferred option for a road. However, this option will not address the second objective of the project and will only partly address the first objective because the road may be inaccessible during flood or storm.

Anticipated Resolution Completion Date:

The preferred recommendation should be completed by end of March 2020.

Should Option 2 be selected for implementation, the detail design is to be completed by July 2021 and land procurement and environmental approvals to be obtained by December 2021.

Attachments:

1. Map of Options
2. Community Engagement Statistics

Tabled Items:

Nil.

Report Prepared by: Engineer - Design

G/3.1.2. FUNDING APPLICATION - DESTINATION EVENT

Responsible Officer: General Manager Community Development and Events

Council Meeting Date: 18 February 2020

File Ref: CM3.1

Purpose:

Consider the recommendation of the Community Investment Panel on an application received under the Community Celebration Fund. The application being for Destination Event – Mt Larcom and District Show in June 2020.

Officer's Recommendation:

That Council adopt the Community Investment Panel recommendation of funding \$15,000 for the 2020 Mt Larcom & District Show.

Background:

An out of round application through Council’s Community Investment Program – Community Celebration Fund (the Fund) Destination funding stream has been received. The Fund aims to support events that will showcase and foster community pride, boost our local economy and actively promote visitation across the region. The Fund is also intended to leverage the objectives of Council’s Gladstone Regional Events Strategy 2019 – 2024.

Following adoption of Council’s Community Investment Policy and the implementation of the Community Investment Program, applicants for the Destination funding stream have been encouraged to apply for funding outside of predetermined rounds when applicable.

The following funding application has been assessed by a Community Investment Assessment Panel (the Panel) with recommendations presented to Council for resolution within this report.

Applicant	Event	Date	Location	Request	
				Funds	In-Kind
Mt Larcom & District Show Society	Mt Larcom & District Show	20/2 JUNE 2020	Mt Larcom Showgrounds	\$50,000	0.00

Panel Assessment Process

In accordance to the Community Investment Policy (P-2019-08) and Community Investment Corporate Standard (CS-2019-09), eligible applications are assessed by the Panel.

Panel assessment is undertaken using an assessment matrix to score each application against Key Selection Criteria (KSC) to determine an order of merit. The overall score (ranking) is used to inform the recommendation. The tables below define the KSC, weighting and definition of scores applied in the assessment matrix.

Key Selection Criteria	Weighting (Out of 100%)	
	Destination	Signature
Social & Community - Drives social and community outcomes, including community pride and cohesion	25	22.5
Destination - Enhances the profile and appeal of the Gladstone Region	25	22.5
Financial Sustainability - Demonstrates financial sustainability	7.5	20
Environmental Sustainability - Demonstrates environmental sustainability	7.5	5
Economic Impact - Generates economic activity in the Gladstone Region	20	20
Overnight Visitation - Attracts external visitation specifically generating overnight visitor expenditure	15	25

Overall Score	Definition
65.5% and above	Applications that achieve an overall score of 65.5% and above have demonstrated evidence that has either met or exceeded the expectation for all KSCs. The Panel may favourably recommend the application for the full funding sought.
Between 50.5% to 65%	Applications that score between 51% to 65% have demonstrated evidence that has either met or exceeded a single KSC and achieved some and/or marginal evidence in others. The Assessment Panel may choose to recommend funding based on scores received for KSCs with high weighting and an overall alignment to the funding objectives.
50% or Less	Applications that achieve an overall score of 50% or less have mostly demonstrated marginal and/or unacceptable evidence across all KSCs. The Assessment Panel may still choose to recommend the application for part funding based on some evidence of meeting the funding objectives.

Options, Risk and Opportunity Analysis:

Panel assessment was undertaken in January 2020. Individual Panel member scores are captured in the Assessment Matrix attached. Panel assessment comments and recommendation details, as well as the assessment matrix ranking can be found below.

Applicant	Event	Event Date	Request		Assessment Score (out of 100)	Recommendation	
			Funds	In-Kind		Funds	In-Kind
Mt Larcom & District Show Society	Mt Larcom & District Show	20/21 JUNE 2020	\$50,000	0.00	60%	\$15,000	0.00

Destination Event – Destination Event funding supports events that are well established, well designed, and clearly demonstrate return on investment building community pride, return visitation, regional profile, economic stimulus and attract over 5000 participants, with 15% out-of-region visitors.

Mt Larcom & District Show Society – 2020 Mt Larcom & District Show	
Date:	20 – 21 June 2020
Location:	Mt Larcom Showgrounds
Applicant:	Mt Larcom & District Show Society
Sponsorship Request:	\$50,000 - Specifically \$33,475 toward the Free Entertainment and set up of the food court and entertainment area. With remainder of funds to assist with marketing costs for the show.
Event Summary:	The annual Mt Larcom & District Show is the regions premier Agricultural Show. The show society aims to provide the community with an authentic country agricultural show and entertainment with a unique family atmosphere. The show features horse & horse sports events, cattle showing and judging, dog showing and judging, poultry showing and judging, bird showing and judging, pavilion arts and crafts showing and judging, animal nursery and animal petting zoo, chainsaw and wood chopping competitions
Participation Projection	An estimated 10,881 visitors to the 2020 Mount Larcom & District Show <ul style="list-style-type: none"> • 300 volunteers • 200 store holders • 80 paid suppliers • 9000 Gladstone Region Residents • 1000 intrastate visitors (from outside the region but within QLD) • 300 interstate visitors • 1 international visitors
Assessment Score	60%
Comment	The panel has assessed this application against Destination Event funding objectives. It is understood the committee chose to apply under this funding stream due to likely attendance numbers and funding ambitions. The panel commented that this event would be more appropriately aligned to Impact Event. The panel noted this event had been previously funded \$10,000 in 2019 with up to \$5000 provided toward the development of a strategic plan. The significance of requested funding increase of \$35,000 to \$50,000 was noted by the panel. The panel engaged in discussion around the perception of free entertainment when an admission fee is charged at the gate. There was no appetite for panel to increase financial support for this event based on the proposal presented within the application. However, the panel recognised the events' ability to drive social and community outcomes including community pride and cohesion. The panel does not dispute the events' important role in enhancing the profile and appeal of the Gladstone region and its potential to drive economic activity in the region. The panel noted the support of business and industry across the region and the Show's ability to proceed without increased funding support. The panel agreed the event aligned with its Regional Event Strategy and aligned with the Impact Event category. It was agreed that the investment would continue at \$15,000 for the Mount Larcom Show.
Recommendation	That Council fund the Mount Larcom Show to the value of \$15,000 for the 2020 event.

Communication and Consultation:

The Assessment Panel, chaired by the Community Investment Officer, consisted of the following delegated Officers:

Officers who scored the application against Key Selection Criteria;

- General Manager Community Development & Events
- General Manager Strategic Asset Performance
- General Manager Customer Experience (Acting)
- Manager Engagement and Partnerships (Acting)
- Manager Events and Entertainment

Officers who attended the panel as subject matter experts for assistance in the determination of leveraging opportunities for Council’s investment;

- Marketing Specialist
- Event Specialist

Legal Strategy and Policy Implications:

All applications are assessed against Council’s Community Investment Policy (P-2019-08), Community Investment Corporate Standard (CS-2019-09) and published funding guidelines.

On favourable adoption of the Panel’s recommendations detailed in this report, officers will proceed to enter into a sponsorship agreement for a period as determined by Council Resolution (detailing entitlements and conditions) with successful applicants.

Financial and Resource Implications:

In 2019/20, Council budgeted \$455,266.00 to support recommended applications received through the Community Celebration Fund. Table below details current expenditure, across the Destination and Signature Funding Streams;

Category	19/20 Budget	Funds allocated to date	Funds Available	Funding recommended in this Report	Funds Remaining	\$ value of In-kind provided to date	\$ value of In-kind recommended in this Report
Destination Event	\$85,000	\$7,333	\$77,667	\$15,000	\$62,667	\$33,710	-

Remaining funds from the Destination Event fund are expected to be expended in upcoming rounds scheduled for 2019/20.

Summary:

Nil.

Anticipated Resolution Completion Date:

31 October 2020

Attachments:

Nil.

Tabled Items:

Nil.

Report Prepared by: Community Investment Officer

**G/3.1.3. 158-20 PHILIP STREET RETIREMENT & AGED CARE ACCOMMODATION
EOI**

Responsible Officer: General Manager Operations

Council Meeting Date: 18 February 2020

File Ref: PE1.1

Purpose:

This report seeks a resolution from Council to make use of the provisions in s228 (2b) of the *Local Government Regulation 2012*, that allows for the invitation of expressions of interest before considering whether to invite written tenders. This resolution is sought in relation to the Philip Street Retirement & Aged Care Accommodation.

Officer's Recommendation:

That Council resolves, in accordance with Section 228(3) of the *Local Government Regulation 2012*, that it would be in the public interest to invite expressions of interest from retirement and aged care providers for Philip Street, before inviting written tenders, on the basis that Council wishes to identify options available to it, without making a commitment, for the purpose of thorough option analysis and planning.

Background:

The Gladstone Region is currently experiencing a lack of diversity and availability in aged care accommodation options. This is creating flow on impacts socially within the community as the lack of facilities results in our retirees seeking accommodation outside of the region. Council is considering assisting in accelerating proponents in this field, by offering the use of Council Land at Lot 7 SP 298866, to establish a new aged care facility in the region.

A Development Permit is current over the subject site, for a Preliminary Approval & Reconfiguring a Lot – Material Change of Use of Premises for various Precincts & Development Permit for Reconfiguring of Lot (1 Into 67 Lots). This included a Preliminary Approval Development Code which set the development intent and provisions for several precincts over the site.

It is noted that Council has commenced the development of the first precinct - the Philip Street Communities and Families Precinct Stage 1. On site works are already underway for Stage 1A (external civil works) and the tender for Stage 1B (internal building works) expected to be awarded at the 18 February Council Meeting. The below image details the entire master planned site with the Philip Street Communities and Families Precinct indicated in yellow encompassing Stage 1 & 2. The Mixed-Use Precinct shown in blue is Stage 3 and indicates the area in which the aged care facility would be located.



Image One: Approved Master Plan

Options, Risk and Opportunity Analysis:

Approval is sought to seek expressions of interest from Retirement & Aged Care Accommodation providers, to enter into an agreement with Council to build, operate and maintain a facility on Council Land at Lot 7 SP 298866.

The Expression of Interest will require proponents to:

- outline their background including organisational history and structure and current legal status;
- demonstrate capability and capacity for project delivery and operation;
- include their financial capacity and current project/facility portfolio;
- detail their general philosophy and approach to Retirement & Aged Care Accommodation;
- nominate their vision for the site and opportunity presented, inclusive of; indicative concept layout/s, project timeframes and high-level costings;
- nominate their preferred tenure terms over the site; and
- nominate any concessions and special conditions they may be seeking from Council.

This is to be delivered within a single Expression of Interest document for Council’s consideration, without making any commitments, until such time as an Invitation to Tender is issued and Council accepts an offer.

Communication and Consultation:

Nil.

Legal Strategy and Policy Implications:

Section 228(3) of the Local Government Regulation 2012 states that the local government may invite expressions of interest only if it:

- (a) decides, by resolution, that it would be in the public interest to invite expressions of interest before inviting written tenders; and*
- (b) records its reasons for making the resolution in the minutes of the meeting at which the resolution was made.*

Additionally, Section 228(6) states that if the local government invites expressions of interest, the local government may:

- (a) prepare a short list from the persons who respond to the invitation for expressions of interest; and*
- (b) invite written tenders from those persons.*

Financial and Resource Implications:

There will be no cost incurred by Council for conducting the EOI, except for resource time in the preparation, management, evaluation and closure of the EOI; as well as advertising expenses as it will be advertised in the Gladstone Observer and on LG TenderBox.

Internal resourcing already utilised to progress the project to this point is approximately two days for the Strategic Projects Specialist to prepare the background documentation and scope with Procurement undertaking the Council report within a week.

Summary:

Nil.

Anticipated Resolution Completion Date:

The intended release of the EOI will be in March 2020.

Attachments:

Nil.

Tabled Items:

Nil.

Report Prepared by: Manager Contracts and Procurement.

G/3.1.4. DEVELOPMENT APPLICATION 27.2019 FOR A MATERIAL CHANGE OF USE OF PREMISES FOR A THEATRE LOCATED AT 20 O'CONNELL STREET, BARNEY POINT QLD 4680

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 18 February 2020

File Ref: DA.27.2019; DB1.7

Development Application:

Application Number: DA/27/2019
Applicant: Yaralla Sports Club Incorporated C/- Bartley Burns
Owner: Yaralla Sports Club Incorporated
Date of Receipt: 24 June 2019
Location: 20 O'Connell Street, Barney Point QLD 4680
RPD: Lot 2 SP 247424
Area: 13,350m2
Current Use of Land: Licensed Premises, Sport and Recreation Facility, Motel and Fitness Centre
Zoning: Sport and Recreation Zone
Proposal: Theatre (Cinema)
Public Notification Period: 30 September 2019 to 21 October 2019
Number of Submissions: Two (2) Properly Made Submissions

Purpose:

The purpose of this report is to assess Development Application 27/2019 for a Material Change of Use of Premises for a Theatre (Cinema) located at 20 O'Connell Street, Barney Point QLD 4680, against the *State Planning Policy – July 2017* and the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* under the *Planning Act 2016*.

Executive Summary:

A Development Application for a Material Change of Use of Premises for a Theatre (Cinema) at 20 O'Connell Street, Barney Point was received by Council on 24 June 2019 and considered Properly Made on 4 July 2019. The application was prepared by Bartley Burns on behalf of Yaralla Sports Club for the establishment of a Theatre within the Sport and Recreation Zone.

As per the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* (the Planning Scheme), the proposal triggered Impact Assessment within the Sport and Recreation Zone. By virtue of the level of assessment, Public Notification was required and conducted by the Applicant from 30 September 2019 to 21 October 2019. During this period, two (2) Properly Made Submissions were received. The relevant content raised by the submitters related to the lease agreement, lawful access, onsite carparking and owners' consent.

The application was assessed against the relevant provisions of the *State Planning Policy – July 2017* (SPP) and in accordance with the *Planning Act 2016* (the Act). As per the *Planning Regulation 2017* (the Regulation), the application did not require referral to Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP).

As further detailed within this report, the proposal is located in an established commercial and recreational precinct for community purposes. Therefore, the development is considered generally

consistent with the Planning Scheme despite some conflicts and is recommended for approval, subject to reasonable and relevant conditions.

Subject Site:

The site is located at 20 O’Connell Street, Barney Point, otherwise described as Lot 2 on SP247424. The site comprises a single, irregular shaped lot with frontage to O’Connell Street and access to Bell Street via a Right of Way easement. In terms of size, the site has an area of 13,350m² while being relatively flat.



Figure One: Aerial View of Subject Site

The site is currently occupied by the Licensed Premises, Motel and Fitness Centre (Yaralla Sports Club, Gladstone Events Centre and the Mercure Hotel) which, together, form an established commercial and recreational precinct. This land features a number of buildings and structures in addition to ancillary landscaping, parking and servicing facilities. The subject site is located within the Sport and Recreation Zone under the Planning Scheme which can be viewed below in Figure Two.



Figure Two: Zoning of Subject Site

The site has existing connections to water, sewerage, stormwater, electricity and telecommunication infrastructure. Additionally, the site has vehicular and pedestrian access to/from O'Connell Street which is a constructed road with existing kerb and channel.

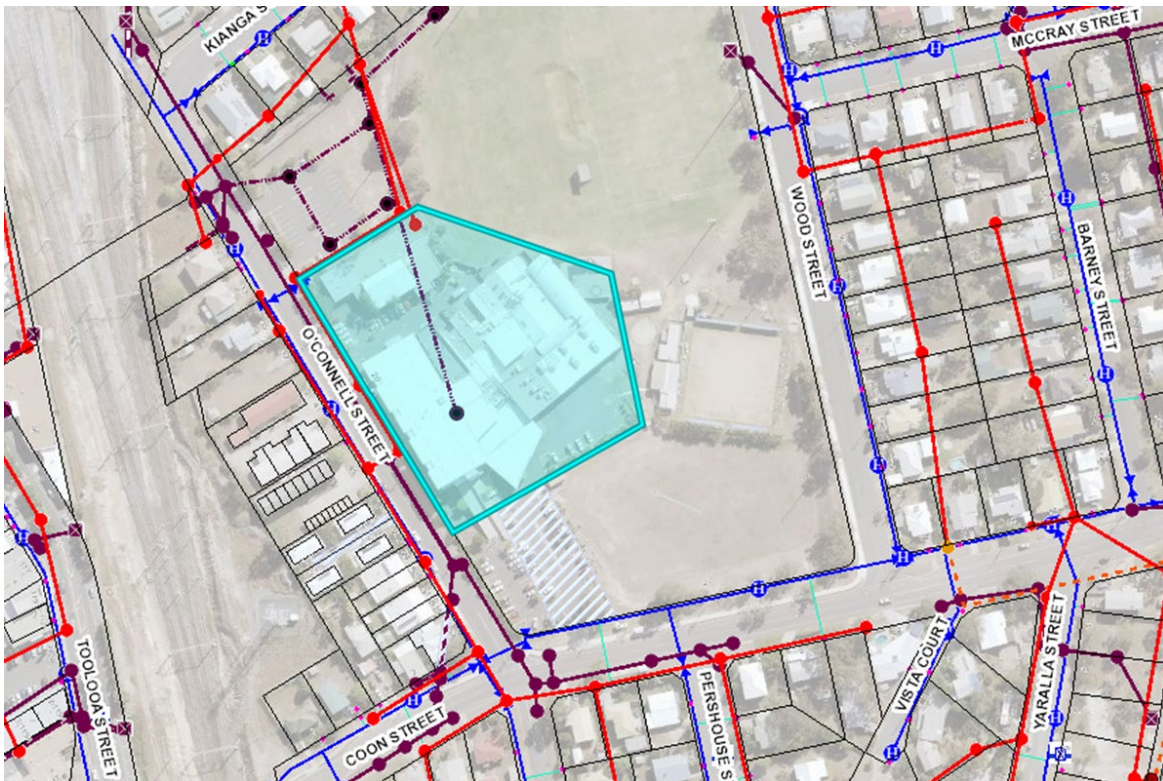


Figure Three: Service Connections

Background:

Previous Applications

Council has previously issued an approval for an extension to the sports club, specifically the use of food premises, gaming premises and licensed premises (6197/2005/DA) over the site on 20 October 2005 subject to conditions. The Material Change of Use required an additional 22 carparking spaces to be included onsite, however 36 spaces were provided in excess to the required. Council approved another proposal over the site on 4 July 2008 (10003/2008/DA) for the expansion of the previously approved food, gaming and licensed premises, and as per the conditions of approval required a total of 193 carparks.

A Development Application for a Material Change of Use of Premises for a Sport and Recreation Facility (Extension to Yaralla Fitness Centre) was approved on 10 February 2009 (ref: DA/11043/2008). This approval sought an expansion of the gymnasium to incorporate a larger facility, additional toilets and change rooms, administrative areas and child-minding services. A subsequent Negotiated Decision was issued on 30 March 2009. Construction of the extension resulted in the combined supply of 229 carparking spaces.

Council issued an approval for a Material Change of Use of Premises for a Motel (Staged - 60 Rooms) (Extension to Yaralla Sports Club) on 2 February 2010 (ref: DA/13/2009). The existing club entry was altered to connect to the Motel and provide a common reception and foyer area for the development. The internal layout was structured so that the Sports Club is able to close while allowing the bar to operate in conjunction with the Motel at alternative hours. Access to this car parking area is via two (2) new driveways from O'Connell Street. A total of 298 car parking spaces will be provided onsite for the Motel, existing Fitness Centre and Sports Club. A Negotiated Decision Notice was later issued on 19 May 2010. Council received further correspondence relating to the total number of onsite car parking spaces. Via formal correspondence, Council agreed to permit the total onsite carparking of 259 spaces.

As part of DA/13/2009, a condition required the Applicant to amalgamate Lot 1 & 2. To achieve compliance with the condition's intent, a Development Application was lodged for a Reconfiguration of a Lot (Boundary Realignment) to ensure that the development was wholly contained within a property boundary. DA/375/2011 was lodged and approved with the relevant Survey Plan endorsed (Ref: CA/51/2011) in 2012.

An extension to the Fitness Centre & Equipment Shed was sought and approved on 30 May 2012 (Ref: DA/528/2012).

Current Application

The Development Application was lodged with Council on 24 June 2019 and considered Properly Made on 4 July 2019. Council issued a Confirmation Notice on 5 July 2019. Upon review of the common material, Council issued an Information Request on 11 July 2019 pertaining to onsite carparking and waste management.

The Applicant requested a meeting with Council Officers on 16 August 2019 to discuss the Information Request items. From this meeting, the Applicant responded to the Information Request on 18 September 2019 with additional material outlining the lease agreement and a revised Traffic Engineering Assessment.

The Applicant undertook Public Notification during the period of 30 September 2019 to 21 October 2019. During the Public Notification Period, a total of two (2) submissions were received. These submissions raised concerns regarding owners' consent, lease agreements, car parking numbers, economic need and sufficient justification to address non-compliance with the Planning Scheme. During the extended Submitter Review Period (Council agreed to an extension), the Applicant prepared a revised proposed plan to further address the concerns raised within the submissions.

Upon review of the revised material, Council Officers requested further information on the changes. On 4 December 2019, the Applicant provided further comments to the revised changes. As such, Council acknowledged the Changed Application was minor as it was a result of a matter raised in the received submissions. Therefore, the application progressed to Decision Stage.

On 24 December 2019, Council requested an Extension to the Decision Period to allow sufficient time to prepare a Council Report. The Applicant agreed to the request on 13 January 2020.

Proposal:

The Applicant seeks a Material Change of Use of Premises for a Theatre (Cinema) at the existing Yaralla Sports Club site. To avoid any confusion, the existing cinema operator on Dawson Highway proposes to be relocated to the site as per this application.

As defined under the Planning Scheme, a Theatre is described as:

Premises used for presenting movies, live entertainment or music to the public and may include provision of food and liquor for consumption on the premises. The use may include the production of film or music, including associated ancillary facilities, which are associated with the production, such as sound stages, wardrobe and laundry facilities, makeup facilities, set construction workshops, editing and post-production facilities.

The Theatre building will feature a foyer, ticket box, candy bar, Gold Room lounge with associated kitchen and bar, games room, several toilets, two Gold Room cinemas and six standard cinemas, while externally, this building will feature a covered entryway with water feature and seating. The Theatre is located as the most southern structure on site with a prominent position interacting with Bell Street. The existing Yaralla Sports Club operations have been overlaid with the proposed use below in Figures Four and Five.

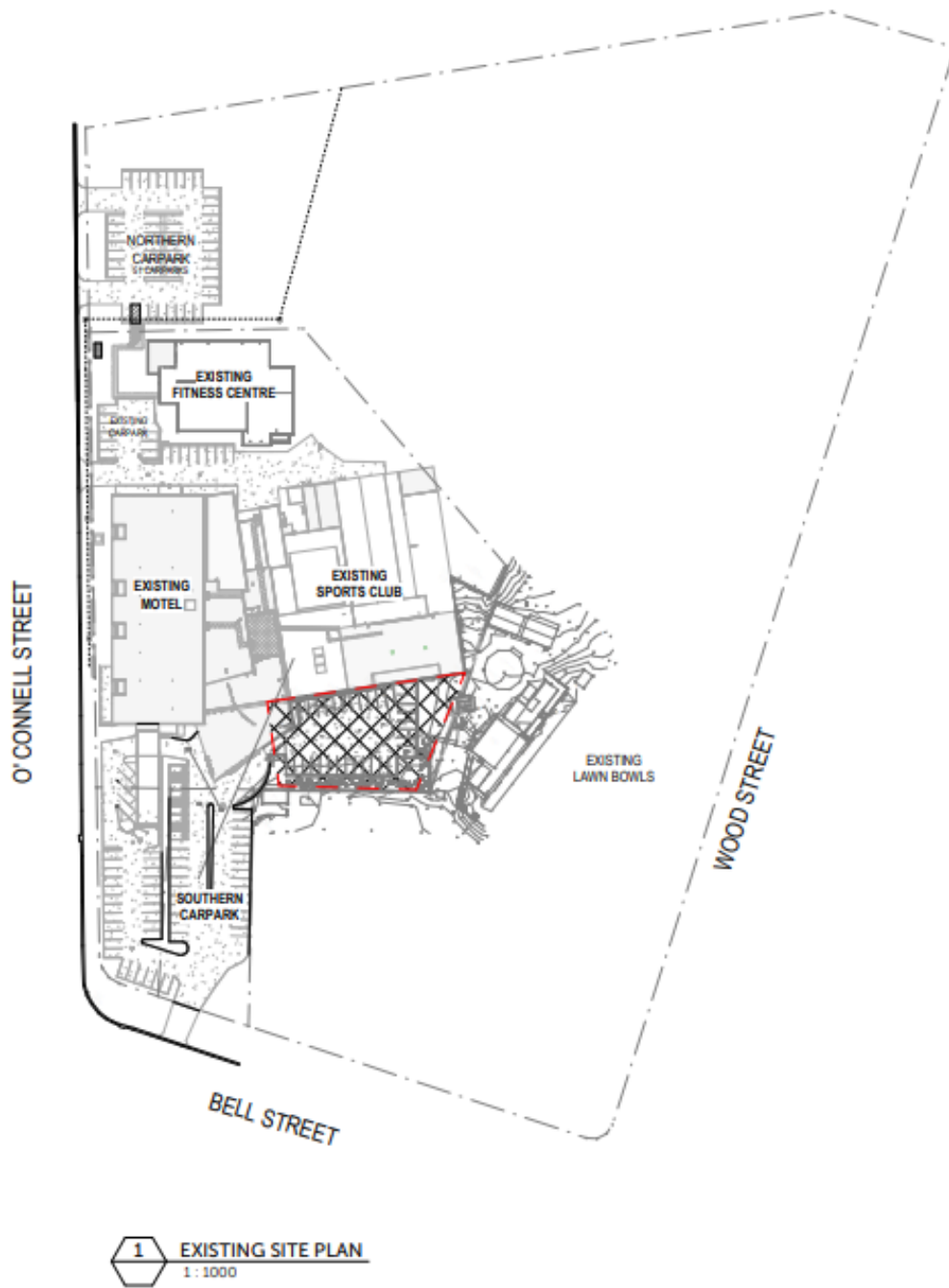


Figure Four: Existing Site Plan

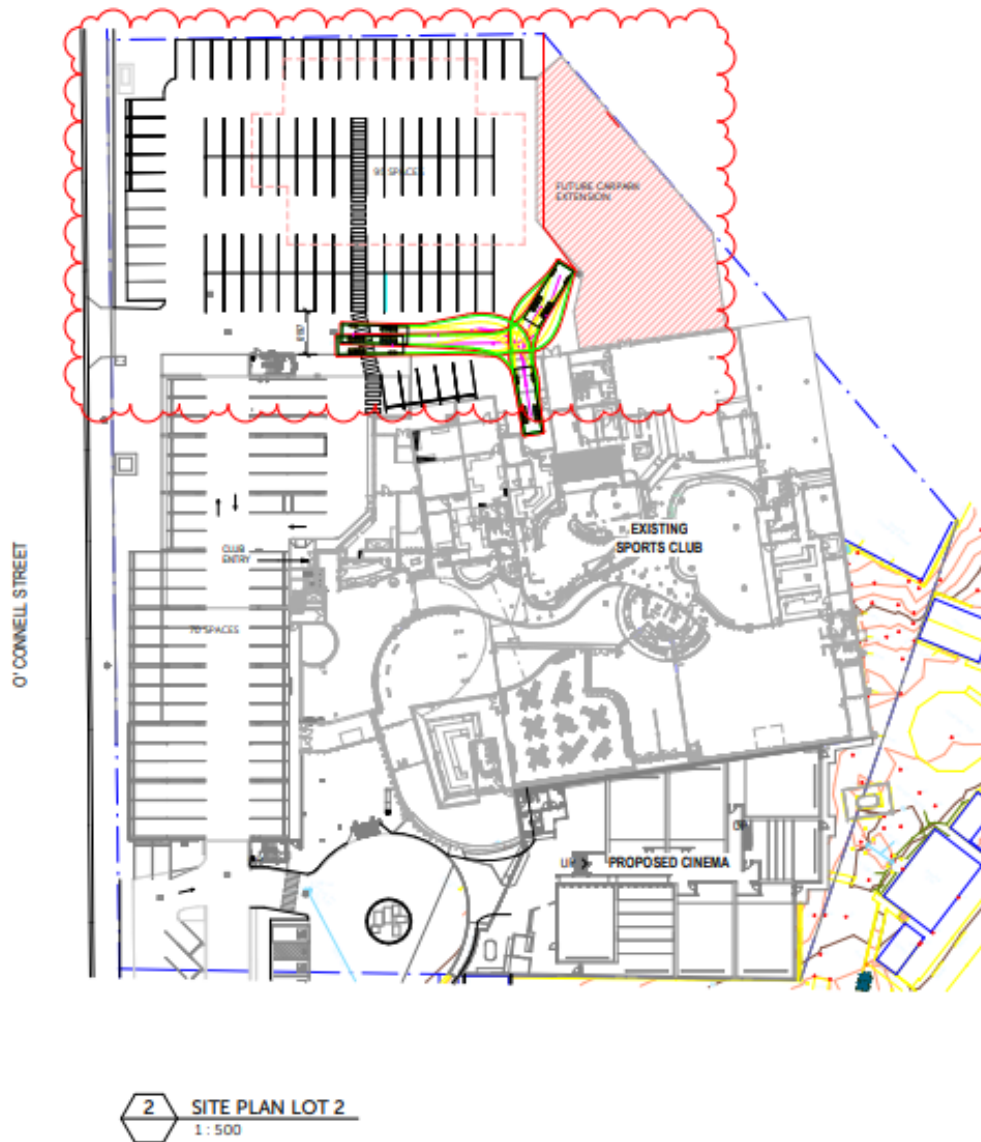


Figure Five: Proposed Site Plan

As part of the revised common material, the Applicant has stated that the existing Fitness Centre (Gym) will be demolished to allow sufficient car parking onsite. It is understood from the Applicant this Fitness Centre is only being used by patrons of the hotel with the Yaralla Fitness Centre (Gym) at Clinton and Tannum catering for Yaralla Gym members.

With the removal of the Fitness Centre, the proposal will now achieve a total of 223 car parking spaces onsite (64 constructed as part of this application), while the existing 114 car parking spaces will remain on the adjacent site which has an existing lease between the two parties.

The proposed Theatre building offers an attractive, modern design consistent with the Yaralla Sports Club site. The exterior of the building has proposed a variety of colours, materials and finishes which create a visually appealing outcome and assist in breaking up the building's overall bulk and scale. The south-eastern and south-western façades, in particular, will feature lightweight vertical cladding of various widths and colours, timber posts, glazing and metal roof sheeting. The combination of these elements will create visual interest and distinguish different sections of the building while

complimenting the existing architectural structures onsite. The building design has been illustrated in Figures Six to Eight.

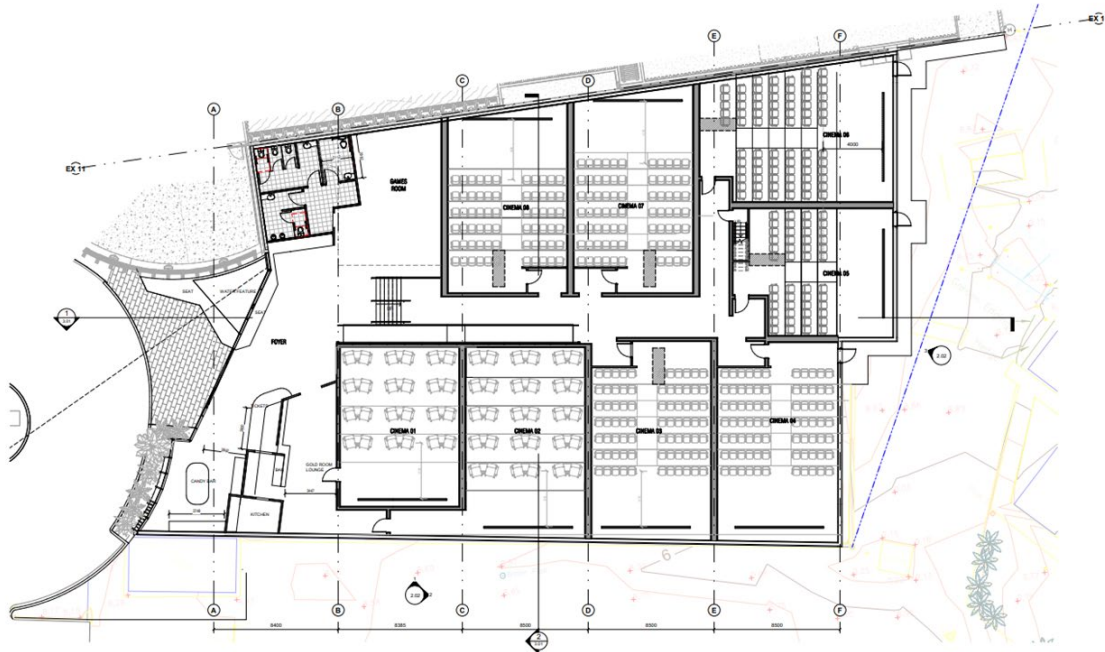


Figure Six: Proposed Floor Plan

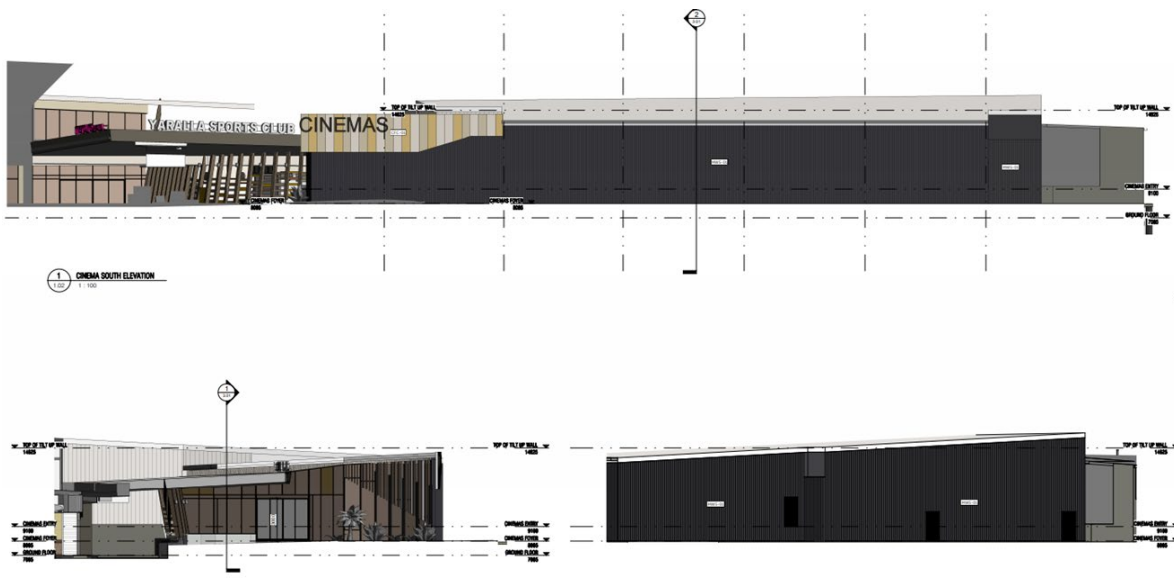


Figure Seven: Proposed Elevations



Figure Eight: 3D Perspectives

The Applicant has outlined that the site will be developed into a Theatre. As per the *Gladstone Regional Council Adopted Infrastructure Charges Resolution (No.1) – 2015 Version 2*, the following breakdown is provided below:

Existing Lawful Use		Proposed Use		
Planning Scheme Definition	GFA	Planning Scheme Definition	GFA	Stage
Motel (Existing)	-	Theatre	1305m2	N/A
Licensed Premises (Existing)	-			
Indoor Sport and Recreation (Demolished Gym)	993m2			

As part of any Decision Notice, an Adopted Infrastructure Charge Notice (AIC) will be issued in accordance with the Act. As per the AIC, the proposed development charge of \$184,722.75 minus

the applicable credit of \$140,559.15 will receive a total AIC charge of \$44,163.60. Furthermore, the development may be eligible under the Economic Incentive Policy to receive a 50% reduction of the AIC charge.

Referral:

The proposed development was not required to be referred to any Concurrence or Advice Agencies, as per Schedule 10 of the Regulation.

Assessment:

Consideration of the proposed development will be undertaken within the requirements of the Act and assessed against the benchmarks within the SPP and the Planning Scheme. The assessment will focus on areas where the proposal fails to comply with the relevant outcomes as well as identifying where relevant conditions can mitigate impacts.

Statutory Planning:

State Planning Policy

The SPP articulates the State Interests that have been identified as critical to protecting and enhancing Queensland and delivering developments. The SPP has effect throughout Queensland and sits above regional plans and Planning Schemes in the hierarchy of planning instruments. An assessment against Part E: Assessment Benchmarks will be required as the Planning Scheme has not been integrated with the current SPP state interest policies. An assessment has been carried out against each applicable State Interest.

State Interest	Trigger	Assessment
Natural Hazards, Risk and Resilience	Flood Hazard Area (Local Government Flood Mapping Area)	Complies – The proposal will not intensify the natural hazard, nor will it increase risk to people or property. In addition, the Local Government (GRC Mapping) does not identify a flood risk on the development site.
Strategic Airports and Aviation Facilities	Lightning Area Buffer and Wildlife Hazard Buffer	Complies – the development does not result in reflective surfaces that could distract or confuse pilots. However, to ensure all lighting meets the relevant standards, a condition has been recommended for the associated Building Works application to meet the Australian Standard for outdoor lighting and reflective materials. Furthermore, the proposal will mitigate the increase to wildlife through regular waste collection that is suitable screened and semi enclosed.

Planning Scheme Requirements:

In accordance with the Planning Scheme Table of Assessment, the proposal triggers Impact Assessment against the whole of the Planning Scheme including the following provisions in order of hierarchy:

- Strategic Framework
- Airport Environs Overlay Code
- Sport and Recreation Zone Code
- Development Design Code
- Landscaping Code

Strategic Framework – Gateway to the World

Strategic Outcome 3.3.1.9 (9) references that *business, and centre activities including retail uses occur in the region's mixed use centres and in urban revitalisation neighbourhoods only where in the Mixed Use Zone. They are not supported in residential zones. Development within these areas ensures the viability of the region's hierarchy of centres is maintained.* This outcome is further highlighted through Strategic Element 3.3.2 for a gateway to local business. The proposed development is not located within a residential zone nor Mixed Use Zone. The subject site is located approximately 200 metres from the designated Gladstone South urban revitalisation area which hosts the Toolooa Street shopping centre. The Gladstone South urban revitalisation area has been envisaged to provide a major redevelopment opportunity to support Gladstone South. Relocating the proposed Theatre to operate within an identified redevelopment precinct may encourage further commercial and recreational growth of such nature in Gladstone South.

Strategic Framework - Connecting Our Places

Strategic Outcome 3.5.1.3 (3) states that *all communities have access to a range of facilities and services, public spaces, open space, sport and recreation areas.* The proposed development is located within the Sport and Recreation Zone which envisages development to support sporting and community needs. Notwithstanding this, the subject site has existing mixed use approvals (Motel, Licensed Premises, Fitness Centre) that function as a commercial and recreational precinct. It is important to note the definition of recreation (*noun*) under the Oxford Dictionary is '*activity done for enjoyment when one is not working*'. Although a Theatre is not viewed as a traditional recreational activity, the operation of a Theatre can be aligned with this definition of recreation. As such, the assessment of the proposed Theatre will herein be considered as a recreational activity.

The site has already transitioned from traditional open/public space and sporting areas to include ancillary commercial and recreational uses. The extension to the existing uses would not reduce the community's access to a range of facilities, nor does the proposed use impact on the adjoining sporting fields ability to operate within the Sport and Recreation Zone. This is further articulated in Strategic Outcome 3.5.1.4 (4) which outlines that *Gladstone City provides the highest level community and health services and facilities for the region. Other major urban places such as Boyne Island / Tannum Sands and Calliope provide regional level sport and recreation facilities. Smaller places provide for community infrastructure to support their local needs.* In response, the proposal is considered to provide a recreational facility within the Gladstone City which is in keeping with the intent of Strategic Outcome (3) and (4) without diminishing suitable active sporting and recreational land identified within the Planning Scheme.

Strategic Outcome 3.5.1.6 (6) references that *public transport links mixed use centres with the region's new neighbourhoods, urban revitalisation neighbourhoods and existing suburban areas so that people have improved access to shopping, health care, community services and cross modal points (airport and railway).* There are existing bus stops on both sides of Bell Street. The bus stops are serviced by Buslink Routes 500 and 501, which operate in a loop throughout South Gladstone. Services operate approximately three (3) times an hour in each direction during the morning and afternoon school peak periods and once every two hours during the daytime off-peak periods.

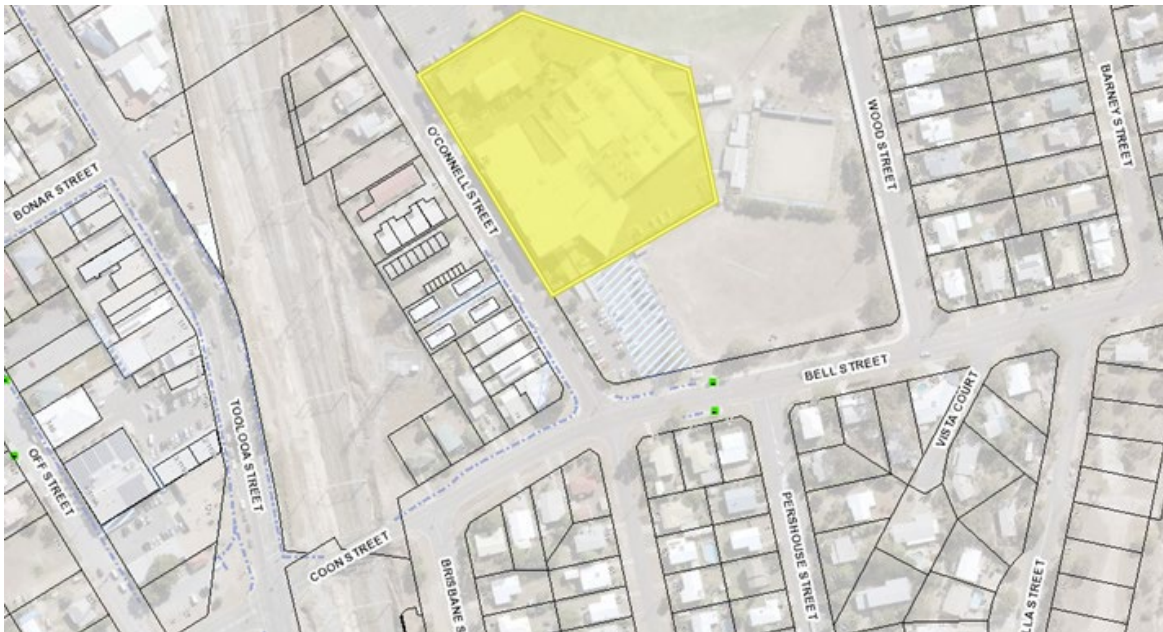


Figure Nine: Existing Public Transport

As such, the proposed development will utilise existing public transport to support access to the recreational and commercial precinct, thus complying with Strategic Outcome (6).

Strategic Framework - Building it Better: Our Urban Area

The subject site is located within an existing suburban area under the Strategic Framework which states *existing suburban areas represent well established low density residential neighbourhoods in the region's major urban areas. They are dominated by dwelling houses on medium to large residential lots located in the Low density residential zone. These areas remain unchanged apart from limited dual occupancy housing forms only where development maintains low density residential character. Infill development including higher density attached housing is not appropriate in existing suburban areas in the Low density residential zone.* Although the subject site is located within the 'existing suburban area', it abuts the urban revitalisation area and is zoned as Sport and Recreation, not Low Density Residential Zone (LDR seeks low scale residential development). Therefore, no further assessment is required against Strategic Element 3.6.2 – Existing Suburban Area.

Strategic Element 3.6.2 - Urban revitalisation neighbourhoods are identified as older urban areas generally close to the Gladstone CBD and other key locations such as Gladstone South. The subject site is located approximately 200 metres from the designated Gladstone South urban revitalisation area which has been highlighted below in Figure 10.



Figure 10: Gladstone South Urban Revitalisation Neighbourhood

Furthermore, the Toolooa Street shopping centre (within the Gladstone South area) is envisaged to provide a major redevelopment opportunity to anchor Gladstone South and reinforce the gateway entry into the Valley and CBD. Relocating the proposed Theatre to operate within an established commercial and recreational precinct may further encourage redevelopment of such nature by increasing patrons to the area. Additionally, the public transport routes, road and pedestrian networks within the Gladstone South area can cater for mixed modes of transport to the Toolooa Street Shopping centre and the subject site. Accordingly, the development generally complies with the Strategic Element 3.6.2 – Urban Revitalisation Neighbourhoods.

Airport Environs Overlay

The subject site is located within 70-75m Obstacle Limitation Surface (OLS). The proposed Theatre will be constructed with a building height under 9m. Given the proposed development and associated construction phase will not protrude into the OLS or obstruct the operation of the Gladstone Airport, it is determined that the proposal complies with the Airport Overlay Code.

Sport and Recreation Zone Code

As per Acceptable Outcome 2.2, the proposed development footprint is greater than 400m². As such, the development will be assessed against Performance Outcome 2 which stipulates *built form is of a height and scale that is low–medium rise and visually unobtrusive, protects residential amenity and minimises overshadowing and overlooking where adjoining an existing residential use or a residential zone, and does not restrict access to, utility or enjoyment of the land for sport and recreation purposes.*

In response, the proposal represents a built form which will be medium rise and visually unobtrusive given the continuation of the existing architectural treatments on the external facades. The position of the proposed Theatre reflects an infill development given the constructed uses and their layout. This further protects adjoining amenity and eliminates any overshadowing from the Theatre to the surrounding (not adjoining) residential area. The proposal will not restrict access to, utility or enjoyment of sport and recreation facilities. As such, it is considered that the proposal generally complies with Performance Outcome 2.

As part of the Minor Change during the assessment, the Applicant has proposed to demolish the existing Fitness Centre (Indoor Sport and Recreation) and repurpose the area to car parking. To ensure the proposed car parking has appropriate outdoor lighting, a condition has been recommended to comply with the Australian Standard. This condition will result in compliance with Acceptable Outcome 4.1 and 4.2.

Within the common material, the Applicant has stated that the Theatre will operate between 9am and 1am. It is further noted that the existing Motel has unlimited hours, the Gladstone Events Centre has 5am to 12am and the Yaralla Sports Club is between 10am and 4am. The proposed hours of operation do not meet the intent of Acceptable Outcome 5 which states *hours of operation are limited to between 7am and 10pm each day.* This will result in assessment against the corresponding Performance Outcome.

Performance Outcome 5 outlines that *development must not unreasonably affect the amenity of the surrounding area.* The proposal will be conducted wholly indoors and will be acoustically treated to reduce any unreasonable noise for the surrounding amenity. The proposed position of the Theatre adds additional separation from the use to surrounding established residential sites.



Figure 11: Proximity to surrounding residential uses

As the proposal will incorporate appropriate acoustic treatment and does not intend to operate outside of the existing uses varying hours of operation, it is considered that the proposal complies with Performance Outcome 5 noise impacts.

Performance Outcomes 6 and 7 seek to facilitate and support the enjoyment and use of the land for sport and recreation purposes. The proposed development does not directly support the envisaged sport and recreation purpose of the land, nor is it recognised as a compatible community related activity to the sporting function of the zone. Given the non-compliance with these Performance Outcomes, the proposal will be assessed against an Overall Outcome.

Overall Outcome (a) states that *areas available for active sport and recreational pursuit such as playing fields, equestrian facilities, outdoor cultural facilities, educational activities, public swimming pools and outdoor courts are provided*. The subject site has been developed over the last 15 years to create a commercial and recreational precinct with uses such as a Licensed Venue, Motel and Fitness Centre. These existing uses were approved under the superseded *Gladstone Plan 2006*, which designated the site as Open Space Zone – Eastern Harbour Locality, to compliment the Yaralla Sports Club and adjoining sporting field. As a result of these uses, the subject site has been developed to create a commercial and recreational precinct in the Gladstone South area. Notwithstanding this, the proposed Theatre will continue to provide a recreational use in addition to the established uses onsite.

The purpose of the Sport and Recreation Zone Code is to ensure *development is designed to meet community needs for sporting and active recreation purposes, development maximises community access and use of land for sport and active recreation purposes, and development minimises impacts where adjoining residential land and other sensitive receiving uses*.

Within the Gladstone region, there are approximately 20 other sites located within the Sport and Recreation Zone (not including Open Space) that could appropriately facilitate active sport and recreation development. Out of these sites, the strategic framework has nominated the Gladstone Showground/Racecourse and Rigby Park Complex and Aquatic Centre as the major sporting facilities. Furthermore, the adjacent lot to this site has been developed as a sporting field which

accommodates various sporting needs (currently has an active lease over the two lots between property owners).

Despite non-compliance with the Sport and Recreation Zone Code, the proposed development on this site does not compromise existing sporting and recreational opportunities within the region. The proposed extension to the Yaralla Sports Club is considered to continue to provide a variety of facilities for the Gladstone region as identified within the Strategic Framework.

Performance Outcome 15 requires development to be designed to achieve safety for all users. The proposal will be constructing a new car parking area towards the northern portion of the site which requires patrons to transverse approximately 70m to reach the cinema entrance. As part of Building Works, the Applicant will be required to install safe access into the Yaralla complex to increase casual surveillance within the building, in addition to installing suitable landscaping, lighting and direction signage for pedestrians. These design treatments will assist in ensuring the safety of the patrons at the subject site, whether they are accessing the existing facility or proposed Theatre. As a result of this condition, the development will be compliant with Performance Outcome 15.

Development Design Code

The proposed development is located on an established lot. Thus, the lot has access to all existing services (water, sewer, electricity and telecommunication). Due to the proposal increasing the demand at site, the existing water and sewer connection points were assessed to determine whether there was sufficient capacity in the surrounding systems for the proposed development and if the water pressure would be too adversely affected as a result of the proposed use. It was determined that no upgrades would be required.

As per Acceptable Outcome 4.2, the development is to ensure all fire fighting infrastructure is located within private property and is owned and maintained by the land owner. To determine the fire fighting requirements, the Building Application will require a referral to Queensland Fire Emergency Services (QFES). A condition has been included to guarantee that the equipment will meet sufficient capacity and is located within the subject site boundary. This condition will demonstrate compliance against Acceptable Outcome 4.2.

The proposed development will not result in a significant increase to impervious area of the site, therefore overall stormwater discharge from the site is unlikely to change between existing and proposed stages. As such, the proposal generally complies with Acceptable Outcome 5.1.

Acceptable Outcome 9 states that *car parking and bicycle parking is provided on site in accordance with the rates specified in the Parking Rates Planning Scheme Policy*. Within the revised common material, the Applicant has detailed the removal of the existing Fitness Centre and subsequent reduction in required parking capacity. As per the Parking Rates Schedule, the proposed Theatre requires the following car parking and bicycle spaces.

Prescribed Parking Rate	Required Parking	Proposed Parking
Fitness Centre (Demolished)	50 car parking spaces	Removing 42 spaces
Theatre (Proposed)	80 car parking spaces 4 bicycle spaces	Proposed 106 spaces

The Applicant will remove the Fitness Centre and a total of 42 spaces, then construct 106 spaces and the Theatre. This will result in a total of 64 constructed car parking spaces. To avoid any confusion regarding the onsite car parking vs adjacent lot (leased) car parking, the total existing and proposed car parking rates have been tabled below:

Development	Total	Development Site	Adjacent Site (Leased)
Existing Development Rates			
	273	159 spaces	114 spaces

Proposed Development Rates		
	337	223 spaces
		114 spaces

Consequently, it is proposed to condition the Applicant to supply 64 additional car parking spaces and four (4) bicycle spaces onsite as part Operational Works, thus complying with Acceptable Outcome 9.

Acceptable Outcome 11.1 states that *access driveways are designed and constructed in accordance with the Engineering Design Planning Scheme Policy, in accordance with AS2890 and certified by a Registered Professional Engineer of Queensland*. Within the revised common material, the Applicant has detailed that the proposal will include 337 parking spaces, which are comprised of 223 spaces on the development site and 114 spaces on the adjacent site (51 spaces in the northern carpark and 63 spaces in the southern carpark). This would result in the existing crossovers accessing the number of parking spaces shown in the below table.

Street	Existing Crossover	Number of Spaces Accessed Post Development
Development Site		
O'Connell Street	One 7m wide crossover (Type B1)	223 spaces
Adjacent Site (Leased)		
O'Connell Street	Two 7m to 7.3m wide crossovers (Type B1)	51 spaces (northern carpark)
Bell Street	One 8.5m wide crossover (Type B1)	63 spaces (southern carpark) <i>Note: This access point in reality could provide access to 286 spaces (development site and southern carpark)</i>

In accordance with the Engineering Design Planning Scheme Policy, a Type C1 driveway is required to access a car parking area with 251 to 500 spaces that have medium parking turnover from a minor road. In addition, driveways accessed by a service vehicle (such as a refuse vehicle) from a minor road are required to be Type B2 (7m). Therefore, it is proposed to condition the Applicant as part of Operational Works to upgrade the existing crossover accessing the development site from O'Connell Street to a Type B2 (7m) and upgrade the existing the development site from Bell Street to a Type C1.

Acceptable Outcome 12 states that *manoeuvring, loading and unloading areas, and parking areas (car and bicycle) are designed and constructed in accordance with the Engineering Design Planning Scheme Policy, Imperviously sealed using concrete or asphalt bitumen, in accordance with AS2890 as amended, and certified by a Registered Professional Engineer of Queensland*. In accordance with Section 2.3.2 (a) of AS2890.1, *parking aisles for 90 degree parking shall be designed for two-way movement even though one-way movement may need to be imposed in some instances*. However, the submitted plans have proposed within the car parking area that the width of the parking aisle to be 4.5m where the radius of the curved roadway is 7.9m (see Table 2.2 in AS2890), which complies with the one-way movement minimum requirement. In addition, clearances must be provided on either side of a B99 vehicle when assessing swept paths in car park designs in accordance with Section B3.2 of AS2890.1. This is denoted by the red line in Figure 9 of the Traffic Engineering Assessment, which extends into one of the proposed car parking spaces and the proposed footpath widening, and, thus, does not comply with AS2890.1. Therefore, a condition has been recommended to amend the car parking design to meet the requirements of AS2890 in these locations as part of Operational Works.

Furthermore, within the proposed revised common material, the Applicant has suggested that nine (9) tandem parking spaces are included. Given the nature of the proposed development for both visitors and staff, the inclusion of tandem spaces are not supported. To ensure all vehicles can

access and exit the site without any potential conflict within the parking area, a condition has been included for the Applicant to redesign the car parking layout to remove the tandem spaces while maintaining the total of 223 car parking spaces onsite as part of the Operational Works approval.

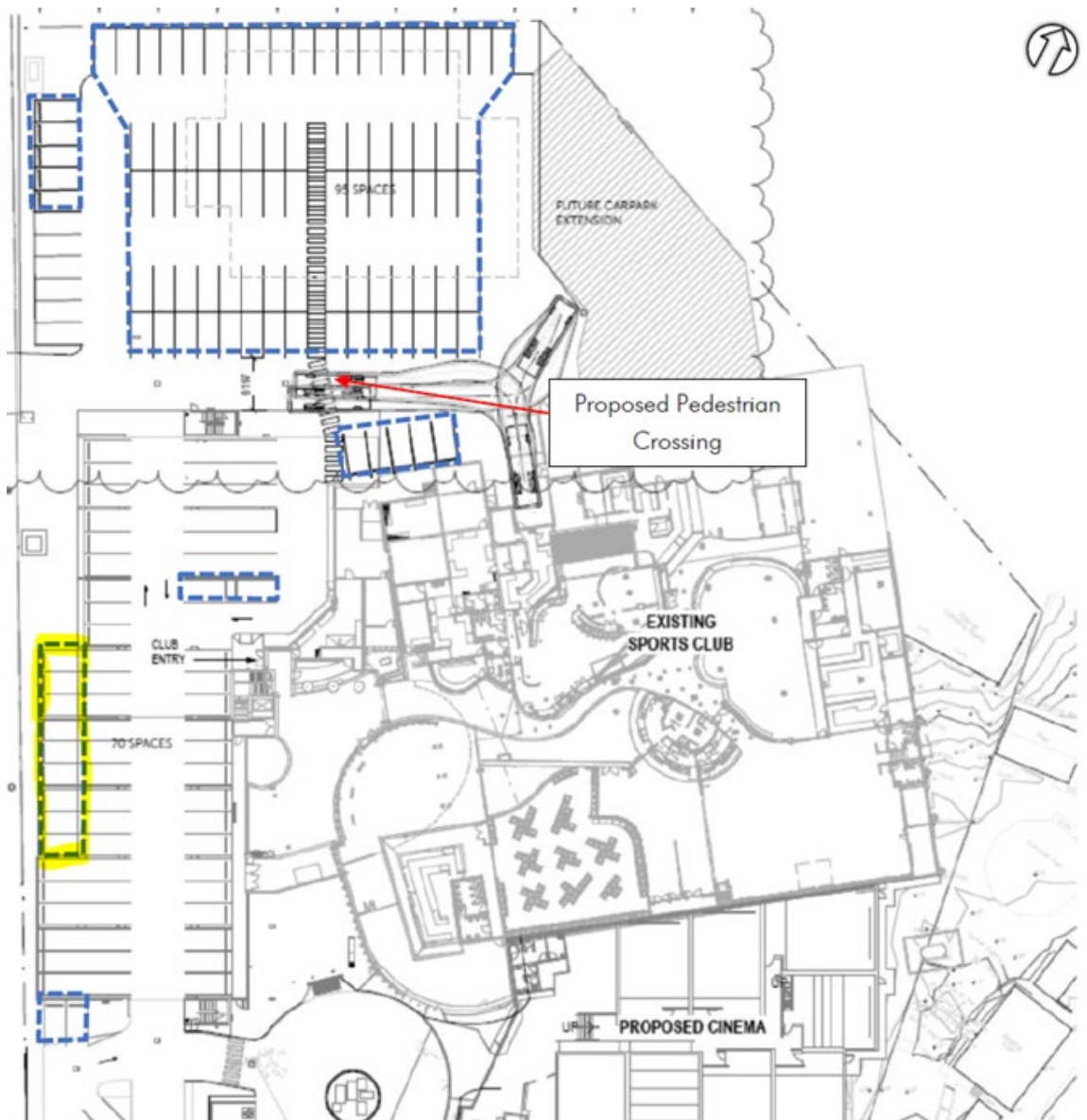


Figure 12: Proposed tandem parking on the ground level (highlighted)

It is noted that the Traffic Engineering Assessment states that one (1) additional disabled parking space is required on the site, as a result of the proposed use, to comply with the Building Code of Australia requirements. Whilst this has been noted in this document, the disabled parking space and its required attached shared space is not shown on the plans. Therefore, a condition has been recommended to provide amended plans as part of the subsequent Operational Works application showing the location of the space and shared space and that their design complies with AS2890.

To provide additional pedestrian linkage from the existing footpath network and comply with Acceptable Outcome 13, a condition has been recommended for the Applicant to construct a pedestrian footpath along the full frontage of O'Connell Street, connecting into the existing footpath network that terminates at the corner of O'Connell and Bell Street (Figure 13). This will further promote pedestrian connection to the Gladstone South Urban Revitalisation Precinct and the subject site.



Figure 13: Proposed footpath connection

It is also noted that the pedestrian linkage within the site in the form of the proposed pedestrian crossing across the parking aisle in the vicinity of the service vehicle area is skewed at an angle which increases the crossing distance for pedestrians. It is best practice to reduce the crossing distance for pedestrians and, thus, reduce the distance that their movement is conflicting with vehicles. Therefore, a condition has been proposed to straighten the pedestrian crossing and reduce the crossing distance as much as is practical within the Operational Works application.

It was noted that the existing waste agreement has a commercial operator collecting general waste twice weekly and recyclables weekly onsite. The proposal will not result in additional waste storage, however, may require more frequent servicing. To achieve compliance with Acceptable Outcome 21 which states *waste storage and management arrangements are sited, screened and designed in accordance with the Waste Management Planning Scheme Policy*, a condition has been recommended.

Landscaping Code

Acceptable Outcome 2.2 references that *a minimum of 50% of landscaped areas are to be covered in soft landscaping (turf areas and planting beds), with at least 25% of that area being planting*. The subject site will exceed more than 50% site cover, as such, it does not meet this benchmark and will be assessed against Performance Outcome 2.

Performance Outcome 2 outlines that landscape works and plant selection ensure an appropriate mix of soft and hard elements and provision of shade. Furthermore, Acceptable Outcome 7.1 requires shade trees to be located at the rate of 1 tree per 6 car spaces. To achieve these requirements, a condition has been recommended for the Applicant to submit a Landscape Plan detailing the preferred species and rates within the open air car parking space. This will result in compliance with the Landscaping Code.

Public Notification and Submissions:

Public Notification was triggered as the application is categorised as Impact Assessable, as prescribed by the Act. The Public Notification period occurred between 30 September 2019 to 21 October 2019. During the Public Notification period, two (2) Properly Made Submissions were received (attached). A further breakdown of the submissions has been included below.

Submission	Officer's Response
Application Status	
<p>The proposed development relies upon car parking facilities on land that has not been included as part of the application, and therefore should not be considered properly made.</p>	<p>As part of the response to Submissions (resulting in a Minor Change during assessment), the Applicant has detailed that the existing Fitness Centre will be demolished to allow sufficient room for the required car parking. As such, the proposal does not rely on a site not lodged as part of the application, resulting in the application being considered Properly Made.</p>
Conflict with Zone Code	
<p>The proposed development has not adequately demonstrated compliance with the relevant performance outcomes and the appropriate overall outcomes, thus the Theatre cannot achieve the purpose of the Sport and Recreation Zone Code, specifically as it does not meet the community need for sporting and recreation purposes or maximises the availability or accessibility of land available for sport and recreation purposes.</p>	<p>Despite non-compliance with the Sport and Recreation Zone Code, the proposed development on this site does not compromise existing sporting and recreational opportunities on this site or within the region. Furthermore, the proposed extension to the Yaralla Sports Club is considered to continue to provide a variety of facilities for the Gladstone region and support an identified urban revitalisation area as highlighted within the Strategic Framework of the Planning Scheme.</p>
Conflict with Strategic Planning Scheme	
<p>Inadequate assessment of the Planning Scheme has been provided. A review of the Strategic Framework indicates that the subject site is located within an Existing Suburban Area. In accordance with part 3.6 of the Planning Scheme, existing suburban areas remain unchanged apart from limited dual occupancy housing forms only where development maintains low density residential character. The proposed development does not provide for a low density residential character or use, and accordingly cannot comply with the higher order strategic intent for the locality. As the proposed development does not demonstrate compliance with the higher order Strategic Framework, it cannot achieve the purpose of the Sport and Recreation Zone Code or the intent of the Planning Scheme for the subject site.</p>	<p>The subject site is located within an existing suburban area under the Strategic Framework which states <i>existing suburban areas represent well established low density residential neighbourhoods in the region's major urban areas. They are dominated by dwelling houses on medium to large residential lots located in the Low Density Residential Zone.</i> Although the subject site is located within the 'existing suburban area', it is zoned as Sport and Recreation, not Low Density Residential Zone (LDR seeks low scale residential development). Low Density Residential on this site would be an incompatible use given the Zone and established uses onsite, and therefore assessment against Strategic Element 3.6.2 – Existing Suburban Area is not relevant for this proposal.</p>
Community Need	
<p>The proposed development has not demonstrated compliance with the purpose of the zone code as it does not sufficiently demonstrate that there is an adequate community need for the use to occur within the subject site. The subject site is within close proximity to an existing Theatre that services not only the city of Gladstone, but also the surrounding region as well. The introduction of an additional Theatre will create an oversupply of the use for the population that it services. As such, it is inappropriate to introduce the proposed development when there is not an</p>	<p>Within the common material, the existing Theatre operation will be relocated to this site.</p> <p>Strategic Framework – Gateway to the World - Strategic Element 3.3.2 – <i>A gateway for local business. The region's mixed use centres and urban revitalisation neighbourhoods occur in the Neighbourhood centre, Centre, Principal centre, Mixed use and Specialised centre zones. Business and centre activities occur in these zones and are not supported in residential zones as this is inconsistent with the form, function and amenity of residential</i></p>

<p>economic or community need for the activity as it would conflict with section 3.3.2 of the Planning Scheme</p>	<p><i>neighbourhoods</i>. The proposed development is located within the Sport and Recreation Zone, not residential, and proposes to extend the existing formed commercial and recreational uses onsite. Furthermore, the proposed development adjoins the Gladstone South Urban Revitalisation Area. The Gladstone South area is envisaged to provide a major redevelopment opportunity to anchor Gladstone South and reinforce the gateway entry into the Valley and CBD. The proposal for a Theatre to operate within proximity to this precinct may further encourage redevelopment of such nature by increasing patrons to the area.</p>
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Summary:

The Theatre is generally consistent with the intent of the Planning Scheme despite conflicts within the Sport and Recreation Zone Code overall purpose. The proposal is considered to provide a positive, functional development which will satisfy the needs of the Gladstone community without compromising the site and function of the existing Yaralla Sports Club established in the Sport and Recreation Zone.

Anticipated Completion Date:

N/A

Officer's Recommendation:

That Development Application 27/2019 for a Material Change of Use of Premises for a Theatre located at 20 O'Connell Street, Barney Point, be approved despite conflicts within the Planning Scheme. The approval is supported by a Notice of reasons and subject to reasonable and relevant conditions.

Notice of Reasons:

The following provides the Notice of Reasons under section 63(5) of the *Planning Act 2016*:

Description of the development:

The approved development is for a Material Change of Use of Premises of a Theatre.

Assessment Benchmarks:

Benchmarks applying to the development:	Benchmark reference:
<i>State Planning Policy July 2017</i>	<ul style="list-style-type: none"> • State Interest – Natural Hazards, Risk and Resilience; and • Strategic Airports and Aviation Facilities.
<i>Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2</i>	<ul style="list-style-type: none"> • Strategic Framework; • Airport Environs Overlay Code; • Sport and Recreation Zone Code; • Development Design Code; and • Landscaping Code.

Reasons for the Assessment Managers Decision:

1. The Application was properly made in accordance with the *Planning Act 2016* and the Development Assessment Rules; and
2. The Application is generally compliant with the relevant benchmarks of the *State Planning Policy July 2017* and the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* despite conflicts within the Sport and Recreation Zone Code.

Reasons for Approval despite any Non-compliance with certain Benchmarks:

Benchmark reference:	Reasons for the approval despite non-compliance with benchmark:
Sport and Recreation Zone Code – Table 6.2.8.3.1 – Acceptable Outcome 4.1 and 4.2.	Compliance with Sport and Recreation Zone Code – Table 6.2.8.3.1 - Acceptable Outcome 4.1 and 4.2 via a condition.
Sport and Recreation Zone Code – Table 6.2.8.3.1 – Performance Outcome 6 and 7.	Generally compliant with the Strategic Framework despite conflicts with the Sport and Recreation Zone Code.
Sport and Recreation Zone Code – Table 6.2.8.3.1 – Performance Outcome 15.	Compliance with Sport and Recreation Zone Code – Table 6.2.8.3.1 – Performance Outcome 15 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 4.2.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 4.2 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 9.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 9 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 11.1.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 11.1 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 12.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 12 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 13.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 13 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 and 22.1.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 and 22.1 via a condition.
Landscaping Code – Table 9.3.5.3.1 – Acceptable Outcome 2.2.	Compliance with Landscaping Code – Table 9.3.5.3.1 – Performance Outcome 2.2 via a condition.
Landscaping Code – Table 9.3.5.3.1 – Acceptable Outcome 7.1.	Compliance with Landscaping Code – Table 9.3.5.3.1 – Acceptable Outcome 7.1 via a condition.

Relevant Matters under Section 45(5)(b) of the Act that the Development was Assessed Against:

N/A

Matters raised in Submissions and Council's response in dealing with these matters:

Submission	Officer's Response
Application Status	
<p>The proposed development relies upon car parking facilities on land that has not been included as part of the application, and therefore should not be considered properly made.</p>	<p>As part of the response to Submissions (resulting in a Minor Change during assessment), the Applicant has detailed that the existing Fitness Centre will be demolished to allow sufficient room for the required car parking. As such, the proposal does not rely on a site not lodged as part of the application, resulting in the application being considered Properly Made.</p>
Conflict with Zone Code	
<p>The proposed development has not adequately demonstrated compliance with the relevant performance outcomes and the appropriate overall outcomes, thus the Theatre cannot achieve the purpose of the Sport and Recreation Zone Code, specifically as it does not meet the community need for sporting and recreation purposes or maximises the availability or accessibility of land available for sport and recreation purposes.</p>	<p>Despite non-compliance with the Sport and Recreation Zone Code, the proposed development on this site does not compromise existing sporting and recreational opportunities on this site or within the region. Furthermore, the proposed extension to the Yaralla Sports Club is considered to continue to provide a variety of facilities for the Gladstone region and support an identified urban revitalisation area as highlighted within the Strategic Framework of the Planning Scheme.</p>
Conflict with Strategic Planning Scheme	
<p>Inadequate assessment of the Planning Scheme has been provided. A review of the Strategic Framework indicates that the subject site is located within an Existing Suburban Area. In accordance with part 3.6 of the Planning Scheme, existing suburban areas remain unchanged apart from limited dual occupancy housing forms only where development maintains low density residential character. The proposed development does not provide for a low density residential character or use, and accordingly cannot comply with the higher order strategic intent for the locality. As the proposed development does not demonstrate compliance with the higher order Strategic Framework, it cannot achieve the purpose of the Sport and Recreation Zone Code or the intent of the Planning Scheme for the subject site.</p>	<p>The subject site is located within an existing suburban area under the Strategic Framework which states <i>existing suburban areas represent well established low density residential neighbourhoods in the region's major urban areas. They are dominated by dwelling houses on medium to large residential lots located in the Low Density Residential Zone.</i> Although the subject site is located within the 'existing suburban area', it is zoned as Sport and Recreation, not Low Density Residential Zone (LDR seeks low scale residential development). Low Density Residential on this site would be an incompatible use given the Zone and established uses onsite, and therefore assessment against Strategic Element 3.6.2 – Existing Suburban Area is not relevant for this proposal.</p>
Community Need	
<p>The proposed development has not demonstrated compliance with the purpose of the zone code as it does not sufficiently demonstrate that there is an adequate community need for the use to occur within the subject site. The subject site is within close proximity to an existing Theatre that services not only the city of Gladstone, but also the surrounding region as well. The introduction of an additional Theatre will create an oversupply of the use for the population that it services. As</p>	<p>Within the common material, the existing Theatre operation will be relocated to this site.</p> <p>Strategic Framework – Gateway to the World - Strategic Element 3.3.2 – <i>A gateway for local business. The region's mixed use centres and urban revitalisation neighbourhoods occur in the Neighbourhood centre, Centre, Principal centre, Mixed use and Specialised centre zones. Business and centre activities occur in these zones and are not supported in residential</i></p>

such, it is inappropriate to introduce the proposed development when there is not an economic or community need for the activity as it would conflict with section 3.3.2 of the Planning Scheme	<i>zones as this is inconsistent with the form, function and amenity of residential neighbourhoods.</i> The proposed development is located within the Sport and Recreation Zone, not residential, and proposes to extend the existing formed commercial and recreational uses onsite. Furthermore, the proposed development adjoins the Gladstone South Urban Revitalisation Area. The Gladstone South area is envisaged to provide a major redevelopment opportunity to anchor Gladstone South and reinforce the gateway entry into the Valley and CBD. The proposal for a Theatre to operate within proximity to this precinct may further encourage redevelopment of such nature by increasing patrons to the area.
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Matters prescribed by a Regulation:

1. The *State Planning Policy – July 2017 – Part E*;
2. The *Central Queensland Regional Plan*; and
3. The *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2*.

Conditions of Approval:

The following provides the Conditions of Approval under Section 63(5) of the *Planning Act 2016*:

Approved Documentation

1. Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:

Drawing Number	Revision	Description	Author	Date
A1.01	P5	Site Plan	BSPN Architecture	21/11/2019
A1.02	P2	Ground Level - Existing + Demo	BSPN Architecture	10/06/2019
A1.03	P9	Proposed Floor Plan	BSPN Architecture	10/06/2019
A2.02	P3	Proposed Elevations	BSPN Architecture	10/06/2019
A3.01	P2	Section – Sheet 1	BSPN Architecture	10/06/2019
A10.01	P1	Perspective Views	BSPN Architecture	10/06/2019

And supporting documents

Document Number	Revision	Description	Author	Date
2019-20\20-210	-	Yaralla Sport Club, Gladstone Traffic Engineering Assessment	PTT Traffic & Transport Engineering	25/11/2019

Special Conditions

2. Prior to the lodgement of the first Development Permit for Building Works, the Applicant is to submit to Council for approval, an internal pedestrian network connectivity plan that achieves the desirable levels of Crime Prevention through Environmental Design between the northern car park and the proposed Theatre.

Advisory Note: the guideline can be located in the Queensland Government's Crime Prevention through Environmental Design Guidelines for Queensland.

3. As part of the lodgement of the Development Permit for Operational Works, the Applicant must submit amended plans detailing that:
 - a. All internal pedestrian crossings are located such that pedestrians are directed to cross perpendicular to the flow of vehicular traffic and that pedestrians are required to walk the minimum practical distance to cross the parking aisle. This must remove and not result in diagonal pedestrian crossings on or adjacent to 90 degree bends in the parking aisles; and
 - b. Remove the nine (9) tandem car parking spaces and redesign the car parking layout to achieve nine (9) user class 1 minimum (where identified for staff use only) or class 3 (where not identified for staff use only) within the subject site; and
 - c. The location of the one (1) additional disabled parking space and its associated shared space which comply with the requirements of AS2890; and
 - d. Curved parking aisle at the southern end of the site shall be redesigned for two-way movement despite only permitting one-way movement, as required in AS2890.1 for parking aisles for 90 degree parking; and
 - e. The swept path for a B99 vehicle shall not extend into any car parking spaces or footpath areas on the proposed curved roadway near the Club entrance in the vicinity of the proposed footpath widening.

Operational Works

4. A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction. The Development Application for Operational Works is to include the following:
 - a. Road works (including signage, footpaths and driveways);
 - b. Stormwater Management (quantity, flood and drainage control);
 - c. Car parking design;
 - d. Street lighting and electrical; and
 - e. Landscaping, environmental protection and associated works.
5. Development Applications for Operational Works shall be designed and constructed in accordance with Australian Standards, the Engineering Design Planning Scheme Policy under the *Our Place Our Plan Gladstone Regional Council Planning Scheme* or any other applicable standards at the time of lodgement. Prior to the commencement of the use, all

Operational Works conditioned by this approval must be accepted "on maintenance" by Council.

Advisory Note: The Capricorn Municipal Development Guidelines within the Engineering Design Planning Scheme Policy is the current document for preparing any Development Application for Operational Works which is found at <http://www.cmdg.com.au/index.htm>.

Building, Plumbing and Drainage Works

6. The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Planning Act 2016* for the removal of the existing Fitness Centre structure. The removal of the structure is to occur prior to any Building Works for the approved Development.
7. The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Planning Act 2016*. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.
8. The Applicant is required to obtain a Development Permit for Plumbing and Drainage Works and Plumbing and Drainage Final in accordance with the *Planning Act 2016*. Construction is to comply with the *Plumbing and Drainage Act 2002* and the requirements of other relevant authorities.
9. Prior to the commencement of the use, all plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.
10. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.
11. Prior to the commencement of the use, all lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining sites.

Water Infrastructure

12. Prior to the commencement of the use, any associated fire service infrastructure is to be located within the property boundary and determined by Queensland Fire Emergency Services (QFES).
13. Prior to the commencement of the use, connections to Council's live water reticulation network must be carried out by Council. The cost of these works is to be borne by the Applicant.

Advisory Note: Council's Application for Water Service is found at <http://www.gladstone.qld.gov.au/forms>.

Stormwater Infrastructure

14. Upon commencement of the use, all stormwater runoff must be piped from roofed areas and discharged to a kerb and channel drainage system in a Council controlled road, or an approved inter allotment stormwater drainage system, in accordance with the *Queensland Urban Drainage Manual 2017*.

Transportation Services

15. Prior to the commencement of the use, an additional 64 car parking spaces are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces (total of 223 spaces). These spaces and all vehicle movement areas are to be constructed, sealed, line marked, provided with wheel stops and maintained in accordance with the Engineering Design Planning Scheme Policy under the *Our Place Our Plan Gladstone Regional Council Planning Scheme* and AS2890.1.
16. At all times during the construction of the Theatre, the Applicant is to make available and maintain, at a minimum, the current provision of 159 car parking spaces.
17. Prior to the commencement of the use, a total of 4 bicycle spaces are to be constructed onsite within 30m walking distance to the entry of the use. All bicycle spaces are to be constructed in accordance with AS2890.3 (2015).
18. As part of Operational Works, the Applicant is to upgrade the existing crossover accessing the development site from O'Connell Street to a Type B2 (7m) and the existing crossover at Bell Street to a Type C1 in accordance with Council's Standard Drawing for an Urban Commercial/Industrial Driveway.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/index.htm>.

19. Prior to the commencement of the use, any damage to the driveway crossing and kerb and channel shall be repaired at the owner's expense and to Council's Standard Drawing for an Urban Commercial/Industrial Driveway.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/index.htm>.

20. As part of Operational Works, a 2 metre wide concrete footpath for the full frontage of the subject site (O'Connell Street) connecting into the existing footpath terminating at the corner of O'Connell and Bell Street is to be constructed in accordance with Council's Standard Drawing Concrete Pathway/Bikeway Details.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/index.htm>.

21. As part of Operational Works, provision of sufficient street lighting must be constructed in conjunction with the concrete footpath connection.
22. Prior to the commencement of the use, all grassed footpath areas disturbed by the development are to be top dressed and turfed following completion of construction activity.
23. Provision is to be made for the loading and unloading of goods within the property. Goods delivery shall not be made from the street. No parking associated with the operation of the centre shall be permitted along O'Connell or Bell Street.

Landscaping

24. As part of Operational Works, a full Landscaping Plan is to be provided in accordance with Table 9.3.5.3.2 - Plant Species List of the Landscaping Code of the *Our Place Our Plan Gladstone Regional Council Planning Scheme* and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification to all property boundaries. The full Landscaping Plan is to be certified by a Landscape Architect.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/index.htm>.

25. As part of Operational Works, shade street trees are to be constructed within the designated vehicle parking area at a rate of 1 tree per 6 vehicle parking spaces in accordance with Table 9.3.5.3.2 - Plant Species List of the Landscaping Code of the *Our Place Our Plan Gladstone Regional Council Planning Scheme* and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification. These are to be detailed in the revised car parking layout plan and full Landscaping Plan.

Advisory Note: Council's standard drawing is located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/index.htm>.

26. As part of Operational Works, all landscaping areas are to be constructed with an appropriate irrigation system. Details of the irrigation system are to be provided as part of the full Landscaping Plan.

Waste Management

27. Prior to the commencement of the use, the waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted in close proximity to the enclosure to ensure that the area can be easily and effectively cleaned.
28. Prior to the commencement of the use, open storage areas shall be adequately screened so as not to detract from the visual amenity of the area. One way of achieving compliance with this condition is as follows:
- a. Outdoor storage areas are situated in locations not visible from the street; and
 - b. A 1.8m solid screen fence is located around storage areas.
29. Prior to the commencement of the use, the Applicant is required to obtain a Trade Waste Permit to discharge trade waste to the Sewer in accordance with Councils Trade Waste Approval Process prior to Plumbing Final being issued.

Advisory Note: Applications for Trade Waste Discharge can be found at <http://www.gladstone.qld.gov.au/trade-waste-approval-process>.

Environmental Health

30. A food business licence application is to be submitted to Council for approval in accordance with the *Food Act 2006*. This licence is required prior to the commencement of the use.

Advisory Note: Applications for Food Business Licenses can be found at <http://www.gladstone.qld.gov.au/forms>.

31. A Food Design Application is to be submitted to Council for approval in accordance with the *Food Act 2006*. This licence is required prior to the lodgement of any Development Application for Building Works.

Advisory Note: Applications for Food Business Licenses can be found at <http://www.gladstone.qld.gov.au/forms>.

Lawful Commencement

32. Prior to the commencement of this use, the Applicant is to request that a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
33. Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the Applicant is to notify Council within 20 business days that this approved use has lawfully commenced.

Advice to Applicant:

When large functions are operating as part of the existing established uses onsite, the Applicant is to ensure adequate overflow parking is provided to reduce the car parking impact for the Theatre.

An Adopted Infrastructure Charge Notice in relation to the infrastructure charges applicable to this development has been provided separately. Council's Infrastructure Charges Incentive Policy may be applicable to this development. Please see the full Policy on Council's website.

Attachments:

1. Council's Information Request.
2. Applicant's Information Request Response.
3. Submissions received during Public Notification.
4. Minor Change lodged during Assessment Period.

Tabled Items:

Nil

Report Prepared by: Planning Officer

G/3.1.5. RESPONSE TO DEPUTATION FROM BOYNE ISLAND TANNUM SANDS GOLF CLUB INC

Responsible Officer: General Manager Strategic Asset Performance

Council Meeting Date: 18 February 2020

File Ref: CM7.6

Purpose:

The purpose of this report is to provide Council with information relating to the issues raised in the Boyne Island Tannum Sands Golf Club Inc Deputation on 17 December 2019.

Officer's Recommendation:

That Council:

1. Note the actions taken to date with regards to Resolution G/19/3739 made on 16 April 2019;
2. Rescind previous resolutions G/16/2943 (20 December 2016), G/16/2815 (7 June 2016) and G/5.3.3 (17 July 2012); and
3. Request that officers present a further report to Council following the completion of the most appropriate use investigation for the Jacaranda Drive/Dennis Park sports complex.

Background:

Representatives of Boyne Island Tannum Sands Golf Club Inc ("BITS Golf") presented a deputation to Council on 17 December 2019 ("the Deputation"). During the Deputation BITS Golf raised the following issues:

1. The unsatisfactory condition and operation of the irrigation system
 - Council's obligations to maintain and repair the irrigation system;
 - The condition of the irrigation system and aging pipework; and
 - Irrigation outages experienced by BITS Golf.
2. Concerns with Council's intentions regarding the use of treated effluent at BITS Golf and surrounding sports precinct
3. Dissatisfaction with Council's April 2019 resolution
 - Inconsistency between Council's resolution of April 2019 and previous resolutions;
 - An alleged offer made by Council to BITS Golf which was accepted by BITS Golf by email correspondence; and
 - A "misunderstanding" regarding the Club's current financial position
4. Concerns for future land tenure for BITS Golf
 - What does "Officers investigate the most appropriate use of the land" actually mean?
 - Concerns with the function of the Property Acquisition and Disposal Specialist.

At the Deputation Council resolved "That officers prepare a report to be tabled to Council by 18 February 2020 regarding the Deputation" (vide resolution no. G/19/4020). This report is prepared in response to that resolution.

Options, Risk and Opportunity Analysis:

The issues raised by BITS Golf during the Deputation are addressed below.

1. The unsatisfactory condition and operation of the irrigation system

It is accepted by Council that the irrigation system within the BITS Golf lease area is reaching end of life and this has contributed to the current condition of the golf course. The condition of the golf course can also be attributed to drought conditions and outages of the treated effluent system (outside of the BITS Golf lease area).

At the time of the Deputation, the supply of treated effluent had just been restored to BITS Golf following an effluent system failure (outside of the BITS Golf lease area). Unfortunately, in January 2020 supply of treated effluent again was interrupted as a result of a blue-green algae bloom in the storage pond at the Tannum Wastewater Treatment Plant. At the time of writing this report, supply was yet to be restored.

Clause 5.9(5) of the Lease between Council and BITS Golf ("the Lease") provides that Council is responsible for the maintenance and repair of the Irrigation System within the BITS Golf lease area. In accordance with Clause 5.9(5), Council has for the duration of the Lease maintained and operated the Irrigation System at its cost.

During the deputation, BITS Golf referred to the mechanism in clause 5.9(5) of the lease whereby Council can recover the cost of repairs from BITS Golf if BITS Golf has damaged the irrigation system due to improper use, a deliberate act or negligence. To date there has been no allegations of improper use, a deliberate act or negligence on behalf of BITS Golf nor has Council sought to recover costs of repair from BITS Golf.

While the Lease places obligations on Council to repair and maintain the Irrigation System, Council's lease obligations do not extend to the replacement of the Irrigation System. Clause 4.3 of the Lease provides that Council does not warrant that the Premises are suitable for any purpose and further Clause 7.5 of the Lease provides that nothing in the Lease obliges the Landlord to reinstate the Premises.

Notwithstanding the provisions of the Lease, officers acknowledge that both the condition of the Irrigation System within the BITS Golf lease area and the operation of the larger treated effluent system does have a significant impact on BITS Golf's operations and members.

While the most recent Council Resolution in April 2019 (vide resolution G/19/3739) provides that Council will not contribute to the replacement of the Irrigation System within the BITS Golf lease area, as part of the investigation of the most appropriate use of the land, Council is undertaking the following works:

1. A detailed condition assessment of the existing Irrigation System;
2. An Environmental Condition Assessment on the condition of irrigated land and costed remediation plan (if required);
3. A review of Council's operation of the Irrigation System to identify improvements to current management of the asset; and
4. A fully costed (OPEX and CAPEX) redesign of an Irrigation System for BITS Golf Club.

This information ascertained from the most appropriate use assessment will allow both Council and BITS Golf to make an informed decision regarding an extension of the BITS Golf lease and the supply of effluent to BITS Golf beyond 31 December 2022.

Given the recent deputations to Council from not only BITS Golf but also Boyne Island Tannum Sands Soccer Club and most recently Boyne Tannum Cricket Club, the condition assessment and associated works is being extended to the larger Jacaranda Drive/Dennis Park sports complex. All

clubs that currently receive treated effluent have been recognised as key stakeholders and will be consulted throughout the process.

Aqueduct Consultancy were awarded the tender for the investigations. The work is scheduled to commence on 24 February 2020 with the works anticipated to be completed by 15 April 2020. Once investigations are complete, officers will be in a position to provide a further report with options for Council's consideration.

This approach is aligned with Council's corporate goal commitment to smart asset management.

2. Concerns with Council's intentions regarding the use of treated effluent at BITS Golf and surrounding sports precinct

During the Deputation, BITS Golf expressed strong support for the continued use of treated effluent to water the golf course and surrounding sporting fields. Officers agree that the treated effluent is a valuable resource and that the continued use of treated effluent is desirable. Council can however only supply treated effluent within the parameters of the available supply and the relevant Environmental Authority.

The environmental investigations to be undertaken at the Jacaranda Drive/Dennis Park sports complex as part of the most appropriate use assessment will assist Council to ensure that Council is meeting its regulatory obligations.

3. Dissatisfaction with Council's April 2019 resolution

Prior to Council's resolution in April 2019, Council had considered the replacement of the irrigation system on three occasions (17 July 2012, 7 June 2016 and 20 December 2016). On each occasion, resolutions were carried supporting the replacement of the irrigation system on various conditions. A conclusive agreement between the parties has not been reached.

At the Deputation BITS Golf produced correspondence from BITS Golf to a Council Officer of 8 December 2017 purporting to accept Council's offer for the replacement of the irrigation system. A copy of the initiating email from an officer to BITS Golf dated 25 September 2017 "*...taking a stab at where the discussions landed*" (discussion from a deputation to Council on 25 September 2017) is attached as Attachment 1.

It is notable that the terms outlined in the officer's email vary from the 20 December 2016 resolution and that the officer's email, rather than present an offer, makes the following request:

"...It would be appreciated if you could discuss my take on today's meeting (above) with your committee and let me know if the club is prepared to proceed on this basis? I will then be in a position to report to Council for a formal determination..."

While the Club did vote in favour of Council's proposal and so advised Council by email on 8 December 2017, for unknown reasons this particular proposal was not presented to Council for consideration. The replacement of the irrigation system was not brought back before Council until the most recent report on 16 April 2019.

With reference to the particulars of the proposal discussed at the meeting on 25 September 2017:

- The actual costs of the replacement of the Irrigation System is unknown and \$500,000 is likely to be insufficient;
- Council reserved its rights to not proceed with the project unless a satisfactory tender and affordable funding solution can be agreed between the parties;
- No funds were raised by BITS Golf to contribute to the replacement of the Irrigation System (noting that the proposal only required them to "make a genuine effort"); and

- The club has not restored usage opportunities of the licenced clubhouse for other BITS sporting clubs.

On this basis the ratification of the proposal discussed in September 2017 might not provide BITS Golf with any further certainty than Council's resolution of April 2019.

Council currently has three standing resolutions relating to the replacement of the irrigation system. In the interests of good governance, it is recommended, based on the reasons outlined in the officer's report *G/3.3.4 Consideration of the replacement of the Irrigation System within the Boyne Island Tannum Sands Golf Club Inc lease area* that all resolutions prior to 16 April 2019 are rescinded.

BITS Golf have also raised concerns over Council's "misconception" of BITS Golf's financial position. Officers acknowledge the financial information provided by BITS Golf during the Deputation indicating net assets of \$261,171. Officers accept this on its face value though it is noted that BITS Golf's true financial position can only be ascertained by a review of its full audited Financial Statements. Financial statements will be requested as part of Council's due diligence at the point of lease renewal or if the replacement of the irrigation system is to be considered before the expiration of the lease.

4. Concerns for future land tenure for BITS Golf

BITS Golf's tenure has been extended to 31 December 2022 and it is not recommended that Council consider an extension of that tenure until the most appropriate use investigations have been completed.

BITS Golf have expressed some concern around part of the April 2019 resolution, namely, that "*Officers investigate the most appropriate use of the land.*" A most appropriate use assessment includes consideration of all the attributes relating to the land including land tenure, location, natural features, zoning, improvements, as well as past and current use. This is an approach that represents good due diligence and is being applied to all new allocations of land.

In this instance, the most appropriate use assessment will also include a condition assessment on the condition of the Irrigation System and an environmental assessment as outlined above.

BITS Golf also raised concerns with the report having been written by the Property Acquisition and Disposal Specialist. Whilst the position title is unusual, the Property Acquisition and Disposal Specialist's role is to essentially ensure that Council has access to the right land to match both Council's and the community's needs. These needs change over time and both the acquisition and disposal of land is necessary to ensure that Council's property portfolio is both relevant and sustainable. A key focus of the position is to assist Council to achieve a balance between community needs and the costs of delivering those needs. The Property Acquisition and Disposal Specialist has met with representatives of BITS Golf on two previous occasions.

Outcomes sought by BITS Golf

It was evident from the Deputation that there is a need to improve communication between officers and BITS Golf. To assist with this the Community Engagement team in consultation with BITS Golf and internal stakeholders will develop a Communication Plan to improve communication between the parties both in terms of the methods of communication, frequency and information to be provided.

Specific outcomes sought by BITS Golf from the Deputation and Council's proposed actions are outlined in Table 1 below:

Table 1.

Desired Outcome	Council Action
Dates are provided for Council's operational review and condition assessment of asset/facilities and review of Council's effluent reuse program and development of Council's Boyne Tannum Sewerage Asset Strategy.	Officers will provide BITS Golf with commencement and anticipated completion dates and will continue to update BITS Golf at regular intervals throughout the works.
A meeting to be held with all stakeholders to discuss what the abovementioned reviews relate to.	The Engagement and Partnerships team and the Project Manager will engage with the relevant stakeholders to provide information on the works. BITS Golf along with other occupants of Jacaranda Dr/Dennis Park sports complex have been identified as key stakeholders and will be consulted with throughout the various investigations.
The rescission of the April 2019 resolution and a new resolution to confirm the replacement of the irrigation system.	This is not recommended. Refer to details above.
The installation of a new irrigation system at Council's cost.	This is not recommended at this stage. Refer to details above.
A new lease to be granted to BITS Golf for a minimum term of 10 years with options thereafter.	BITS Golf currently have a lease to 31 December 2022. A further extension of the lease term is not recommended until the most appropriate use assessment is complete. Refer to details above.
The continued supply of treated effluent water to the course and surrounding sporting fields.	While this is a valid option, confirmation cannot occur until the relevant investigations and reports have been completed.

Communication and Consultation:

At the time of writing this report, a meeting was scheduled with BITS Golf and officers for 11 February 2020 to discuss issues raised in this report.

Legal Strategy and Policy Implications:

This report was prepared to address discrete issues raised by BITS Golf.

Legal and Policy implications associated with the replacement of the Irrigation System within the BITS Golf Lease Area were considered in the Report *G/3.3.4 Consideration of the replacement of the Irrigation System within the Boyne Island Tannum Sands Golf Club Inc lease area* and remain relevant if Council were to reconsider the replacement of the irrigation system.

Financial and Resource Implications:

The works being undertaken as part of the most appropriate use assessment are funded within the current operational budget.

Summary:

Nil.

Anticipated Resolution Completion Date:

It is anticipated that a further report could be presented to Council for Council's consideration by 30 September 2020.

Attachments:

1. Email correspondence from Council Officer to Clint Storch of BITS Golf dated 25 September 2017;
2. BITS Golf Irrigation System Resolutions

Tabled Items:

Nil.

Report Prepared by: Property Acquisition and Disposal Specialist

G/3.1.6. AMENDMENT TO SUBORDINATE LOCAL LAW NO. 2 ANIMAL MANAGEMENT

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 18 February 2020

File Ref: LE3.1

Purpose:

This report recommends that Council consider additional changes and conduct further public consultation on proposed amendments to *Subordinate Local Law No. 2 (Animal Management) 2011*.

Officer's Recommendation:

That Council resolve to proceed with the making of, and undertake further public consultation in relation to, *Animal Management (Amendment) Subordinate Local Law (No. 1) 2020* (formerly *Animal Management (Amendment) Subordinate Local Law (No. 1) 2019*) in the form attached to this report.

Background:

Council at its General Meeting on the 19 November 2019 resolved to propose to make *Animal Management (Amendment) Subordinate Local Law (No. 1) 2019*. The summary of changes proposed in the amending local law were as follows:

- a. add stock (cattle, horses, alpacas, asses, buffaloes, camels, deer, donkeys, goats, horses, llamas, mules, sheep, vicunas and pigs) as a category of animals that can be sold/re-homed without the need for public auction; and
- b. clarify that miniatures of breeds are also excluded in certain areas; changes to keeping of poultry; and the number of animals permitted to be kept on land between 10,001 and 20,000m² are better defined; and
- c. allow two dogs in multi-residential premises by permit; and
- d. require a top cover on enclosures for animals that can fly; and
- e. provide for animals used for commercial purposes such as camel or pony rides, etc in some public areas via a permit system; and
- f. identify additional dog off-leash areas – proposal is to include the new dog exercise areas in Calliope and Bororen to be recognised as off-leash areas and the Boyne River foreshore as dog off-leash (excluding turtle nesting season).
- g. remove Barney Point Park, Prince Regent Esplanade and Friend Park Barney Point from prohibited areas for dogs to on-leash areas for dogs.

The proposal to make the amending local law was publicly advertised for community feedback for the period 23 November 2019 closing on the 20 December 2019. Seventeen people provided feedback (four submissions; thirteen survey responses).

At the close of public consultation, Council Officers carried out further internal consultation on the feedback received. Attachment 3 to this report summarises the issues considered in the post consultation meeting.

Officers are recommending that Council proceed with all changes proposed in *Animal Management (Amendment) Subordinate Local Law (No.1) 2019* subject to a minor amendment to the Boyne Island Foreshore proposal (see *point 3 below*) and include the following additional changes for public consultation.

1. Agnes Water Main Beach – Off Leash: That Council endorse conducting a community survey to determine a preferred option on changes to Dog Off-Leash areas for Agnes Water Main Beach limited to two options as shown in Attachment 3 to this report.
2. Legislative References: Update the legislative references in the subordinate local law from the *Apiaries Act 1982* to the *Biosecurity Act 2014* and from the *Sustainable Planning Act 2009* to *Planning Act 2016*.
3. Boyne Island Foreshore: That this area be designated off-leash for dogs all year round.
4. Springs Beach and the foreshore south through to the northern boundary of the Deepwater National Park Agnes Water: Be designated a 'Prohibited Area' for dogs.
5. Chinamans Beach Agnes Water: Be designated as an 'Off-Leash Area' for dogs.
6. Caravan Parks: That Council allow commercial caravan park operators to determine how many cats and dogs they will allow within the confines of their park in the knowledge that Council will still be able to manage enclosure and nuisance complaints if required, and set limits on the total number of animals to be kept onsite via its caravan park licensing provisions should it be needed.
7. Millennium Esplanade: correct an error in items 1 and 8 of schedule 6 to allow dogs to be walked through the Millennium Esplanade Park on-leash on the formed footpaths only.

Options, Risk and Opportunity Analysis:

Option 1 – Adopt the Recommendation

Should Council support the further changes as recommended, legal advice recommends that Council undertake further community consultation to ensure that individuals are given the opportunity to input into the changes that were not contemplated in *Animal Management (Amendment) Subordinate Local Law (No.1) 2019*.

The risks of not conducting further public consultation and proceeding with making an amending local law incorporating the changes not originally proposed in *Animal Management (Amendment) Subordinate Local Law (No.1) 2019* is that it may affect the validity of the amending subordinate local law.

Option 2 – Adopt the Recommendation subject to changes to the Officer suggested additions

If Councillors have concerns with the further changes to the amending subordinate local law proposed in this report, it may wish to change and/or delete the additional changes. The risks associated with this option are similar to those outlined in Option 1. The resolution to give this option effect is:

“That Council resolve to proceed with the making of, and undertake further public consultation in relation to, Animal Management (Amendment) Subordinate Local Law (No.1) 2020 (formerly Animal Management (Amendment) Subordinate Local Law (No.1) 2019) in the form attached to this report, subject to the following changes:

1. *Insert change*
2. *Insert change.”*

Option 3 – Adopt Animal Management (Amendment) Subordinate Local Law (No.1) 2019

Should Council be satisfied with the amendments originally proposed in *Animal Management (Amendment) Subordinate Local Law (No.1) 2019*, it could elect to adopt it without any further changes. The risk of this option is that Council will proceed with making amendments that do not include the full scope of considerations from the public submission process. It will however conclude the amendment process in advance of caretaker period.

“That Council:

1. *Proceed with the making of, and make, Animal Management (Amendment) Subordinate Local Law (No.1) 2019 as advertised; and*
2. *Adopt, pursuant to Section 32 of the Local Government Act 2009, a consolidated version of Subordinate Local Law No. 2 (Animal Management) 2011 (copy to be attached to the minutes).”*

Option 4 – Place the amending subordinate local law process on hold

Should Council elect not to proceed further with amending the subordinate local law at this time it may wish to suspend the review until after the 2020 local government elections. This option will see the process delayed which places the business at risk of having to recommence the process which will involve additional costs and resources. The resolution to give this option effect is:

“That Council hold over further considerations relating to the amendment of Subordinate Local Law No. 2 (Animal Management) 2011 until after the 2020 local government elections.”

Communication and Consultation:

The proposal to make the amending local law was publicly advertised for community feedback for the period 23 November 2019 closing on the 20 December 2019. Council received four submissions (attachment 1) and 13 responses to its online survey (attachment 2).

On the close of public consultation internal stakeholders from the following areas of the business met to consider the feedback and develop recommendations to put forward for Council consideration:

- Governance
- Environment and Conservation
- Local Laws
- Biosecurity and Environmental Health
- Customer Experience

As a result of the submissions, the further internal considerations, and based on legal advice, officers are recommending that if Council supports the additional changes proposed, that further general and targeted public consultation be carried out.

Legal Strategy and Policy Implications:

Chapter 3 Part 1 of the *Local Government Act 2009* and Chapter 3 Part 1 of the *Local Government Regulation 2012* governs the process for making, amending and repealing local laws and subordinate local laws. Council also has a policy P-2018-10 Local Law Making Process which supports that legislative process.

Council has commenced the process of proposing to make an amending subordinate local law in accordance with legislative requirements. As a result of public consultation there has been a number of additional matters raised outside of the scope of the original amendments therefore, Council's legal advisers suggest that it would be appropriate to conduct a further round of public consultation to ensure that those affected by the additional proposals have the opportunity to make a submission.

Part 5 of Chapter 3 of the *Local Government Act 2009* prohibits Council from making a major policy decision during the local government election caretaker period. The definition of a *major policy decision* includes "(f) to make, amend or repeal a local law", this includes subordinate local laws. Therefore, if Council adopts the recommendation to conduct further public consultation, it will be unable to finalise the amendment process prior to the commencement of caretaker period.

Financial and Resource Implications:

The subordinate local law amendment will attract external legal costs for advice on the amendment process and associated drafting and advertising of the amending local law. The original estimate was \$3,750, however, should Council adopt the recommendation and conduct a further round of consultation, it is estimated that this may increase legal advice costs by approximately \$1,500 - \$2,000. This will be funded from Council's legal expenses budget.

In relation to resourcing, Council officer resources will be required from both the governance and community engagement areas to conduct further targeted public consultation and to present that feedback to Council. Depending on the outcome of the further public consultation and ultimately the position Council adopts, there may also be a need to fund new regulatory signage in those public areas where control designations change.

Summary:

Not applicable

Anticipated Resolution Completion Date:

30 June 2020

Attachments:

1. Public Submissions Received
2. Results of online surveys – Conversations with Council
3. Internal Stakeholder considerations and recommendations on Public Submissions
4. *Animal Management (Amendment) Subordinate Local Law (No.1) 2020*

Tabled Items:

Nil.

Report Prepared by: Governance Advisor

G/3.1.7. CHANGES TO DELEGATIONS REGISTER - COUNCIL TO CEO

Responsible Officer: Chief Executive Officer

Council Meeting Date: 18 February 2020

File Ref: CM9.2

Purpose:

Seeking Council's review of delegations to the Chief Executive Officer incorporating legislative changes that have occurred from 9 April 2019 to 02 January 2020.

Officer's Recommendation:

That Council delegate the powers contained in Attachment 1 'Delegations Register – Exercise of Statutory Powers – Council to CEO' to the Chief Executive Officer pursuant to Section 257 of the *Local Government Act 2009*.

Background:

There are many pieces of legislation that Council has an obligation to administer or enforce either in whole or in part. Where a power is legally delegated to Council it is expected that it be exercised by the elected body of Council (i.e. via Council resolution at a Council Meeting). Council can 'share' in the exercise of its powers through delegation to the Chief Executive Officer who may further sub-delegate to other positions within the organisation (except where legislation specifically prohibits delegation and sub-delegation). It is important to note that Council as an elected body is not 'giving away' this power by delegating; it can still exercise any power. The process of Council sharing its legislative powers through delegation and sub-delegation allow staff to administer legislative responsibilities and make decisions efficiently without the need for a formal Council resolution.

Council has used Local Government Association of Queensland's (LGAQ) delegations service, maintained by legal firm King and Company, since July 2018. This service identifies powers under legislation, which can be delegated by Council.

There have been legislative changes in 2019 that impact on delegations with these changes presented as tracked changes in Attachment 1 (red text). The entries that have green highlight are new powers as a result of new legislation, or legislation that has not previously been included in the LGAQ delegation registers.

A summary of the major changes is presented below:

1. Building Regulation 2006 - minor wording and numbering changes to delegations as well as new delegations about compliance notices; and to apply to the QBCC commissioner to replace the original combustible cladding checklist.
2. Coastal Protection and Management Act – minor update to section numbering only.
3. Environmental Offsets Act 2014 – new provisions to enter, vary, terminate or replace environmental offsets agreements and to issue and manage compliance notices relating to those agreements; and amended powers relating to environmental offset applications.
4. Environmental Protection Act 1994 – minor section numbering changes and new power relating to including a copy of an environmental authority in the relevant register.
5. Environmental Protection Regulation 2019 – a new Regulation has been passed into legislation repealing the Environmental Protection Regulation 2008. It is proposed that the

- CEO acquire powers in line with the provisions previously in place in the superseded Regulation.
6. Environmental Protection (Water and Wetland Biodiversity) Policy 2009 - new power relating to develop and implement a healthy waters management plan.
 7. Human Rights Act 2019 – This is a new Act that Council has not previously had delegations under. Powers relate to legal proceedings and complaints involving human rights.
 8. Land Act 1994 – new and change provisions about land disputes including giving and responding to dispute notices, manage a dispute through mediation and apply to the Supreme Court regarding the dispute; and new provisions about damage to adjacent land.
 9. Land Title Act 1994 - minor wording change to section about separate indefeasible titles for tenants in common and a new power regarding surrendering a lease.
 10. Local Government Regulation 2012 – new and excluded provisions about overdue rates.
 11. Mineral and Energy Resources (Common Provisions) Act 2014 – new and changed provisions regarding conduct and compensation agreements (Sections 83A(2) to 96B(1)(b)).
 12. Mineral Resources Act 1989 – wording change to power regarding prospecting permit and new power regarding the transfer of water monitoring bores.
 13. Natural Conservation Act 1992 – new powers relating to Special Wildlife Reserves and establishment, amendment and review of management programs.
 14. Planning and Environmental Court Act 2016 - minor wording change to section about disclosing information acquired as part of the ADR process.
 15. Rail Safety National Law (Queensland) - this legislation reprint includes powers Council has not previously had delegations under regarding road management and risk management in relation to rail.
 16. Torres Strait Islander Cultural Heritage Act 2003 - this legislation reprint includes powers Council has not previously had delegations under regarding Torres Strait Islander cultural heritage management, to ensure its protection and conservation.
 17. Waste Reduction and Recycling Act 2011 - new and change provisions about approval of waste as exempt waste, discount and obligations discounting waste levy, waste levy agreements, measurement and monitoring of waste, resource recovery areas, beverage containers refunding scheme, end of waste approvals.
 18. Water Act 2000 – new and change to provisions about applying for a water permit and disputes about make good obligations, as well as a minor numbering change.
 19. Water Supply Safety and Reliability Act 2008 – two minor word changes to sections about notice of a declaration of a service area and amending emergency action plans. As well as two new provisions regarding amending emergency action plans and changes in dam ownership.
 20. Work Health and Safety Act 2011 – new provisions regarding obligations of a person conducting a business or undertaking to health and safety representatives; provisional improvement notices; work health and safety disputes and legal proceedings.

Options, Risk and Opportunity Analysis:

Should Council elect not to delegate all the powers listed in the Attachment 1 to the Chief Executive Officer as per recommendation, it may wish to pass an alternative resolution which could exclude some powers. The resolution could read as follows:

'That Council delegate the powers contained in Attachment 1 'Delegations Register – Exercise of Statutory Powers – Council to CEO' to the Chief Executive Officer pursuant to Section 257 of the Local Government Act 2009, subject to the exclusion of the following powers:

- *Insert power to be excluded*
- *Insert power to be excluded*

Communication and Consultation:

This review was done in consultation with other members of the Governance team who have been involved in previous delegations' reviews, the Governance Advisor and the Manager Governance. Furthermore, the legal firm, King and Company was consulted in relation to powers deriving from sections 101-113 of the Environment Protection Regulation 2019.

Legal Strategy and Policy Implications:

Section 257(1) of the *Local Government Act 2009* provides that Council may, "by resolution, delegate a power under this Act or another Act".

Financial and Resource Implications:

There are no adverse costs to Council in delegating statutory powers to the Chief Executive Officer.

Delegating powers to the Chief Executive Officer results in greater operational efficiency, as it enables matters that Council is comfortable being managed operationally, to be actioned effectively by Council's technical body.

Summary:

This report presents a six monthly review of delegations from legislative changes that have occurred. It presents opportunity to delegate powers for legislation that is new or has been amended since the previous review. No changes are proposed for existing delegations that have not had legislative changes made.

Anticipated Resolution Completion Date:

A month from the resolution date.

Attachments:

1. Attachment 1 - Changes to Delegations Register - Exercise of Statutory Powers - Council to CEO

Tabled Items:

Nil.

Report Prepared by: Governance Officer

G/3.1.8. WELCOMING CITIES SYMPOSIUM 2020 ATTENDANCE REQUEST

Responsible Officer: Chief Executive Officer

Council Meeting Date: 18 February 2020

File Ref: CM6.1

Purpose:

Approval is sought for Councillor Muszkat to attend the 5th Welcoming Cities Symposium 2020 in Canberra on 18 and 19 March 2020.

Officer's Recommendation:

That Council authorise Councillor Muszkat to attend the 5th Welcoming Cities Symposium 2020 in Canberra on 18 and 19 March 2020.

Background:

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

Sharing and considering leading practice for welcoming and inclusion in local councils, cities and municipalities.

Consideration:

Nil.

Communication and Consultation (Internal/External):

Mayor, Councillors and Chief Executive Officer.

Legal Environmental and Policy Implications:

Approval by resolution for attendance at this conference is required under Section 6.2. of P-2018-31 Councillor Expenses Reimbursement and Provision of Facilities Policy as the following criteria has not been met:

3. The seminar/conference is to be held in Queensland.

Under section 6.1.1 of P-2018-27 Council Meetings Procedures Policy a leave of absence is automatically granted to a Councillor where the Council passes a formal resolution for a Councillor to attend a conference or event. Approval to attend this conference will also grant a leave of absence from General Meeting scheduled for 17 March 2020 to allow sufficient travel time to attend conference.

Financial and Resource Implications:

Total estimated costs including registration of \$240.00, travel, accommodation, and some meals and incidentals is estimated at \$1,800.00. There is sufficient existing operational budget to cover these costs.

Commentary:

Nil.

Summary:

Nil.

Anticipated Resolution Completion Date:

18 March 2020.

Attachments:

1. 5th Welcoming Cities Symposium Draft Program.

Tabled Items:

Nil.

Report Prepared by: Executive Assistant - Office of the Chief Executive Officer.

G/3.1.9. MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 28 JANUARY 2020

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 18 February 2020

File Ref: FM15.1

Purpose:

This report seeks Council adoption of the Monthly Financial Statements for the 2019-20 year to date, for the period ended 28 January 2020.

Officer's Recommendation:

That Council adopt the Monthly Financial Statements attached to the officer's report for the 2019-20 year to date, for the period ended 28 January 2020 as required under Section 204 *Local Government Regulation 2012*.

Background:

The percentage of year passed (pro-rata rate) as at 28 January 2020 is 58.08%.

Forecast

The 2019-20 budget was adopted on 17 July 2019 and there have been no changes forecast.

Statement of Income and Expenditure

Income

Recurrent Revenue

Recurrent Revenue	Percentage of Adopted Budget
	80.58%

Year to date recurrent revenue is at \$160.6m compared to a budget of \$199.3m. Revenue types that vary significantly from the pro-rata rate are as follows:

Net rates and utility revenue	Percentage of Adopted Budget
	93.19%

General rates and annual waste, water and sewerage charges have been levied as well as water consumption for the period July – December 2019. The remaining water consumption revenue for 19-20 will be recognised in August 2020 and accrued back into June 2020 following the water meter reading cycle.

Fees and charges	Percentage of Adopted Budget
	42.40%

Tipping fees for the year to date are \$5.5m compared to a budget of \$14.8m. Charges for internal and external customers are yet to be raised for January.

Interest received from investments	Percentage of Adopted Budget
	30.76%

Year to date interest is \$1.0m compared to a budget of \$3.1m. Large investments will mature in March and May 2020 and the interest will then be recognised. This will assist in closing the gap between budget and actuals.

Sales revenue	Percentage of Adopted Budget
	79.49%

Sales revenue for the year to date is \$1.8m compared to a budget of \$2.2m. If recoverable works continue at the current rate, the budget will be exceeded.

Income tax equivalents	Percentage of Adopted Budget
	12.36%

The budget of \$2.9m includes \$1.7m estimated to be received from the Gladstone Area Water Board at the end of the 2019-20 financial year. The remaining budget relates to income tax equivalents from the Gladstone Airport Corporation.

General purpose grants	Percentage of Adopted Budget
	24.81%

The first two quarterly instalments of the Financial Assistance Grant have been received however the largest instalment of this grant will not be received until June 2020.

State government grants and subsidies	Percentage of Adopted Budget
	35.53%

Currently at \$1.4m compared to a budget of \$4.0m. The largest component of the budget is the Waste Levy offset payment. These funds were received in June 2019, and they will be recognised as income in the 2019-20 financial year as the costs associated with the Waste Levy are incurred. The payment of the waste levy is not due until two months after month end – thus the delay in recognising the income.

Funding of \$0.4m is budgeted for the end of the 2019-20 financial year for the QCoast Hazard Adaptation program.

Other	Percentage of Adopted Budget
	0.08%

The budget for other capital revenue includes \$1.8m relating to the Gladstone City Plaza Forecourt Upgrade. This revenue will be recognised upon the completion of the project and the debtor will be reduced as repayments are made in future years.

The budget for other capital revenue also includes \$2.0m for interest contributions from the Gladstone Airport Corporation. These payments are used to offset Council's interest expense, rather than being recognised as revenue.

Capital Revenue

Capital revenue	Percentage of Adopted Budget
	67.42%

Total capital revenue for the year to date is at \$4.7m compared to the budget of \$7.0m. Revenue types that vary significantly from the pro-rate rate are:

Commonwealth grants and subsidies	Percentage of Adopted Budget
	93.43%

Currently at \$2.4m compared to a budget of \$2.5m. Additional funding for NDRRA projects has been received in 2019-20 following the completion of these works in 2018-19.

Expenditure

Year to date recurrent expenditure is tracking in line with expectations for this time of year at 50.82% of budget. Of note:

Contractors and consultants	Percentage of Adopted Budget
	38.53%

There are multiple areas across Council with significant budgets for contracting and consulting expenses that are spending below the pro-rata rate. These include Asset Governance, Asset Performance and Monitoring and Strategic Projects.

Donations and sponsorships	Percentage of Adopted Budget
	39.44%

A large portion of the budget for donations within the Community Development and Partnership group remains unspent, however significant spending is expected to occur in the second half of the year, including sponsorship of major community events.

Equipment and software expenses	Percentage of Adopted Budget
	73.99%

This account includes software maintenance fees that cover 12 months of service. Internal plant hire for January 2020 will be processed in February which offsets the months expenditure for equipment.

Property expenses	Percentage of Adopted Budget
	43.91%

Electricity bills for January 2020 will be paid in February.

Staff and Councillor expenses	Percentage of Adopted Budget
	31.45%

This account includes costs related to staff and Councillors excluding wages and superannuation. The budget of \$3.9m includes \$0.4m for the local election in 2020. Staff training and development is below pro rata currently. Costs associated with the Council election will be incurred in the last quarter with \$0.4m being budgeted for this purpose.

Waste disposal expenses	Percentage of Adopted Budget
	40.97%

Payments for the Waste Levy relating to December and January will be made in the coming months.

Water purchases	Percentage of Adopted Budget
	41.90%

Payments for bulk water used in December and January will be made in the coming months.

Finance costs – Queensland Treasury Corporation	Percentage of Adopted Budget
	36.04%

Interest contributions from the Gladstone Airport are used to offset Council’s interest expense, however the budget is held in other revenue. This results in a lower percentage spend compared to budget.

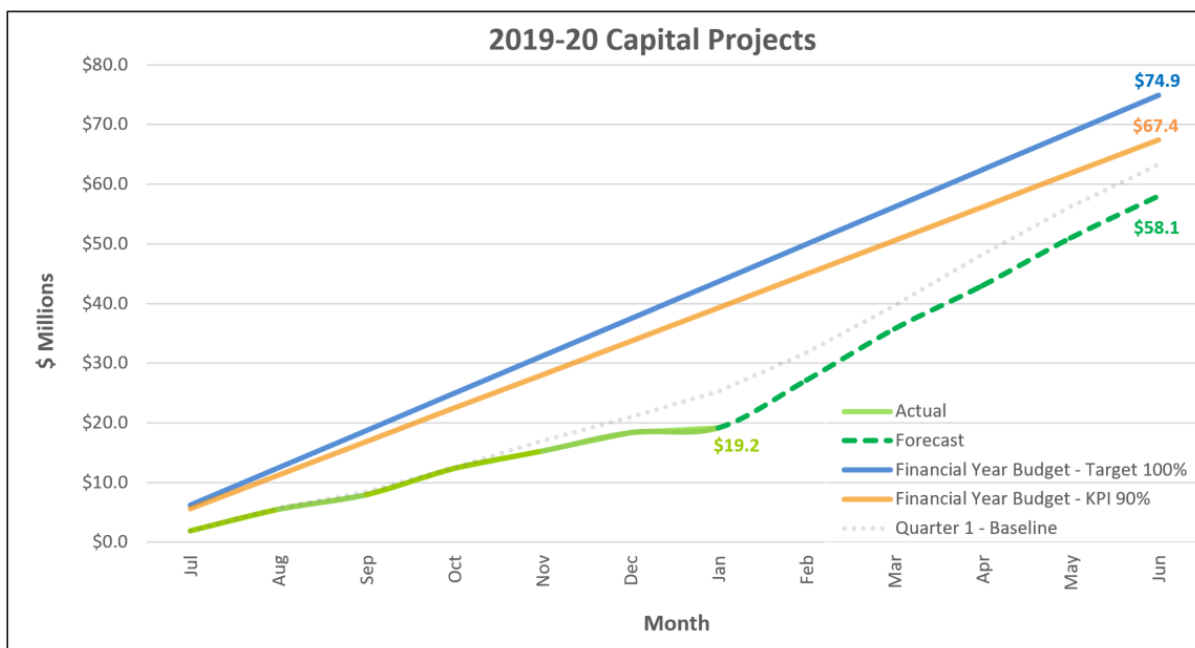
Capital Expenditure

	Year to Date	Adopted Budget	Percentage of Adopted Budget
Year to date capital expenditure	\$19.1m	\$74.9m	25.51%
Including commitments (purchase orders)	\$34.2m		45.58%

Capital expenditure (not including commitments) against groups with significant capital expenditure budgets is shown in the table below:

Group	Adopted Budget	YTD Actual	Actual as % of Budget	Significant Projects Related to Variance
Road Assets	\$21.544m	\$7.698m	36%	- Gravel Road Resheeting - Auckland Hill Landslide - Goondoon Street Footpath & Pavement
Sewerage Assets	\$20.430m	\$5.566m	27%	- Yarwun Waste Water Treatment Plan - Boyne Island Waste Water Treatment Plant - Belt Press and Shed - Relining Boyne Island Treatment Ponds - Odour Control Network Gladstone - Communications SCADA Network Upgrade
Strategy & Transformation	\$9.170m	\$0.713m	8%	- Philip Street Community Precinct
Water Assets	\$8.263m	\$1.810m	22%	- Lake Awoonga Reservoir Upgrade - Lake Awoonga Water Meter Replacements - Agnes Water Treatment Plant Ultrafiltration
Delivery Support and Performance	\$6.210m	\$0.248m	4%	- Fleet Replacement Program
Waste Assets	\$3.820m	\$2.230m	58%	- Benaraby Landfill Cell 3A Development
Property Assets	\$2.145m	\$0.080m	4%	- Boyne Island Library Floor
Parks & Environment Assets	\$1.906m	\$0.451m	24%	
Community Development & Events	\$0.651m	\$0.264m	41%	
Other	\$0.804m	\$0.062m	8%	
Total	\$74.943m	\$19.122m	26%	

The following graph illustrates the year to date capital expenditure and anticipated capital forecast for year end as at 27 January 2020, compared to the adopted budget. Council has an organisational KPI to complete 90% or greater of the value of the annual capital works program.



The current forecast predicts total capital expenditure at the end of the financial year to be \$58.1m, a variance of \$9.3m from the KPI target. This value has increased by \$0.1m from the previous month's forecast.

In comparison to our Delivery Baseline established in Quarter 1, delays have occurred to significant projects as listed in the table below.

Project	Financial Year Phase	Current Phase (Jan 20)	FY Budget	Total Fin. Year Est. at Comp	Variance Value >200k (FY Budget - Fin. Year Comp.)	Variance Type
Philip St. Communities Precinct - Stage 1	Design & Construct	Construction	\$ 7,755,000	\$ 5,368,267	\$ 2,386,733	Design Delay
Auckland Hill, Gladstone - Address land slide issues	Design & Construct	Procurement	\$ 2,700,000	\$ 1,899,817	\$ 800,183	Design Delay
Goondoon Street Footpath	Design & Construct	Design	\$ 1,025,000	\$ 273,296	\$ 751,704	Design Delay
Lake Awoonga - Reservoir Renewals	Design & Construct	Procurement	\$ 3,096,555	\$ 2,617,956	\$ 478,599	Design Delay
Benaraby Landfill - Stage 3 Landfill Cell Development	Design & Construct	Design	\$ 1,387,000	\$ 159,151	\$ 1,227,849	Design Review
Odour control in network Gladstone	Design & Construct	Procurement	\$ 1,303,342	\$ 970,426	\$ 332,916	Design Review
Communications SCADA Network Upgrade	Design & Construct	Procurement	\$ 1,300,000	\$ 1,018,697	\$ 281,303	Design Review
Upgrade Yarwun WWTP to meet licence conditions	Design & Construct	Construction	\$ 2,292,964	\$ 2,052,686	\$ 240,278	Design Review
Gladstone WWTP Biosolids Treatment	Construct	Construction	\$ 3,500,000	\$ 2,400,178	\$ 1,099,822	Over Estimation
Boyne Island Community Centre - Library Floor	Design & Construct	Design	\$ 1,000,000	\$ 114,605	\$ 885,395	Over Estimation
Fleet Replacement	Purchase	Procurement	\$ 6,208,076	\$ 3,497,956	\$ 2,710,121	Tactical
Totals			\$ 31,567,937	\$ 20,373,035	\$ 11,194,903	

The average monthly capital expenditure for year to date is \$2.7m. To achieve the current forecast position this average monthly expenditure would need to increase to \$7.8m which is an optimistic expectation. Considering year to date expenditure, accuracy of business wide forecasts, commitments & contracts still to be executed, the more realistic position at end of financial year is approximately \$50.0m, or \$6.2m each month.

Statement of Financial Position

Year to date Assets	Current Value	Adopted Budget	Percentage of Adopted Budget
	\$2.32b	\$2.31b	100.27%

Council's cash remains high following the rates generation. The cash balance is expected to decrease throughout the year as expenditure is incurred. Property, plant and equipment is less than the budgeted amount for 30 June 2020 as Council is still working through the 19-20 capital program.

Year to date Liabilities	Current Value	Adopted Budget	Percentage of Adopted Budget
	\$137.83m	\$133.05m	103.59%

The budget for liabilities is the expected position at 30 June 2020. As loan repayments are made throughout the year the balances will align closer to the budget.

Outstanding Rates

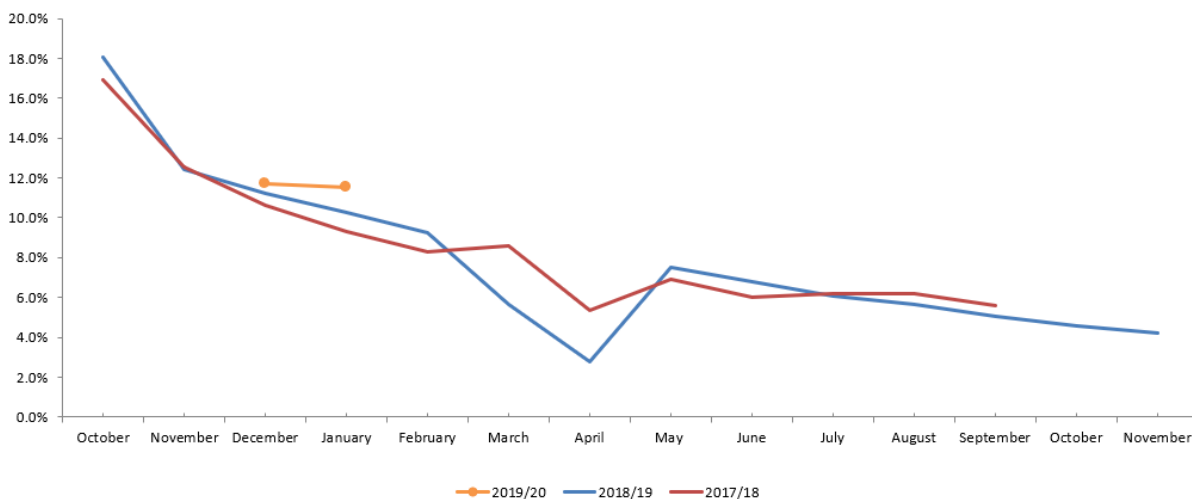
Outstanding rates as a percentage of gross rates levied and collectible for 2019-20, is at 11.53% at the end of January 2020 compared to 10.25% for the same period last year. Of the \$20.3m of outstanding rates, 14.4% relates to commercial/ industrial assessments and 85.6% represents residential assessments.

These figures include \$3.5m of rates that are currently being repaid under an authorised payment plan, for which there were 56 commercial/industrial assessments and 1,445 residential assessments. A total of 1,501 assessments, which is an increase from 1,561 assessments in December.

There were 4,114 ratepayers who had paid their rates in advance, in the amount of \$4.0m.

The extension to the due date for the 2019-20 rates is reflected in the later than previous period commencement of debt recovery action, and hence the comparatively higher outstanding rates percentage at the end of January.

Outstanding Rates



Sustainability Ratios

Council's Sustainability Ratios for the period are generally in line with expectations at this stage of the reporting year. Early in the financial year, ratios are typically distorted given that Council raises most of its yearly revenue early in the year but incurs expenses and delivers its capital program on an incremental basis throughout the year.

Financial ratios provide a useful snapshot of Council's financial status and emerging trends. Individual ratios do not provide enough information to form a comprehensive opinion of Council's financial position and performance, but when the right mix of ratios are considered together, they become an important tool in analysing Council's overall financial performance.

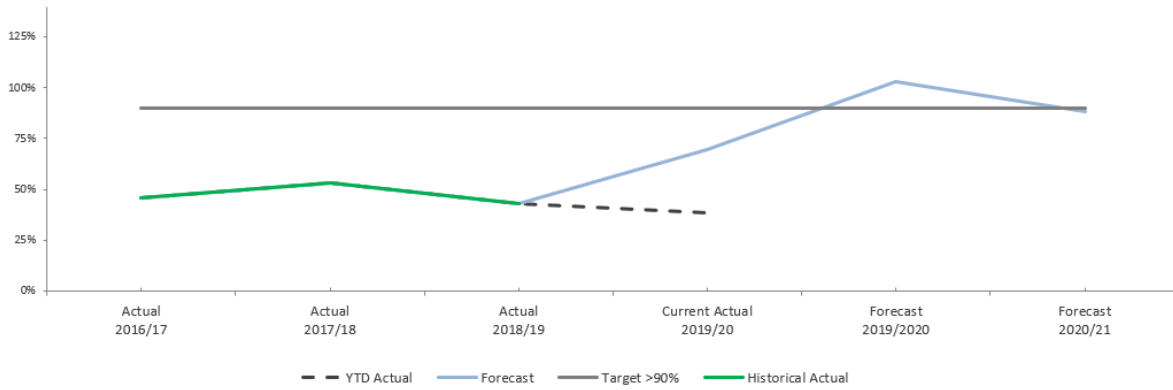
Asset Sustainability Ratio

This ratio compares Council's expenditure on capital renewal assets with the rate at which our assets are depreciating. A low result was achieved in 2018-19 due to delays in delivering Council's capital program following the organisational restructure in August 2018. The results of this ratio are expected to increase in 2020-21 following completion of the deferred asset replacement works, and in line with the projected cyclical investment in the renewal of Council's asset base. The results of this ratio are dependent on the delivery of renewal projects in the capital program. The information provided in the section above indicates the expectations of completion of the capital program as a whole.

Asset Sustainability Ratio			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	ADOPTED BUDGET	TARGET
38.49%	13.10%	69.70%	>90%

Asset Sustainability Ratio

(indicates rate of replacement/renewal vs consumption of assets)



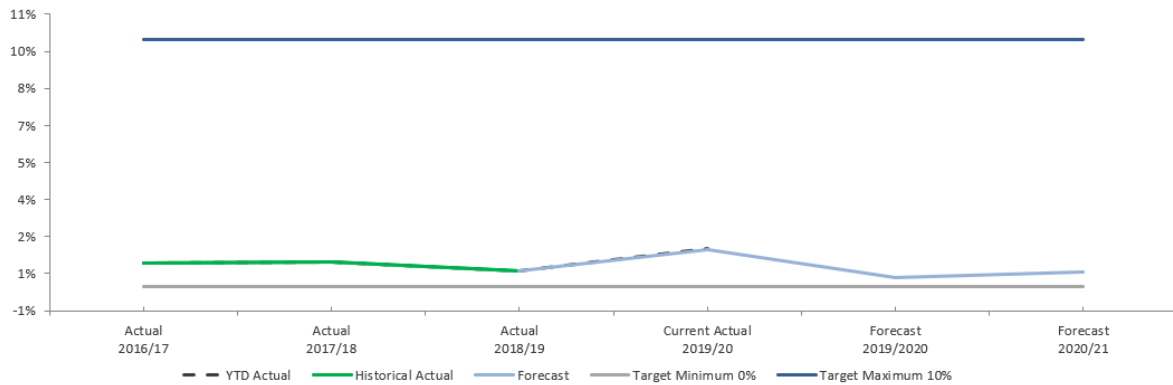
Interest Coverage Ratio

The results of this ratio are within the target range. The better result from the previous year is due to higher operating revenue following the return of annual water and sewerage charges, as well as decreased interest costs.

Interest Coverage Ratio			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	ADOPTED BUDGET	TARGET
1.51%	1.23%	1.47%	0 – 10%

Interest Coverage Ratio

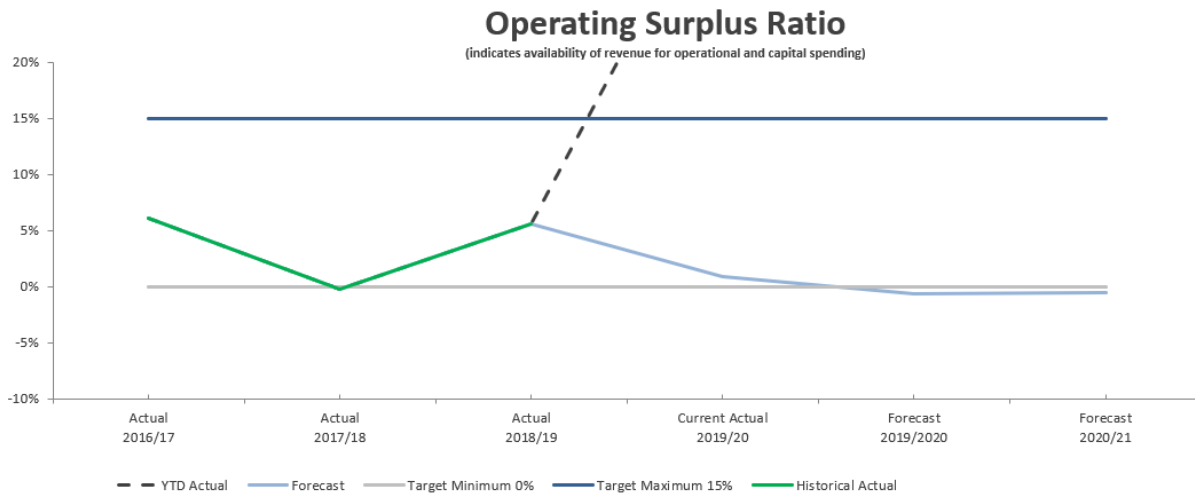
(indicates extent of commitment of revenue to interest payments)



Operating Surplus Ratio

The results of this ratio are affected by the rates generation early in the year. This result will change throughout the year as expenditure is incurred and the operating surplus decreases. The return of the annual water and sewerage charges has increased the operating result at this stage of the year, compared to 2018-19.

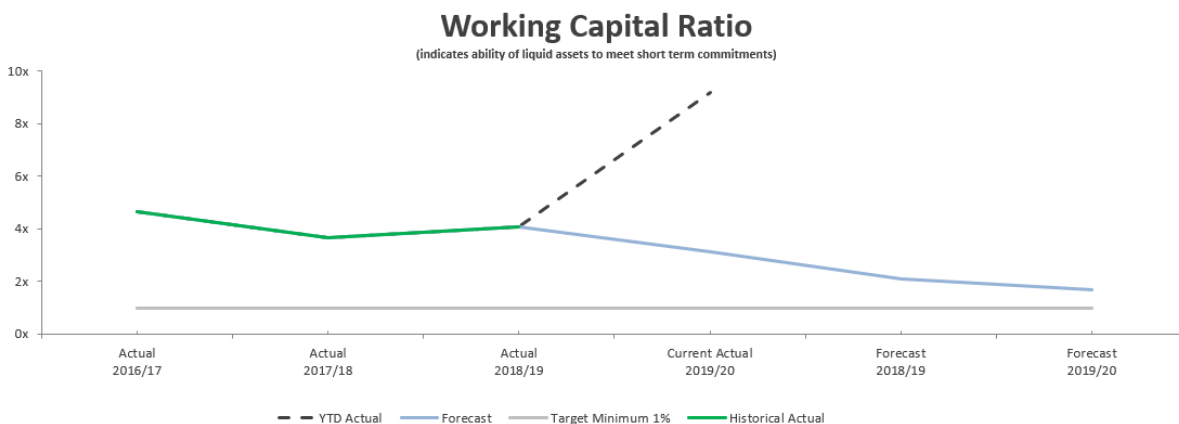
Operating Surplus Ratio			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	ADOPTED BUDGET	TARGET
37.51%	(3.19%)	0.91%	0-15%



Working Capital Ratio

Following the rates generation, Council has a large cash balance that increases the results of this ratio. The ratio is in excess of the target minimum, reflecting a healthy position for Council.

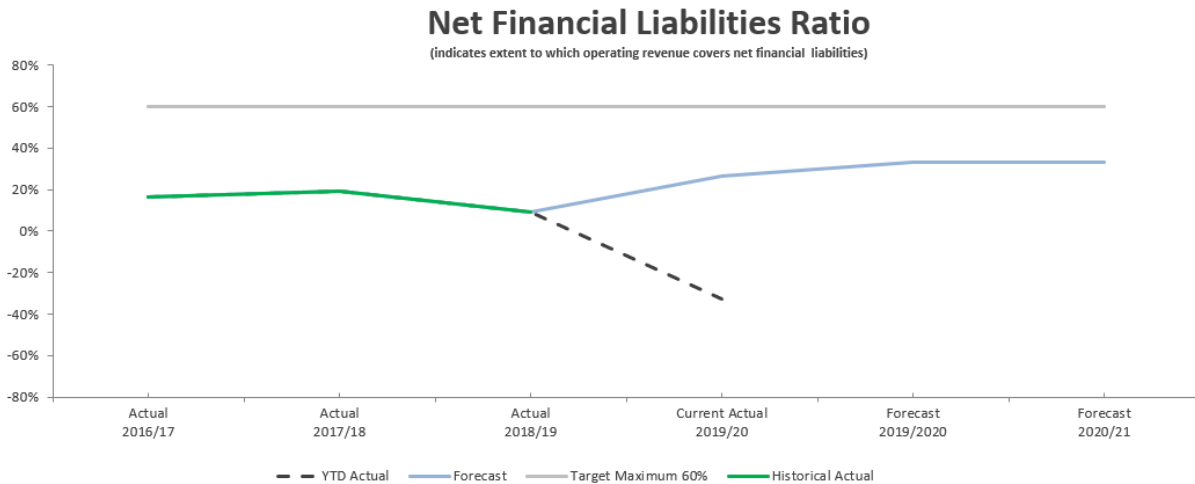
Working Capital Ratio			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	ADOPTED BUDGET	TARGET
9.20x	3.67x	3.13x	Greater than 1:1



Net Financial Liabilities Ratio

Again, the results of this ratio are abnormal due to the high value of current assets and operating revenue following the rates generation. This result will align closer to budget as the year progresses.

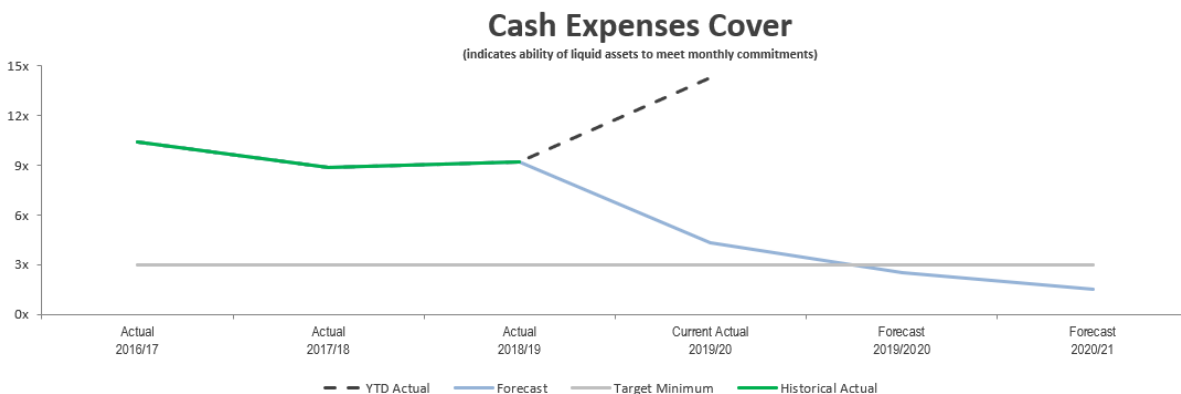
Net Financial Liabilities Ratio			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	ADOPTED BUDGET	TARGET
(32.96%)	(24.21%)	26.70%	< 60%



Cash Expenses Cover Ratio

The current result reflects a continuing strong cash position proportional to operating costs. This result is well above the target ratio.

Cash Expenses Cover Ratio			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	ADOPTED BUDGET	TARGET
14.25x	8.88x	4.32x	> 3x



Options, Risk and Opportunity Analysis:

Nil.

Communication and Consultation:

Input regarding budget and forecast sought from Systems Modelling and Metrics Specialist.
Input regarding capital expenditure sought from Manager Works Planning and Scheduling.
Input regarding outstanding rates and prepaid rates sought from Senior Rates Officer.
Input regarding unspent budget for donations sought from Acting Manager Engagement & Partnerships.

Legal Strategy and Policy Implications:

Nil.

Financial and Resource Implications:

Nil.

Summary:

Nil.

Anticipated Resolution Completion Date:

21 January 2020.

Attachments:

1. Monthly Financial Statements for period ending 28 January 2020
2. Operating Statements for month end January 2020

Tabled Items:

Nil.

Report Prepared by: Statutory Accountant

G/3.1.10. 2019/20 OPERATIONAL PLAN UPDATE REPORT - QUARTER 2

Responsible Officer: General Manager Strategy and Transformation

Council Meeting Date: 18 February 2020

File Ref: CM14.2

Purpose:

To present the quarterly progress toward implementation of Gladstone Regional Council's 2019/20 Operational Plan for the quarter ending 31 December 2019.

Officer's Recommendation:

That the information contained within the Assessment of the Implementation of the 2019/20 Operational Plan – Quarter 2 report be noted.

Background:

Endorsed 17 July 2019, the Operational Plan 2019/20 identifies what activity is necessary to deliver on the vision and objectives contained in the Gladstone Regional Council Corporate Plan 2018-2023, which was adopted on 3 July 2018.

In accordance with requirements under s. 174(3) of the *Local Government Regulation 2012*, the report for the quarter ending 30 September 2019 is presented for Council's information.

The attached report provides an assessment of the organisation's progress toward the implementation of the actions, projects, initiatives and key performance indicators as identified in the 2019/20 Operational Plan.

In order to continue to promote transparency across the business, the results of those items within the 2018/19 Operational Plan which were incomplete as at 30 June 2019 and not included in the formulation of the 2019/20 plan continue to be reported quarterly. The items are reported on separately to the 2019/2020 items.

Options, Risk and Opportunity Analysis:

Refer to the attached report for progress against each operational plan activity.

Communication and Consultation:

Relevant levels of management have provided the content for the attached report, which has then been reviewed and approved at General Manager level.

Legal Strategy and Policy Implications:

Section 174(3) *Local Government Regulation 2012* (Preparation and adoption of annual operational plan) states that: *The Chief Executive Officer must present a written assessment of the local government's progress towards implementing the annual operational plan at meetings of the local government held at regular intervals of not more than 3 months..*

Financial and Resource Implications:

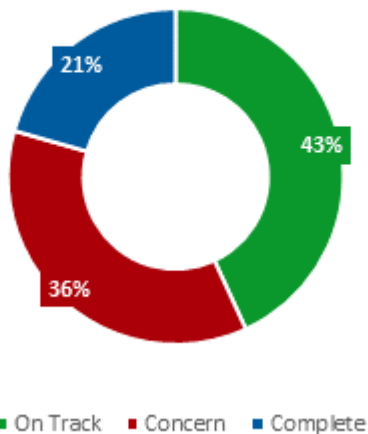
Nil.

Summary:

2019/20 Operational Plan results are as follows:

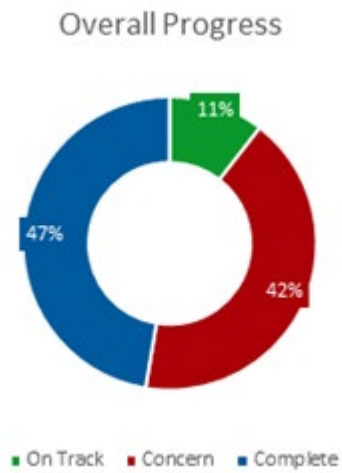
		On Track	Concern	Complete	Total
Goal 1	Engaged, involved and proud communities	6	8	2	16
Goal 2	Health environment, health community	5	2	1	8
Goal 3	Our people, our values	4	4	1	9
Goal 4	Ethical and responsible government	5	9	3	17
Goal 5	Outstanding customer service	6	2	0	8
Goal 6	Smart asset management	4	6	5	15
Goal 7	Operational Excellence	5	4	3	12
Goal 8	Grow the Region	3	0	2	5
Goal 9	Smart investment	6	2	4	12
Total		44	37	21	102

Overall Progress



2018/19 Operational Plan results are as follows:

		On Track	Concern	Complete	Total
Goal 1	Engaged, involved and proud communities	0	1	4	5
Goal 2	Health environment, health community	1	2	0	3
Goal 3	Our people, our values	0	1	3	4
Goal 4	Ethical and responsible government	1	0	0	1
Goal 5	Outstanding customer service	0	1	0	1
Goal 6	Smart asset management	0	2	1	3
Goal 9	Smart investment	0	0	1	1
Total		2	7	9	18



Anticipated Resolution Completion Date:

Not applicable – information report.

Attachments:

1. Q2 2019-20 Gladstone Regional Council Operational Plan Assessment

Tabled Items:

Nil.

Report Prepared by: Business Design and Planning Specialist

G/4. DEPUTATIONS

Nil.

G/5. COUNCILLORS REPORT

Nil.

G/6. URGENT BUSINESS

Nil.

G/7. NOTICE OF MOTION

Nil.

G/8. CONFIDENTIAL ITEMS

G/8.1. 25-20 PHILIP STREET PRECINCT STAGE 1B

Responsible Officer: General Manager Operations

Council Meeting Date: 18 February 2020

File Ref: PE1.1, PJ-076

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.

G/8.2. RPQS 103-20 GRINDING SERVICES

Responsible Officer: General Manager Operations

Council Meeting Date: 18 February 2020

File Ref: PE1.1

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.

G/8.3. RPQS 30-20 PROVISION OF TRAINING SERVICES

Responsible Officer: General Manager Operations

Council Meeting Date: 18 February 2020

File Ref: PE1.1

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.

G/8.4. RPQS 59-20 WET & DRY PLANT HIRE

Responsible Officer: General Manager Operations

Council Meeting Date: 18 February 2020

File Ref: PE1.1

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.

G/8.5. RPQS 100-20 ROADMAKING AND LANDSCAPING MATERIALS

Responsible Officer: General Manager Operations

Council Meeting Date: 18 February 2020

File Ref:PE1.1

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