



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING AGENDA

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

On 3 March 2020

Commencing at 9.00am

**Leisa Dowling
CHIEF EXECUTIVE OFFICER**

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G/1. MAYORAL STATEMENT OF CURRENT ISSUES

Nil.

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 18 FEBRUARY 2020

Responsible Officer: Chief Executive Officer

Council Meeting Date: 3 March 2020

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 18 February 2020.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 18 February 2020 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 18 February 2020.

Tabled Items:

Nil.

Report Prepared by: Executive Secretary

G/3. OFFICERS' REPORTS

G/3.1. OFFICER'S REPORTS

G/3.1.1. AMENDMENT TO FEES AND CHARGES - CONCESSION FOR PROPERTIES AFFECTED BY NATURAL DISASTERS

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 3 March 2020

File Ref: ES12.1; DB1.2, DB1.3, DB1.7, DB1.11, FM7.1 and FM 7.2

Purpose:

The purpose of this report is for Council to consider adopting a Development Application Fee Concession for eligible community members impacted by a Declared Natural Disaster within the Gladstone Region.

Officer's Recommendation:

That Council amend the 2019/2020 Fees and Charges to include a Development Application Fee Concession to support eligible Gladstone Region community members who lodge a Development Application with respect to their Principal Place of Residence and associated structures, within two years of a Declared Natural Disaster relative to their loss.

Background:

The Gladstone Region has experienced natural disasters ranging in scale (drought, flooding and bushfires), with the most recent being bushfires impacting Lowmead, Mount Maria and Captain Creek/Deepwater. Following these bushfires, and the Deepwater Bushfires the damage to houses, sheds and other structures are summarised as below, from our Disaster Recovery Plan:

Deepwater Fires

- 38 dwellings / sheds destroyed or damaged.
- 64 properties impacted

Lowmead / Mt Maria Fires:

- 23 houses / sheds severely damaged or destroyed
- 1 commercial building with severe damage
- 41 properties impacted

The recovery of the affected area is complicated by the impacts associated with sporadic development, most of which has been unapproved development, which has limited the ability of landholders to effectively insure their properties.

The cost of construction, coupled with the cost and administrative requirements pertaining to the successful lodgment of Development Applications, are possible factors militating against property-owners seeking the appropriate approval for the works they undertake.

Development Applications allow Council officers to assess on-site constraints (such as mapped bushfire hazard, steep land and biodiversity) and determine and/or recommend appropriate locations, design and materials to reduce any potential risks to people and property. These assessments are a legislative requirement for developments to ensure all known risks have been

mitigated, such as bushfire or flood. Furthermore, insurance companies review Development Approvals and other matters to determine if they will approve a claim on a policy underwritten by them. Council encourages Development Application lodgment because approved development is in the best interests of the individual property-owner in particular, and the entire Gladstone Region in general.

Following natural disasters within the Gladstone Region, Council establishes and facilitates a Local Recovery Committee to oversee the long term recovery of the region, in accord with the adopted Local Disaster Management Plan. An action item identified through that committee has been to recommend to Council, a Development Application Fee Concession to reduce the upfront costs of obtaining the necessary approval for re-establishing structure/s on affected properties. It is envisaged that the granting of a concession in these circumstances will assist in the long term community and economic recovery of the impacted areas.

Relevant considerations include an assessment as to whether affected properties had an existing development approval, and if not, the possibility of also providing a Development Application Fee Concession to encourage affected community members within the impacted area to build responsibly in the future by maximising compliance with Council building controls.

Options, Risk and Opportunity Analysis:

Option 1: Create a Development Application Fee Concession for Disaster Relief

The purpose of the Development Application Fee Concession is to provide fee relief for eligible community members who have suffered the loss of their principal place of residence following an event which has formally been declared a Natural Disaster by the Queensland Government.

It is proposed that a Concession will be available to eligible community members for a period of two years from the date of declaration of a Natural Disaster by the Queensland Government. It will support eligible community members at a time of loss by providing them with financial assistance to commence the process of rebuilding their homes, and thereby returning an element of normalcy to lives which have been profoundly disrupted by a Declared Natural Disaster. Further, the Concession will provide significant incentive to comply with relevant building standards, resulting in more appropriate future development, as well as minimising possible insurability issues in the future.

The Concession will take the form of fee relief from all application fees pertaining to the lodgment of a Development Application with Council, with the guiding criteria of:

1. Properties need to be identified within Damage Assessments, facilitated by the Local Disaster Management Group, and other statutory authorities to determine if the property was registered as an affected property;
2. Determination of whether the property was a principal place of residence; and
3. Is the Development Application lodged within two years of the declaration of the Natural Disaster which caused the property loss.

The new Development Application will be assessed by the relevant Council officers (e.g. Building, Plumbing, Engineering, Planning), who will conduct their assessments with reference to the applicable legislation, standards and building controls. Application of the Concession will result in the waiving of all Council Development Application fees associated with the proposed development. It should be noted that while Council's application fees may not apply in this case, the property owner will still be required to outlay for other matters such as materials, tradespeople and ancillary costs.

The Concession will assist in encouraging eligible community members to comply with building controls, and accordingly provide them with security and confidence after suffering a devastating loss.

Option 2: No Development Application fee relief

Any property impacted by a Declared Natural Disaster, for which a new Development Permit is sought, will be required to lodge and pay the relevant application fee. This would be in addition to materials, tradesman and construction costs.

Communication and Consultation:

If the Development Application Fee Concession is endorsed, it is recommended that the relevant departments and local disaster groups review and adopt a communication policy regarding the 'rebuild phase'. This will ensure all direct and indirect stakeholders are appropriately informed of the fee relief (subject to concession criteria) and where to find the relevant information.

The development of this proposal has seen consultation with the Development Services team and both the Community and Environment Recovery Sub Groups of the Gladstone Region Local Recovery Group.

Legal Strategy and Policy Implications:

Under the relevant legislation (e.g. *Planning Act 2016*, *Plumbing and Drainage Act 2018*, *Building Act 1975* and *Local Government Act 2009*), construction of a structure may require several Development Approvals. There is no opportunity for Council to waive a Development Application if it is categorised as Assessable Development under the applicable Act. Furthermore, these events are a reminder of the importance of obtaining the relevant approvals resulting from the professional assessment process, in order to ensure that construction results in the safety of people and property from likely risks in its environment, whether that may be cyclones, flood or fire.

The governing legislation for development prescribes how the fees should be calculated as cost recovery. Therefore, this proposal is to provide development application fee relief for properties affected by a Declared Natural Disaster seeking to rebuild wherein Council can apply its discretion not to collect cost recovery fees for the associated applications.

Financial and Resource Implications:

Option 1: Create a Development Application Fee Concession for Disaster Relief

If endorsed, the Development Application Fee Concession would be a fee that is not recovered (i.e. loss of income for Council (cost recovery only)). Development Application fees vary depending on the location, size, type and level of assessment; therefore, an assumption on the expected loss of income is not feasible. The effect on Council income would also vary depending on the extent of the relevant Declared Natural Disaster, as well as the number of affected eligible community members who sought to take advantage of the Concession. Based on recent events in both 2018 and 2019, if all impacted properties took up the concession, there would be reduction in income of \$121,520 based on 2019/2020 building fees.

In conjunction with Council's Strategic Grants Specialist, Council will monitor any available funding opportunities for disaster relief. Currently, there are no funding opportunities for Council to seek cost recovery from endorsing a Development Application Fee Concession. Regardless, Council's Finance Department would establish a unique receipting number to ensure if any funding was available, Council's application system (Pathway) could generate a report associated with the concessions applied.

To enable a consistent approach for future disaster relief development requests, the Development Application Concession Fee for Disaster Relief will be included in the Fees and Charges Schedule with supporting information available on Council's website.

Option 2: No Development Application fee relief

All Development Applications lodged within the Natural Disaster affected areas would be required to pay the relevant application fee upon lodgment. Therefore, assessment by Council officers would be covered in the application fee (i.e. no loss of income).

Summary:

Nil.

Anticipated Resolution Completion Date:

Approximately 16 March 2020.

Attachments:

Nil.

Tabled Items:

Nil.

Report Prepared by:

Manager Revenue Services

G/3.1.2. SURRENDER OF TRUSTEESHIP OF LOT 61 ON SP275200

Responsible Officer: General Manager Strategic Asset Performance

Council Meeting Date: 3 March 2020

File Ref: CP2.5; CP8.8

Purpose:

The purpose of this report is to allow Council to consider the surrender of trusteeship over Lot 61 on SP275200.

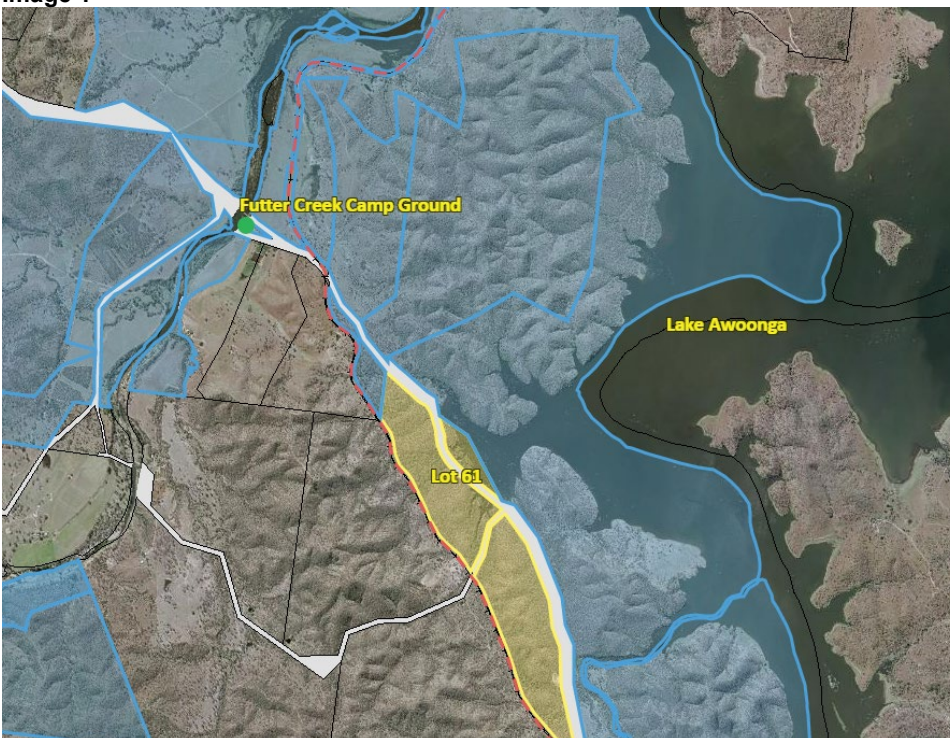
Officer's Recommendation:

That Council surrender trusteeship over Lot 61 on SP275200 conditional upon the land being transferred to Gladstone Area Water Board.

Background:

Council is trustee of land described as Lot 61 on SP275200 ("Lot 61") situated at Gladstone-Monto Road, Diglum, illustrated in yellow in Image 1. Lot 61 is a 68 ha state reserve for camping purposes. The reserve was gazetted in 1914 and historically, camping reserves formed part of the stock route network with the reserve providing a location for travelling stock to camp overnight. The reserve is zoned rural and is heavily vegetated.

Image 1



Gladstone Area Water Board (GAWB) own and operate Lake Awoonga and have considerable land holdings in the vicinity of Lot 61 as illustrated in Blue in Image 1 and around 12,000ha in the greater Boyne Valley area. For several years, Gladstone Area Water Board have been undertaking the Lake Awoonga Land Rationalisation Project (LALRP) which is aimed to acquire all land (in freehold tenure) within the Lake Awoonga Buffer Zone (land surrounding Lake Awoonga up to 47m AHD).

As part of the LALRP, GAWB identified part of Lot 61 as being within the Lake Awoonga Buffer Zone. GAWB's intentions with regards to Lot 61 is to convert Lot 61 to freehold and amalgamate with adjoining land.

On 7 May 2010, Council Officers wrote to the Department of Natural Resources Mines and Energy ("DNRME") to advise that Council has no objection to GAWB freeholding Lot 61. Based on Council's response to DNRME, GAWB has:

1. Surveyed Lot 61;
2. Acquired the Native Title Rights and Interests in Lot 61 by way of compulsory acquisition; and
3. Received an "Approval in Principle" from DNRME to acquire Lot 61 subject to GAWB Surrendering trusteeship.

DNRME has requested that Council formally surrender trusteeship of Lot 6 to allow the transfer of Lot 61 in freehold to GAWB.

Options, Risk and Opportunity Analysis:

Whilst Lot 61 remains in Council's trusteeship, Council has a duty of care towards the land and is responsible for its maintenance which extends to an obligation to manage weeds and vegetation within Lot 61. Council is not currently undertaking any maintenance activities within Lot 61.

Based on the Council correspondence of 7 May 2010 GAWB has invested time and expense towards the acquisition of Lot 61 and are prepared to accept responsibility for the ongoing management of Lot 61. Once converted to freehold the property will be rateable.

Lot 61 is directly adjacent to the rail corridor. Much of the rail corridor between Diglum and Taragoola passes through GAWB owned and/or managed land and GAWB's ownership of Lot 61 may provide opportunities/consistency for the Boyne Valley Rail Trail.

However, if Council does surrender trusteeship of Lot 61, Council will have no further input into the management of Lot 61 aside from Council's function as a planning authority.

Communication and Consultation:

GAWB were consulted in the preparation of this report.

There has been no further internal consultation based on Council's letter of 7 May 2010.

Legal Strategy and Policy Implications:

The surrender of trusteeship does not have any legal, strategic or policy implications.

Financial and Resource Implications:

If Council were to surrender trusteeship of Lot 61 Council will remove any potential costs required for the future management of Lot 61 including weed and pest control and fire management.

Summary:

Nil.

Anticipated Resolution Completion Date:

Officers will write to DNRME to advise of the surrender of trusteeship by 17 March 2020.

Attachments:

Nil.

Tabled Items:

Nil.

Report Prepared by: Property Acquisition and Disposal Officer

G/4. DEPUTATIONS**G/4.1. DEPUTATIONS****G/4.1.1. GLADSTONE PORTS CORPORATION DEPUTATION****Responsible Officer: Chief Executive Officer****Council Meeting Date: 3 March 2020****File Ref: CM7.6**

Purpose:

Gladstone Ports Corporation Limited ("GPC") will present the justification for investigations to increase the clearance of the Goondoon Street Bridge ("the Bridge") over the Port Access Road and will submit a recommendation to Council that Council undertake a GPC funded investigation into the increase of the clearance of the Bridge.

Deputation Request:

That Council lead the investigation into the increase of the clearance of the Goondoon Street Bridge over the Port Access Road with funding from GPC.

Background:

Time of Presentation	9.15 am
Duration of Presentation plus question time	30 minutes
Speakers to present	Craig Walker, Andrew Davis, Gordon Dwane
Is the matter currently or has previously been subject to legal proceedings?	No
Matter for information only	No

GPC have advised that an increase in the clearance from the current height of 5.1m to 7m will allow an increase in trade opportunities for the Port of Gladstone. Current proposals for this increased trade include but are not limited to:

- Wind Farm project equipment (10-15 years and beyond);
- Mining Equipment e.g. Truck parts, dragline buckets, components, over size tyres;
- Agriculture farming equipment e.g. harvesters, machinery, cultivators; and
- Industrial Infrastructure e.g. large generators, tanks, project construction cargo (hydrogen, new mining, solar).

Officer Comments:

Officers' advice is that there is no capacity within existing resources to lead the project and it is not currently within any existing or future workplans. In order for Council to lead this project it will require review and realignment of Council's capital program. Further, the investigation will require a significant amount of consultation with stakeholders and there is a risk that Council will not be able to deliver the project within the desired timeframe.

Attachments:

Nil.

Tabled Items:

Nil.

Reported Prepared by: Executive Secretary

G/4.1.2. GLADSTONE AREA PROMOTION DEVELOPMENT LIMITED 2020 PLANS

Responsible Officer: Chief Executive Officer

Council Meeting Date: 3 March 2020

File Ref: CM7.6

Purpose:

Gladstone Area Promotion Development Limited (GAPDL) will provide an update to Council including recent activities, GAPDL's plans for 2020 and stakeholder collaboration and is seeking input from Council on Council's intentions for future funding of GAPDL.

Deputation Recommendation:

That the deputation from Gladstone Area Promotion Development Limited be received.

Background:

Deputation details as follows:

Time of Presentation	9:45 am
Duration of Presentation plus question time	30 minutes
Speakers to present	Gus Stedman
Is the matter currently or has previously been subject to legal proceedings?	No
Matter for information only	Yes

Attachments:

Nil.

Tabled Items:

Nil.

Reported Prepared by: Executive Secretary

G/5. COUNCILLORS REPORT

Nil.

G/6. URGENT BUSINESS

Nil.

G/7. NOTICE OF MOTION

Nil.

G/8. CONFIDENTIAL ITEMS

Nil.

ATTACHMENTS