



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING AGENDA

**TO BE HELD AT THE GLADSTONE ENTERTAINMENT CONVENTION
CENTRE, 56 GOONDOON STREET, GLADSTONE**

On Tuesday 1 December 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 17 NOVEMBER 2020

Responsible Officer: Chief Executive Officer

Council Meeting Date: 1 December 2020

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on Tuesday 17 November 2020.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on Tuesday 17 November 2020 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on Tuesday 17 November 2020.

Tabled Items:

Nil.

Report Prepared by: Executive Secretary

G/3. DEPUTATIONS

Nil.

G/4. OFFICERS' REPORTS

G/4.1. DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE OF PREMISES FOR A PARKING STATION AT 5 AGNES STREET, AGNES WATER

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 1 December 2020

File Ref: DA.4.2020; DB.1.7

Development Application:

Application Number:	DA/4/2020
Applicant:	Gladstone Regional Council C/- Cardno
Owner:	Gladstone Regional Council
Confirmation Notice	5 March 2020
Location:	5 Agnes Street, Agnes Water QLD 4677
RPD:	Lot 8 CP910294
Area:	3,581m ²
Current Use of Land:	Vacant
Zoning:	Mixed Use Zone
Proposal:	Parking Station
Planning Scheme:	<i>Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2</i>
Public Notification Period:	12 August 2020 to 4 September 2020
Number of Submissions:	Twenty-eight (28) Properly Made Submissions

Purpose:

The purpose of this report is to assess Development Application 4/2020 for a Material Change of Use of Premises for a Parking Station located at 5 Agnes Street, Agnes Water QLD 4677, 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 Parking Station at 5 Agnes Street, Agnes Water was received by Council on 13 February 2020 and considered Properly Made on 4 March 2020. The application was prepared by Cardno on behalf of Gladstone Regional Council for the establishment of a Parking Station within the Mixed Use 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 Mixed Use Zone. By virtue of the level of assessment, Public Notification was required and conducted by the Applicant from 12 August 2020 to 4 September 2020. During this period, twenty-eight (28) Properly Made Submissions were received. The relevant content raised by the submitters related to stormwater, pollution, illegal camping, impacts on amenity and flora and fauna.

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 within the Mixed Use Zone and within an established tourism and retail area. 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 5 Agnes Street, Agnes Water, otherwise described as Lot 8 on CP910294. The site comprises a single, irregular shaped lot with an area of 3,581m² and frontage of approximately 67 metres to Agnes Street. In terms of topography, the site is low lying with an elevation of approximately four (4) to five (5) metres above sea level.

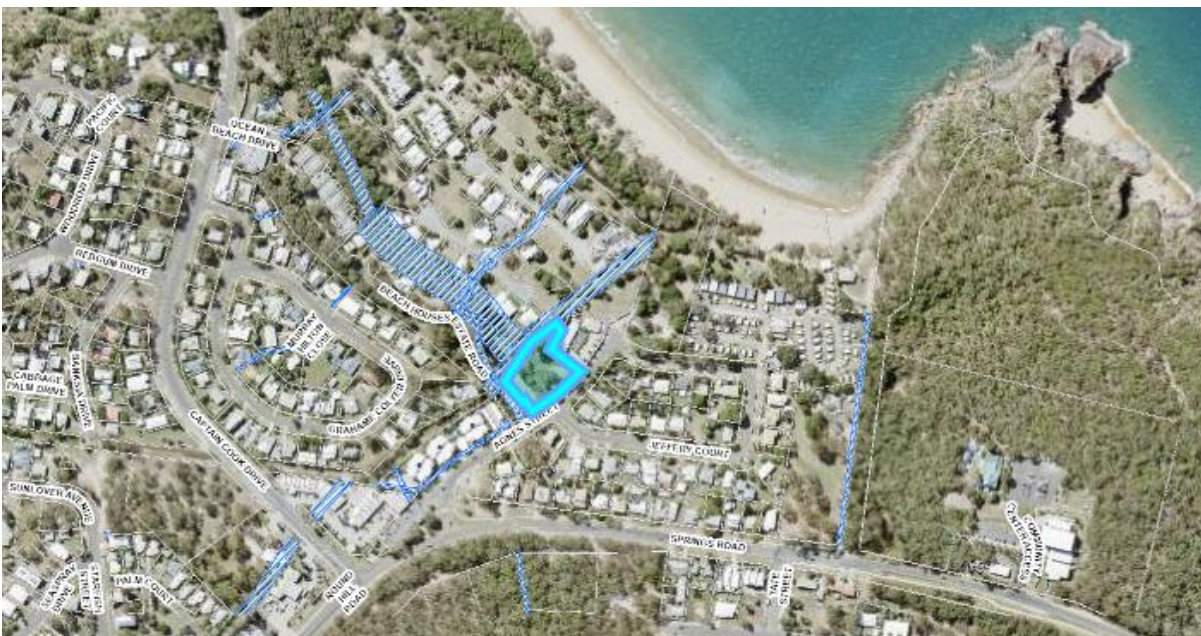


Figure One: Aerial View of Subject Site

The site is currently vacant and has been previously used for informal car parking. An unnamed pond is located at the rear of the subject site. The subject site is located within the Mixed Use Zone and Jeffrey Court Precinct under the Planning Scheme as shown in Figure Two.

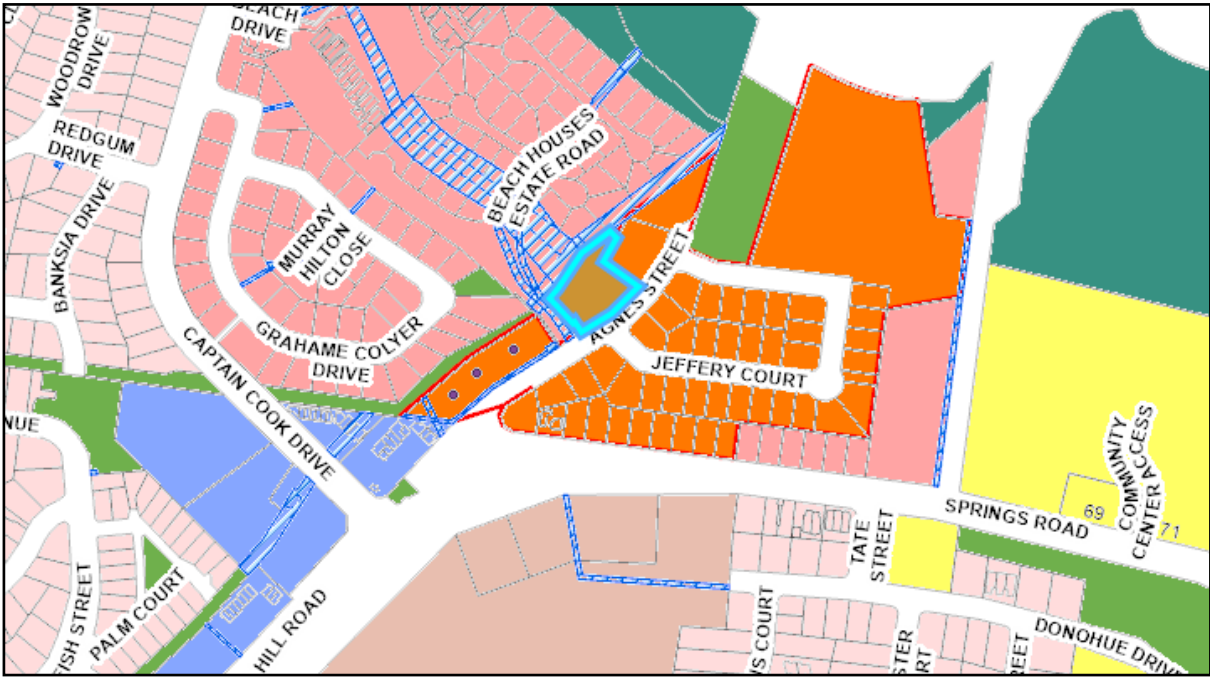


Figure Two: Zoning of Subject Site

The site has existing connections to water, sewerage, stormwater, electricity and telecommunication infrastructure. Additionally, the site has vehicular and pedestrian access to/from Agnes Street which is a constructed road with existing kerb and channel. The site is not burdened by an easement, however easements are located in the rear adjoining lot in close proximity to the subject sites rear and side boundary.



Figure Three: Service Connection

Background:

Current Application

The Development Application was lodged with Council on 13 February 2020 and considered Properly Made on 4 March 2020. Council issued a Confirmation Notice on 5 March 2020. Upon review of the common material, Council issued an Information Request on 16 March 2020 pertaining to stormwater infrastructure, retaining walls, excavating and filling, batter slopes, access driveway, circulation aisle widths, and landscaping.

On 12 June 2020, the Applicant requested an extension to the Information Request period for a period of 20 business days to the 15 July 2020. Council approved the extension to the Information Request period on 16 June 2020.

The Applicant responded to the Information Request on 15 July 2020 with additional material that included updated Civil Plans, Stormwater Management Plan, Stormwater Modelling, Landscape Plan and Erosion and Sediment Control Plan.

The Applicant undertook Public Notification during the period of 12 August 2020 to 4 September 2020. During the Public Notification Period, a total of twenty-eight (28) properly made submissions were received, which included a proforma submission of 22 signatures. These submissions raised concerns regarding stormwater, pollution, illegal camping, impacts on amenity and flora and fauna. During the Submitter Review Period, the Applicant prepared a revised proposed plan to further address the concerns raised within the submissions. The revised plan increased the separation distance from the rear of the property to the retained car park, thus resulting in further separation to the rear adjoining dwelling and retention of the existing pond. This redesign subsequently decreased the number of car parks from 87 to 73.

On 1 October 2020 Council acknowledged the change during assessment process was minor as it was a result of a matter raised in the received submissions. Therefore, the application progressed to Decision Stage.

Proposal:

The Applicant seeks a Material Change of Use of Premises for a Parking Station at 5 Agnes Street, Agnes Water.

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

Premises used for parking vehicles where the parking is not ancillary to another use.

The original site plan, as shown in Figure Four, included 87 car parks and was revised in response to issues raised through public notification.

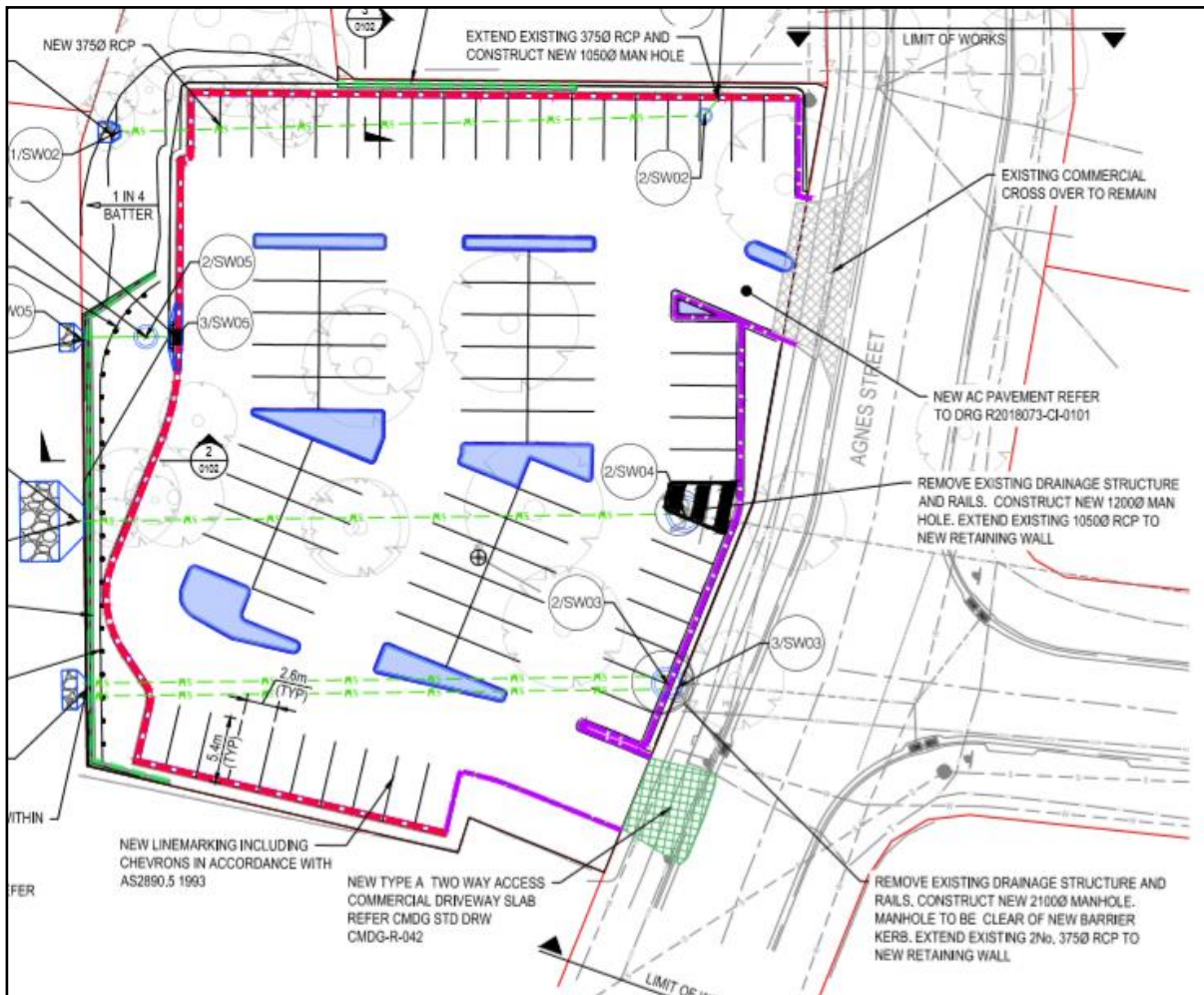


Figure Four: Original Site Plan

The revised site plan, as shown in Figure Five, includes a reduced scale which provides greater separation to the adjacent pond and retains a greater number of existing trees and other vegetation.

The Parking Station comprises of the following key features:

- An off-street bitumen ground level public car park comprised of 73 car parks for “overflow car parking” by visitors/tourists to the beach and surrounding retail premises.
- A retaining wall located on the western boundary with a maximum height of 2.45 metres.
- Access via a single crossover located on Agnes Street on the eastern side of the property boundary.

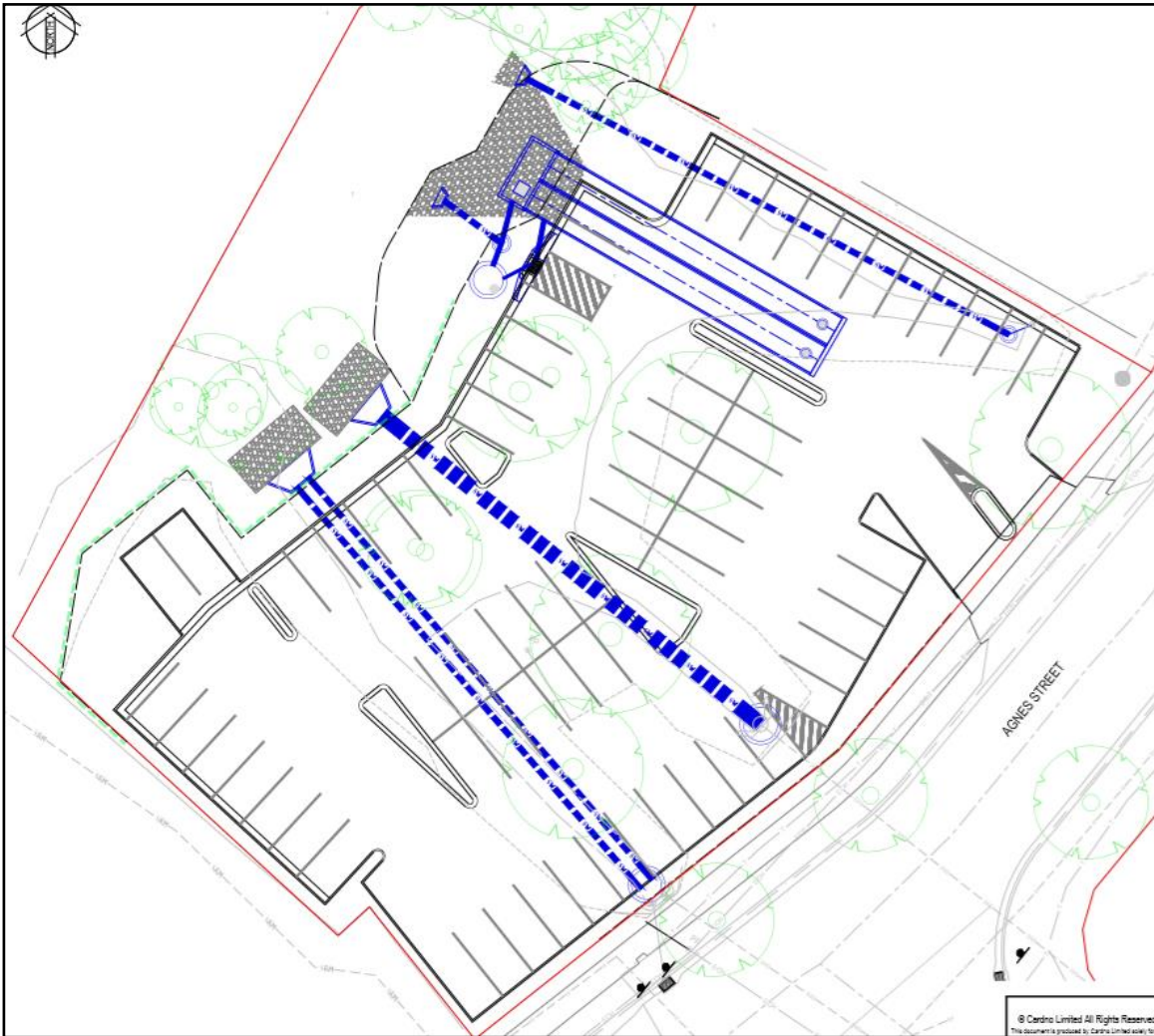


Figure Five: Revised Site Plan

Adopted Infrastructure Charges Notice Calculation:

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

Existing Lawful Use		Proposed Use		
Planning Scheme Definition	GFA	Planning Scheme Definition	GFA	Stage
Vacant land		Parking Station	Nil	N/A

As per the Resolution, Council do not charge for impervious area. Therefore, the proposal will result in a NIL charge. As part of any decision Notice, an Adopted Infrastructure Charge Notice will be issued in accordance with the Act.

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.

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) Medium storm tide inundation area	Complies – The proposal will not intensify the natural hazard, nor will it increase risk to people or property.
Biodiversity	Regulated Vegetation (category R)	Complies – the site is generally clear of vegetation and has no impact on regulated vegetation.

Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2

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:

- Strategic Framework
- Acid Sulphate Soils Overlay Code
- Coastal Hazard
- Flood Hazard
- Mixed Use 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. The subject site is located within the Jeffrey Court Precinct and in close proximity to the Agnes Water patrolled beach. The proposed Parking Station will provide greater access to the nearby retail and commercial uses and support local businesses and tourism.

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 approximately 200m from the Agnes Water patrolled beach and will increase the community's access to open space and recreation areas and tourism opportunities within the region.

Strategic Framework - Building it Better: Our Urban Area

Strategic Element 3.6.2 – Agnes Water Centre, states that *expansion of the town centre requires development to: include significant public realm and streetscape improvements; and enhance the pedestrian environment and strengthen linkages to the beach and foreshore area.* The subject site is located approximately 200 metres from the Agnes Water patrolled beach and strengthens linkages to the beach and foreshore area.

Acid Sulphate Soils

The subject site is within the Acid Sulfate Soils Overlay, 0-5m AHD. The Applicant has stated that *“disturbance of acid sulfate soils will be avoided by the stockpiling of earthworks spoil on site. The top soil is proposed to be stripped to a depth of 50mm for later respreading on the site. The proposed earthworks will be managed to ensure that groundwater is not extracted and actual acid sulfate soils are not moved below the water table during excavation.”* Subsequently a condition has been recommended that as part of any operational works application, the Applicant must submit an Acid Sulfate Soils Investigation and Management Report. This will demonstrate compliance with the Acid Sulfate Soils Overlay Code.

Coastal Hazard Overlay Code

The Medium Storm Tide Inundation Overlay is mapped within the subject site. The proposal does not include any structures. The proposed development does not involve a sensitive land use and the exit from the site is not located within the high storm tide inundation area. Therefore, the proposed development complies with Coastal Hazard Overlay Code.

Flood Hazard Overlay Code

The site is within the Flood Hazard Investigation Area. The site does not include structures and habitable rooms. Performance Outcome 23 (PO23) states *signage is provided within extreme, high and medium flood hazard areas to alert residents and visitors to the flood hazard.* A condition is recommended to provide signage stating the area is within a flood hazard area. A Site Based Stormwater Management Plan has been prepared which shows the proposed development will not result in an increase in flood level. The proposed development utilises underground detention tanks to provide compensation flood storage. A condition has been recommended to amend the Site Based Stormwater Management Plan to reflect the revised proposed plan. As such, the development complies with the Flood Hazard Overlay Codes.

Mixed Use Zone Code

Performance Outcome 27 (PO27) states that *development minimises impacts on surrounding land and provides for an appropriate level of amenity within the mixed use centre having regard to: a. noise; b. hours of operation; c. traffic; d. visual impact; e. signage; f. odour and emissions; g. lighting; h. access to sunlight; i. privacy; and j. outlook.* The subject site adjoins sensitive land uses (i.e., Dwelling House and Short-Term Accommodation use). The site has previously been used as an informal car parking area, and community feedback has indicated that the area is used as an illegal campground. The revised site plan has mitigated noise and lighting impacts on surrounding land by decreasing the scale of the proposed Parking Station, increasing the separation distance from the adjoining rear dwelling and retaining further existing vegetation. To reduce any adverse impacts on the adjoining residential uses, a condition has been recommended to provide signage that states overnight camping is not permitted. A condition is also recommended to ensure lighting complies with Australian Standards for the control of the effects of outdoor lighting. These recommended conditions will demonstrate compliance against PO27.

Acceptable Outcome 29.1 states *parking areas are: a. located in a basement, or b. setback a minimum of 15m from any street frontage and screened to allow a building edge for active uses.* As the proposed carpark is unable to comply with AO29.1, an assessment against Performance Outcome 29 (PO29) has been undertaken. PO29 requires that *parking areas do not visually dominate the streetscape.* The Applicant has provided a Landscape Planting Plan which includes garden beds and street trees which provides casual surveillance and an attractive streetscape. A condition is recommended to provide a revised Landscape Planting Plan which includes further screen planting at the rear of the site and ensure compliance with PO29.

Performance Outcome 32 states that *development responds to the on-site and surrounding topography, coastal foreshores, waterways, drainage patterns, utility services, access, vegetation and adjoining land use, such that: a. any hazards to people or property are avoided; b. any earthworks are minimised; c. the retention of existing vegetation is maximised; e. damage or disruption to sewerage, stormwater and water infrastructure is avoided; and f. there is adequate buffering, screening or separation to adjoining development.* The revised proposed plan has increased the separation distance between the proposed parking area and the adjoining residential area to the north-west. The revised plan also retains existing vegetation at the rear of the site. A condition is recommended to provide an amended Landscape Plan which includes planting at the rear of the site and further screening to the adjoining residential site. Therefore, the proposed development responds to the adjoining land uses and complies with PO32.

Development Design Code

Although the development does not include any proposed structures it is recommended that the development is connected to Council's reticulated water supply network to irrigate the proposed landscaping and ensure there is suitable access for fire-fighting purposes. As such, a condition has been recommended to ensure compliance against Acceptable Outcome 1.1.

Acceptable Outcome 5.1 requires that *Development does not result in an increase in flood level flow velocity or flood duration on upstream, downstream or adjacent properties.* The Applicant has supplied a Technical Memorandum for Agnes Street Carpark Stormwater Modelling and Assessment, which details the impact of the proposed development on the wider stormwater infrastructure network. This Technical Memorandum demonstrated that the proposed development does not create an actionable nuisance on upstream, downstream or adjacent properties (refer Section 2.3.2 of the Memorandum). A comparison of 1% AEP Peak Flood Depth plots, (refer Figure Six and Seven below), confirms that there is no actionable nuisance created by the proposed works, with the only significant difference in flood heights shown within the subject site and is due to the fill placed for the construction of the carpark. The conclusion of the report identified the upgrades to the infrastructure through the site that are required (eg. SW02 – 2x 450mm diameter pipes, SW03 – 3x 525mm diameter pipes and SW04 – 1x 1,050mm diameter pipe (extension of existing pipe) with 4x 1,200mm diameter pipes (potential future upgrade required) and that additional modelling/studies are required to address existing flooding within the Jefferey Court/Agnes Street area. A condition is recommended for the Applicant to complete the required modelling to determine what size pipe upgrades are required upstream of the proposed development and for that infrastructure to be provided through the carpark.



Figure Six: Existing Case 1% AEP Peak Flood Depth



Figure Seven: Developed Case 1% AEP Peak Flood Depth

Acceptable Outcome 8.1 states that excavation or filling is no greater than 1m. The proposed development includes a maximum fill depth of 2.45m to the west of the carpark adjacent to the retaining wall. As such an assessment against Performance Outcome 8 is undertaken. PO8 states that development is designed such that earthworks and any associated retaining structures: a. result in a landform that is stable; b. maintain as far as practical, and minimise alteration to, the existing landforms; c. minimise height of batter faces and retaining structures; d. do not unduly impact on the amenity or privacy for occupants of the site or on adjoining land; e. do not unduly impact on the amenity of the streetscape; f. achieves a high level of visual amenity; g. does not prevent or obstruct the function of adjacent sites including land in Council ownership; h. are designed and constructed so that they do not cause unintentional ponding (i.e. ponding not associated with stormwater control) on the site or on nearby land. A 300mm block retaining wall is located at the eastern boundary, which is a boundary shared with the Mango Tree Motel, as shown in Figure Eight. A proposed block retaining wall 2.45m high is located at the rear of the site and adjoins a pond. The retaining wall is not visible from the street and does not impact on the amenity of the streetscape. Existing vegetation within the pond area and adjoining lot screens the retaining wall from the northern dwelling and it is considered that the amenity of adjacent properties has been appropriately mitigated. The proposed Parking Station does not prevent or obstruct the function of the adjoining Motel. Therefore, the proposed plan complies with PO8. Notwithstanding this, a condition is recommended for the Applicant to provide an amended set of plans that reflect the revised proposed plan.



Figure Eight: Subject site and adjoining land uses



Figure Nine: Subject site and distance to surrounding land uses

Due to the size of the parking area, the site will likely generate hydrocarbon and coarse sediment. Acceptable Outcome 23 states that *stormwater management systems are designed and constructed in accordance with the requirements of the Engineering Design Planning Scheme Policy*. The Applicant has provided a Site Based Stormwater Management Plan that demonstrates compliance with the Engineering Design Policy and SPP. Notwithstanding this, a condition is recommended for the Applicant to provide an amended Site Based Stormwater Management Plan that reflects the revised proposed plan.

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 Parking Station surface 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 revised Landscape Plan detailing the preferred species and rates compliant with the open air car parking space in accordance with the revised proposed plan.

Acceptable Outcome 5.2 states that *removed or damaged mature vegetation is replaced with mature vegetation of a comparable quantity and species*. Performance Outcome 5 states *where possible, landscape design facilitates the retention and integration of mature existing vegetation, both within and external to the site*. The Applicant has stated that where possible existing vegetation will be maintained. A condition is recommended to provide a revised Landscape Plan clearly nominating vegetation to be retained. 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, twenty eight (28) Properly Made Submissions were received (attached). A further breakdown of the submissions has been included below.

Submission	Officer's Response
Environmental	
The proposed development impacts on the wetland area which is home to a number of native animals and flora.	The subject site and adjacent pond is not mapped within the Biodiversity Overlay. As part of the revised plan, the Parking Station is reduced in scale and retains further trees and other vegetation. A condition is recommended for the Applicant to undertake an environmental management assessment that identifies flora and fauna within the pond area and their management during construction.
Noise and Lighting	
The site is currently used as a car park and we are constantly impacted by noise and lighting from the site.	The subject site is located in proximity to a residential area. The revised proposal plan has decreased the scale of the Parking Station, increased the separation distance between rear adjoining residential use and retains further vegetation. Furthermore, a condition is recommended to include signage stating overnight camping is illegal.
Visual amenity	
The proposed plan removes all screening trees and the car park will be visible for my property and all other Beach Houses residents.	The revised plan considered these submissions and increased the setback distance from residences and retained existing vegetation. Furthermore, additional landscaping will be required to be demonstrated as part of Landscaping Plan condition requirements. A condition is recommended to include a landscape plan to provide adequate screening to the adjoining residential lot.
Engineering	
Draining the pond during construction is detrimental to native birdlife.	A condition is recommended for the Applicant to undertake an environmental management assessment that identifies flora and fauna within the pond area and their management during construction. The revised plan has reduced the overall footprint and setback from the boundary with the Beachhouses Estate land to ensure no works, including footings, or dewatering are required within the

	Beachhouses Estate easement area or adjacent pond.
Flooding	
Reducing the current volume of the wetland and pond area will add to flooding events.	A Site Based Stormwater Management Plan has been undertaken which shows the proposed development will not result in an increase in flood level. The proposed development utilises underground detention tanks to provide compensation flood storage. A condition has been recommended to amend the Site Based Stormwater Management Plan to reflect the revised proposed plan.
Other	
Larger parking bays to cater for 4WD's will improve safety	The revised proposal plan did not alter the size of the parking bays, however, the parking bays have been designed in accordance with Australian Standard guidelines.
The use of the parking area by overnight campers will create amenity and environmental issues.	A condition is recommended to limit overnight access to the parking area.
Impacts of waste and pollution spreading to neighboring properties and waterway.	A condition is recommended for the Applicant to undertake an environmental management assessment that identifies flora and fauna within the pond area and their management during construction. The Parking Station will be a Council asset and therefore have a scheduled maintenance regime.
Lack of community consultation	The Applicant undertook public notification in accordance with the Act. Further community consultation was also facilitated through community meetings. This included a number of "pop-up" information sessions and a community workshop.
Alter design to sealed asphalt will mitigate impacts of stormwater	Drainage has been designed to effectively manage stormwater.

Summary:

The Parking Station is generally consistent with the intent of the Planning Scheme and the Mixed Use Zone Code. The proposal is considered to provide a functional development which will support increased tourism visitors to the region.

Officer's Recommendation:

That Development Application 4/2020 for a Material Change of Use of Premises for a Parking Station at 5 Agnes Street, Agnes Water, be approved. 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 Parking Station.

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*.

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

Benchmark reference:	Reasons for the approval despite non-compliance with benchmark:
Mixed Use Zone Code – Table 6.2.21.3.1 – Performance Outcome 27.	Compliance with Mixed Use Zone Code – Table 6.2.21.3.1 – Performance Outcome 27 via a condition.
Mixed Use Zone Code – Table 6.2.21.3.1 – Acceptable Outcome 29.1	Compliance with Mixed Use Zone Code – Table 6.2.21.3.1 – Performance Outcome 29 via a condition.
Mixed Use Zone Code – Table 6.2.21.3.1 – Acceptable Outcome 32.	Compliance with Mixed Use Zone Code – Table 6.2.21.3.1 – Performance Outcome 32 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.1	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.1 via a condition.
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 8.1	Compliance with Development Design Code – Table 9.3.2.3.1 – Performance Outcome 8.
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 5.1.	Compliance with Landscaping Code – Table 9.3.5.3.1 – Performance Outcome 5 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 Councils response in dealing with these matters:

Submission	Officer's Response
<p>Environmental</p> <p>The proposed development impacts on the wetland area which is home to a number of native animals and flora.</p>	<p>The subject site and adjacent pond is not mapped within the Biodiversity Overlay. As part of the revised plan, the Parking Station is reduced in scale and retains further trees and other vegetation. A condition is recommended for the Applicant to undertake an environmental management assessment that identifies flora and fauna within the pond area and their management during construction.</p>
<p>Noise and Lighting</p> <p>The site is currently used as a car park and we are constantly impacted by noise and lighting from the site.</p>	<p>The subject site is located in proximity to a residential area. The revised proposal plan has decreased the scale of the Parking Station, increased the separation distance between rear adjoining residential use and retains further vegetation. Furthermore, a condition is recommended to include signage stating overnight camping is illegal.</p>
<p>Visual amenity</p> <p>The proposed plan removes all screening trees and the car park will be visible for my property and all other Beach Houses residents.</p>	<p>The revised plan considered these submissions and increased the setback distance from residences and retained existing vegetation. Furthermore, additional landscaping will be required to be demonstrated as part of Landscaping Plan condition requirements. A condition is recommended to include a landscape plan to provide adequate screening to the adjoining residential lot.</p>
<p>Engineering</p> <p>Draining the pond during construction is detrimental to native birdlife.</p>	<p>A condition is recommended for the Applicant to undertake an environmental management assessment that identifies flora and fauna within the pond area and their management during construction. The revised plan has reduced the overall footprint and setback from the boundary with the Beachhouses Estate land to ensure no works, including footings, or dewatering are required within the Beachhouses Estate easement area or adjacent pond.</p>
<p>Flooding</p> <p>Reducing the current volume of the wetland and pond area will add to flooding events.</p>	<p>A Site Based Stormwater Management Plan has been undertaken which shows the proposed development will not result in an increase in flood level. The proposed development utilises underground detention tanks to provide compensation flood storage. A condition has been recommended to amend the Site Based Stormwater</p>

	Management Plan to reflect the revised proposed plan.
Other	
Larger parking bays to cater for 4WD's will improve safety	The revised proposal plan did not alter the size of the parking bays, however, the parking bays have been designed in accordance with Australian Standard guidelines.
The use of the parking area by overnight campers will create amenity and environmental issues.	A condition is recommended to limit overnight access to the parking area.
Impacts of waste and pollution spreading to neighboring properties and waterway.	A condition is recommended for the Applicant to undertake an environmental management assessment that identifies flora and fauna within the pond area and their management during construction. The Parking Station will be a Council asset and therefore have a scheduled maintenance regime.
Lack of community consultation	The Applicant undertook public notification in accordance with the Act. Further community consultation was also facilitated through community meetings. This included a number of "pop-up" information sessions and a community workshop.
Alter design to sealed asphalt will mitigate impacts of stormwater	Drainage has been designed to effectively manage stormwater.

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
R2020043-SK-0004	1	Site Plan	Cardno	-

Special Conditions

2. Prior to the commencement of the use, the Applicant is to install signage which states that overnight parking is not permitted and the site is within a flood area.
3. As part of the lodgement for the first application for Operational Works, the Applicant is to provide an Environmental Management Plan to Council for approval. The Environmental Management Plan shall describe the natural environmental values of the rear pond area, how the development may impact on the environment, and any actions required to avoid, minimise or manage impacts.

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. Earthworks (including retaining walls);
 - b. Road works (including driveway, signage and footpaths);
 - c. Stormwater Management (quantity, quality, flood and drainage control);
 - d. Landscaping, environmental protection and lighting and security measures.
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>.

Water Infrastructure

6. Prior to the commencement of the use, a water service connection is to be provided from Council's water supply infrastructure to the front property boundary. The location and size of the water service (and any associated fire service) is to be determined in consultation with Council.
7. 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

8. As part of the first Development Application for Operational Works, the Applicant is to submit for approval by Council an amended Site Based Stormwater Management Plan. The Site Based Stormwater Management Plan must address both stormwater quantity and quality and be in accordance with the Engineering Design Planning Scheme Policy under the Our Place Our Plan Gladstone Regional Council Planning Scheme and the State Planning Policy – July 2017. The Site Based Stormwater Management Plan must be certified by a Registered Professional Engineer of Queensland experienced in this type of work.
9. As part of the first Development Application for Operational Works, the Applicant is to provide amended stormwater modelling that identifies all required upgrades upstream of the proposed development. The amended stormwater modelling should demonstrate that the proposed stormwater infrastructure through the development is compatible with any potential future upgrades required upstream of the development.

Acid Sulfate Soils

10. As part of any Development Application for Operational Works, the Applicant must submit an Acid Sulfate Soils Investigation and Management Report to Council for approval. The Management Report is to:

- a. Be prepared by a suitably qualified person experienced in the area of Acid Sulfate Soils
- b. Determine whether the proposed works will expose/disturb Acid Sulfate Soils;
- c. Detail the measure to be undertaken to reduce the risk of Acid Sulfate Soils during construction and operation; and
- d. Be in accordance with the Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland 1998 as per the Queensland Acid Sulfate Soil Technical Manual.

Transportation Services

11. Prior to the commencement of the use, a total of 73 car parking spaces are to be constructed on site generally in accordance with the approved plans and include the provision of parking for people with a disability. 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.
12. Prior to the commencement of the use, line marking is to be provided within the carpark to delineate one-way traffic flow (clockwise) through the carpark.
13. Prior to the commencement of the use, any damage to the concrete footpath, and kerb and channel shall be repaired at the owner's expense and to Council's Standard Drawing 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>.

14. Prior to the commencement of use, a 2m wide concrete footpath the full extent of the frontage of the site is to be constructed in accordance with Council's Standard Drawing Concrete Pathway/Bikeway Details.

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

15. 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.
16. Prior to the commencement of the use, any manholes located on the proposed driveway are to be covered with Class D Covers to AS 3996, and are to be maintained at finished surface levels and remain accessible at all times.
17. Prior to the commencement of the use, a minimum 8m wide Type C1 Commercial Driveway is to be constructed in accordance with Council's Standard Drawing Urban Commercial/Industrial Driveway (CMDG-R-042A).

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>.

Landscaping

18. Prior to commencement of the use, a revised Landscaping Plan is to be submitted and approved by Council detailing the existing vegetation to be retained, location of shade trees at the rate of 1 tree per 6 car spaces, and screening trees located at the rear of the site. The landscaping species are to be 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.

19. Prior to commencement of the use, all landscaping areas are to be constructed with an appropriate irrigation system.

Lawful Commencement

20. Prior to the commencement of this use, the Applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
21. 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:

An Adopted Infrastructure Charge Notice in relation to the infrastructure charges applicable to this development has been provided separately.

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: Development Services

G/4.2. WATER PRICING 2020-2021

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 1 December 2020

File Ref: FM6.1

Purpose:

The purpose of this report is to advise Council of the increase in the cost to Council of purchasing water from the Gladstone Area Water Board in 2020-2021.

Officer's Recommendation:

That in accordance with section 94 of the *Local Government Act 2009* and Chapter 4 Part 7 of the *Local Government Regulation 2012*, Council amend the consumption charge for the Lake Awoonga Treated Water Scheme from \$1.83 per kilolitre to \$2.13 per kilolitre for usage between 1 July 2020 and 30 June 2021.

Background:

At the Special Budget Meeting on 7 July 2020, Council resolved that the consumption charge for the Lake Awoonga Treated Water Scheme would be \$1.83 per kilolitre (rate freeze from 2019-2020) for the 2020-2021 financial year.

Section 6.4.5.2 of Council's Revenue Statement refers to the calculation of the water consumption charge as follows:

"The charge is calculated on usage worked out on the basis of: □

- *for water obtained from the Lake Awoonga Scheme, the cost to Council of purchasing the water from the Gladstone Area Water Board; and*
- *for all other schemes, the cost to Council of producing the water.*

This consumption charge applies to consumers who use water from the various systems."

Following Council's adoption of the budget at its Special Budget Meeting held on 7 July 2020, the Gladstone Area Water Board ("GAWB") subsequently notified Council of the revised increased price it will charge Council for all water obtained from the Lake Awoonga Treated Water Scheme for the 2020-2021 financial year. This notification from the Gladstone Area Water Board came too late for consideration by Council at its Special Budget Meeting.

Despite representations from Council and other bulk water users with respect to various components of the Gladstone Area Water Board's pricing submission, the Queensland Competition Authority has determined the pricing principles to be applied by the Gladstone Area Water Board for the 2020-2025 period, and these have been adopted by GAWB. From 1 July 2020 based on projected consumption the resultant cost per kilolitre is \$2.13 for the 2020-2021 financial year.

Options, Risk and Opportunity Analysis:

The Gladstone Area Water Board has increased the water cost to Council by approximately 16 per cent as per the Queensland Competition Authority Pricing Determination dated 3 June 2020. Formal confirmation of the Gladstone Area Water Board's 2020-2021 water pricing can be found in Attachment 1 to this report.

In July 2020 the Gladstone Area Water Board made some COVID-19-related pricing offers to Council. However, these offers were not in alignment with the rates freeze which had been requested by Council, and were made subject to conditions which were not acceptable to Council. Despite Council negotiating to limit the magnitude of this increase, the Gladstone Area Water Board was unwilling to limit the price increase to the level requested by Council.

Accordingly, unless the Revenue Statement is amended, Council must pass on the full extent of the water price increase to consumers of water obtained from the Lake Awoonga Treated Water Scheme.

Based on the annual budgeted reserve of 9,760 megalitres, there is an increase from \$1.83 per kilolitre to \$2.13 per kilolitre which will result in an additional cost of approximately \$2.9m. As per the Revenue Statement, Council is obliged to pass this increase directly on to the consumers of water obtained from the Lake Awoonga Scheme. This translates into a \$60 price increase for a family consuming the average annual household consumption of 200 kilolitres.

Currently there is a misalignment with the Revenue Statement due to the adopted water consumption charge of \$1.83 per kilolitre not reflecting the Gladstone Area Water Board's price increase. Council can consider amending its Revenue Statement due to the difference between Council's water consumption charge and the cost to Council of purchasing the water from the Gladstone Area Water Board.

The Gladstone Area Water Board has implemented the Queensland Competition Authority price path as approved by its Board on 25 June 2020. This will be an increase from 1 July 2020 of approximately 16% for the 2020-2021 financial year and then the inflation adjusted demand price increase for each year thereafter. This increase follows from the Queensland Competition Authority's *Final Report – Gladstone Area Water Board price monitoring 2020-25 – Part A: Overview*.

It is to be noted that the Gladstone Area Water Board has not yet implemented any of the measures specified in the Queensland Competition Authority's *Final Report – Gladstone Area Water Board price monitoring 2020-25 – Part B: Accumulated under-recovery*. It is anticipated that Council will be afforded an opportunity to negotiate with Gladstone Area Water Board on behalf of the residents of the Gladstone Region before any of the measure listed in *Part B* of the *Final Report* are implemented.

The full Queensland Competition Authority report is available on the QCA website: <https://www.qca.org.au/project/urban-bulk-water/gladstone-area-water-board/price-monitoring-2020-25/>

Alternate Option

That Council's water consumption charge for the Lake Awoonga Treated Water Scheme remain unchanged at \$1.83 per kilolitre.

Communication and Consultation:

General Manager Finance Governance and Risk
General Manager Community Development & Events
Manager Revenue Services
Manager Water Program Delivery
Senior Legal Advisor
Senior Revenue Officer

Legal Strategy and Policy Implications:

While Council has determined its rates for the 2020/21 financial year, recent amendments to the *Local Government Act 2009* and the *Local Government Regulation 2012* allow Council to reconsider what rates and charges are to be levied for a relevant part of a financial year and for the budget to be amended to consider any changes to rates levied.

Council's Revenue Statement requires the water consumption charge for water obtained from the Lake Awoonga Treated Water Scheme to be equal to the cost to Council of purchasing the water from the Gladstone Area Water Board. Any difference between the consumption charge and the cost of purchasing water would require amendment of the Revenue Statement.

Financial and Resource Implications:

Based on the annual budgeted reserve of 9,760 megalitres, the increase from \$1.83 per kilolitre to \$2.13 per kilolitre will result in an additional cost of approximately \$2,928,000. In accordance with the Revenue Statement, this amount is directly recoverable from consumers of water obtained from the Lake Awoonga Treated Water Scheme.

Summary:

Nil

Anticipated Resolution Completion Date:

If Council adopts the Officer's recommendation, the water consumption charge for the Lake Awoonga Treated Water Scheme will be increased from \$1.83 per kilolitre to \$2.13 per kilolitre effective 1 July 2020.

Attachments:

1. GRC 2020-21 Pricing Letter.pdf

Tabled Items:

Nil.

Report Prepared by: Manager Revenue Services

G/4.3. QUEENSLAND AUDIT OFFICE INTERIM AND FINAL REPORTS

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 1 December 2020

File Ref: FM4.4

Purpose:

To present a copy of the interim and final Queensland Audit Office (QAO) reports to ensure transparency and accountability of Council regarding audit findings.

Officer's Recommendation:

That Council note the interim and final QAO reports in accordance with Section 213 of the Local Government Regulation 2012.

Background:

Historically, QAO's interim and final reports are tabled and discussed at the first available Audit, Risk and Improvement Committee meeting, however under Section 213 of the Local Government Regulation 2012, the Mayor of a local government must present a copy of the auditor-general's observation report at the next ordinary meeting of the local government. QAO's interim and final reports are these observation reports.

The interim report is provided to detail the results of the interim work performed. The report assesses the design and implementation of the internal controls and whether they operate effectively, financial reporting issues and other matters that should be considered. The interim report for 2019-20 reported no new significant deficiencies in Council's internal controls. All prior year deficiencies were resolved by 30 June 2020 apart from asset valuations being re raised as a continual improvement item.

The closing report documents the audit of Council's financial statements for year including how significant financial reporting risks have been responded to. The closing report also reports on the progress of any issues raised at the interim report.

Appendix A1 of the attached Closing Report, reports one significant deficiency raised in regards to Council not having a formalised process established to monitor and assess indicators of impairment of the carrying values of Gladstone Airport Corporation Assets. Management has agreed to implement a formalised process by 30 June 2021.

Further in Appendix A1 of the attached Closing Report, two deficiencies were raised. One in regards to interim and closing reports not being tabled at Council ordinary meetings. These reports are attached to this report. The second surrounding further development required to implementing a three-way matching of purchase orders to invoices. Phase one development and testing of enhancement of the current is already underway. Improvements are envisaged for March 2021.

Appendix A2 reports the same issue raised in the interim report as a medium risk issue surrounding asset valuations. As reported in the interim report, asset valuations were re raised as a continual improvement item. Management have agreed to continue with it's data cleansing program into 2020/21.

Appendix A3 reports those issues raised in prior years but are not yet resolved.

An unmodified audit opinion was issued by QAO on 16 November 2020.

Options, Risk and Opportunity Analysis:

By not tabling these reports, Council is not in compliance with the Local Government Regulation 2012.

Communication and Consultation:

Nil.

Legal Strategy and Policy Implications:

Nil .

Financial and Resource Implications:

Nil.

Summary:

Nil.

Anticipated Resolution Completion Date:

N/A

Attachments:

1. GRC QAO Interim Report FY2020
2. GRC Closing Report FY2020

Tabled Items:

Nil.

Report Prepared by: Team Leader Financial Operations

G/4.4. AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING 30 SEPTEMBER 2020

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 1 December 2020

File Ref: CM26.2

Purpose:

To present a written report about the matters reviewed at the Audit Risk and Improvement Committee Meeting held on 30 September 2020 in accordance with s211 of the *Local Government Regulation*.

Officer's Recommendation:

That Council receive the minutes of the Audit Risk and Improvement Committee Meeting held on 30 September 2020.

Background:

Council's audit committee, the Audit Risk and Improvement Committee (ARIC) met on 30 September 2020.

An audit committee is required to provide Council with a written report about the matters reviewed at the meeting and the committee's recommendations about the matters as soon as practical after a meeting of the committee (s211(1)(c) *Local Government Regulation 2012*).

The minutes of the meeting of 30 September 2020 is attached for Council's consideration.

It is further noted that Council received a briefing from Kerry Phillips, Chair of the Audit Risk and Improvement Committee at the Councillor Information Session on 13 October 2020.

Options, Risk and Opportunity Analysis:

The following is a summary of business from the meeting:

Recommendations from ARIC for consideration by Council

Nil.

Issues of significance for information

8.1 Progress Report on Compliance and Audit Recommendations

The Committee noted the progress made towards addressing outstanding audit actions.

The progress with the 2020/21 Audit Plan was also discussed with members expressing a preference that the following work be prioritised in any reconsideration of the Audit Plan:

- The Payroll Audit;
- Audits that focus on operational areas or project work;
- Any audits associated with the COVID-19 pandemic.

The Committee acknowledged the efforts of the Acting Ethics Integrity and Audit Specialist.

9.1 Queensland Audit Office Briefing Paper

The Committee discussed the revaluation of Gladstone Airport Corporation's assets and expressed concern with regards to ensuring that Council meets its obligations for the statutory sign-off of the annual financial statements.

12.2 People Services Quarterly Report

There was robust discussion on the current workforce numbers and the alignment with the planning and targets associated with the organisation redesign. The Committee has requested additional reporting to allow interrogation of the issue.

12.3 Health Safety & Wellbeing Quarterly Report

The Committee noted that it was pleasing to see the reduction in lost time injuries (3.07%) which is the lowest it has been for Council in many years.

12.4 Contracts and Procurement Report

The Committee enquired as to whether Council was meeting its responsibilities to pay suppliers promptly noting that this was particularly important during the COVID-19 pandemic. Officers advised the Committee that it was at times difficult to determine turnaround times due to current internal processes. This was highlighted as an issue that warranted further investigation and the CEO advised that it would be tabled for discussion with the Executive Team.

Further to the ARIC Meeting on 30 September 2020 members and officers have held out of session workshops to finalise the Council's financial statements.

Communication and Consultation:

Audit Risk and Improvement Committee

Legal Strategy and Policy Implications:

The *Local Government Act 2009* requires Council to have an audit committee that oversees audit, annual financial reporting and other relevant governance functions as outlined in Council policy to provide Council with an additional level of assurance that systems and controls are in place to assist Council in minimising risk.

The Audit Risk and Improvement Committee operates in accordance with Council's Audit Risk and Improvement Committee Policy.

Financial and Resource Implications:

The Audit Risk and Improvement Committee's external member fees are incorporated within the 2019/20 Operational Budget.

Summary:

Nil.

Anticipated Resolution Completion Date:

Nil.

Attachments:

1. Audit Risk and Improvement Committee Meeting Minutes 30 September 2020

Tabled Items:

Nil.

Report Prepared by: Manager Governance

G/4.5. CENTRAL QUEENSLAND REGIONAL ORGANISATION OF COUNCILS LIMITED - VOTING ENTITLEMENTS

Responsible Officer: Chief Executive Officer

Council Meeting Date: 1 September 2020

File Ref: GR9.1

Purpose:

To allow Council the opportunity to nominate which appointed delegate is authorised to exercise Council's voting entitlement at a General Meeting of the Central Queensland Regional Organisation of Councils Limited (CQROC).

Officer's Recommendation:

Further to Council's resolution made on 1 September 2020 (Council Resolution G/20/4312) regarding the incorporation of Central Queensland Regional Organisation of Councils Limited (CQROC), Council resolves that the following delegates will exercise Council's voting entitlement at a General Meeting of CQROC in the following order:

1. the Mayor;
2. in the absence of the Mayor, the Deputy Mayor; and
3. in the absence of the Mayor and Deputy Mayor, Council's Chief Executive Officer.

Background:

At its General Meeting on 1 September 2020, Council resolved (vide Resolution G/20/4312) to conduct a beneficial enterprise with Banana Shire Council, Central Highlands Shire Council, Livingstone Shire Council, Rockhampton Regional Council and Woorabinda Aboriginal Shire Council by forming Central Queensland Regional Organisation of Councils Limited (CQROC). In the same resolution, Council also appointed the Mayor, Deputy Mayor and Chief Executive Officer as delegates.

CQROC was registered on 19 November 2020 and a copy of the constitution is attached as Attachment 1.

Section 6.11 of the Constitution establishes representation at a General Meeting of CQROC. While Council has appointed three delegates, only two delegates can represent Council at a General Meeting at the one time. One of those delegates must be a councillor representative, the other, the Chief Executive Officer.

As a member of CQROC, Council has one vote. This paper asks Council to consider which delegate may exercise Council's voting entitlement.

Options, Risk and Opportunity Analysis:

The Officer's Recommendation proposes that the voting entitlement will be exercised primarily by the Mayor and in the Mayor's absence the Deputy Mayor. Should neither the Mayor nor Deputy Mayor be in attendance, the Chief Executive Officer will be authorised to exercise Council's voting entitlement.

The exercise of the voting entitlement is a matter for Council and Council may elect to assign the voting entitlements as it sees fit.

Communication and Consultation:

Mayor, Chief Executive Officer, Senior Legal Advisor.

The recommendation is also consistent with the approach being taken by other member Councils.

Legal Strategy and Policy Implications:

Section 40 of the *Local Government Act 2009* provides Council with a broad power to conduct beneficial enterprises in order to pursue its objectives in the formation, operation or management of an association. Recommendations in this report are in accordance with legislative provisions.

The proposed recommendation is consistent with CQROC's constitution.

Financial and Resource Implications:

There are no financial or resource implications associated with the nomination of delegates to exercise Council's voting entitlement.

Summary:

Nil.

Anticipated Resolution Completion Date:

15 December 2020

Attachments:

1. CQROC Constitution

Tabled Items:

Nil.

Report Prepared by: Manager Governance

G/4.6. PROPRIETARY STORMWATER QUALITY IMPROVEMENT DEVICES (SQIDS) POLICY

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 01 December 2020

File Ref: CM28.2

Purpose:

To propose the repeal of the current Proprietary Stormwater Quality Improvement Devices (SQIDS) Policy.

Officer's Recommendation:

That Council repeal P-2014/44 Proprietary Stormwater Quality Improvement Devices (SQIDS) Policy, noting it is replaced by the Capricorn Municipal Development Guidelines – Stormwater Drainage Design Guidelines.

Background:

The scheduled review of the Proprietary Stormwater Quality Improvement Devices (SQIDS) Policy has been undertaken.

It is the officer's recommendation that the policy be repealed, with the Capricorn Municipal Development Guidelines for Stormwater Drainage Design (D5) to remain in place. This recommendation is in line with the journey the business is currently on to reduce and streamline our documents to improve accessibility and understanding by our people and the community.

Options, Risk and Opportunity Analysis:

The current policy seeks to provide developers, planning consultants, and engineers with guidance on the planning and design requirements for the use of Stormwater Quality Improvement Devices (SQIDS) as part of a development's stormwater management strategy.

The Capricorn Municipal Development Guidelines (CMDG) for Stormwater Drainage Design (D5) provides for the:

- design and installation requirements of SQIDS, including Registered Professional Engineer of Queensland (RPEQ) certification;
- maintenance plan for SQIDS;
- design and maintenance requirements for vegetated stormwater assets; and
- submission and approval of the above by Council.

Council's Planning Scheme also directs developers to the information within the CMDG for stormwater. The CMDG forms part of the documentation which makes up the Engineering Design Planning Scheme Policy.

Further, CMDG guidelines typically align with Australian Standards, with reviews undertaken on a regular basis by the Councils participating in the CMDG project.

Accordingly, it is the officer's recommendation that the Proprietary Stormwater Quality Improvement Devices (SQIDS) Policy be repealed as:

- the policy does not set a strategic position, rather provides administrative guidance to third parties which is available in other document/s;
- stormwater requirements are set through Council's Planning Scheme (and associated approvals) and through CMDG;
- CMDG guidelines and the Planning Scheme are publicly available; and
- there is no legal requirement to adopt a policy of this nature.

Alternative Option

Alternatively, Elected Members may seek to retain a policy.

Alternative Recommendation:

That Council undertake a review of the Proprietary Stormwater Quality Improvement Devices (SQIDS) Policy, aligning it to Council's strategic position and setting the governing principles.

Communication and Consultation:

Subject matter experts from the Strategic Asset Performance Team have contributed to the review.

Legal Strategy and Policy Implications:

Under section 319 of the *Environmental Protection Act 1994* all persons have a general environmental duty:

“A person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm.”

Financial and Resource Implications:

No additional or financial resource implications are anticipated with the repeal of this Policy given Council will continue to receive stormwater management documentation for review.

Summary:

Nil.

Anticipated Resolution Completion Date:

Within two weeks of resolution.

Attachments:

1. P-2014/44 Proprietary Stormwater Quality Improvement Devices (SQIDS) Policy.

Tabled Items:

Nil.

Report Prepared by: Governance Officer

G/4.7. CONTRACT STAFF REMUNERATION POLICY

Responsible Officer: General Manager Finance Governance and Risk

General Meeting Date: 1 December 2020

File Ref: CM28.2

Purpose:

To propose that Council adopts a policy position for contract staff remuneration principles and contract duration terms.

Officer's Recommendation:

That Council adopt P-2020-14 Contract Staff Remuneration Policy.

Background:

This matter was originally put forward for Council's consideration at a General Meeting on 6 October 2020 however Council elected to defer the matter to a future meeting allow councillors to obtain advice from the Local government Association of Queensland Limited.

The matter was subsequently presented for consideration at a Special Meeting on 2 November 2020 and was deferred to allow officers to amend the policy to address Council's concerns expressed during the meeting.

An amended policy is now presented to Council for decision.

Historically, there has not been an adopted policy position on the remuneration or duration of terms for contract positions (including the CEO position) which does not provide clarity or consistency of application when recruiting to fill contract positions.

As Gladstone Regional Council competes in a dynamic regional labour market with not only other local government but also local industries (with most individual contract positions able to work across industries with very few bound to the local government sector), it is prudent for Council to adopt a policy on contract staff remuneration to provide direction and clarity to Mayor and Councillors when recruiting for the CEO's position, and the CEO / General Managers when recruiting for other contract positions.

Options, Risk and Opportunity Analysis:

The below table is reflective of Council's current status:

Description	Quantity
Number of Direct Contract Staff (Executives, Managers and Specialists)	58
Number of staff > 5% of the mean	8
Percentage of staff > 5% of the mean <i>This will be the staff that we focus on and then follow a parity and risk-based approach</i>	13.8%
Number of staff < 5% of the mean	8
Percentage of staff < 5% of the mean	13.8%

Percentage of staff within the +/- 5% range of the benchmark	72.4%
Percentage overall deviation from total mean	-0.094%
Percentage overall deviation from total 75 th percentile	6%
Dollar value of all staff up to the 75 th percentile <i>This is not a risk due to the change in the policy to remunerate within the range of +/- 5% of the 50th percentile</i>	\$598,000
Dollar value if the eight staff < 5% of the mean were brought up to the mean <i>A risk-based approach will be applied which may mean that not all of the eight staff's remuneration will be reviewed.</i>	\$148,000

Currently there is a risk that individual contract staff positions are not being remunerated against a consistent benchmark which can lead to poor staff morale or an inability to successfully recruit for positions. The proposed policy aims to clarify Council's position in the market based on a nationwide remuneration survey which provides transparent consistent data.

At the Special Meeting on 2 November 2020 Council expressed concern with regards to the financial impact should the proposed policy be applied to increase the remuneration of all staff to the 75th percentile. The Policy has now been amended to provide a policy position that Council remunerates in a band +/- 5% of the 50th percentile of comparable Queensland Councils with the CEO having discretion to offer up to the 75th percentile on a case by case basis.

The policy also clarifies the delegation for approving remuneration levels of positions and any annual review decisions. The Mayor is proposed to have delegation to approve the CEO remuneration with all other contract positions remuneration determined by the CEO.

Council may choose to adopt a different benchmark proposed in the policy.

Communication and Consultation:

The policy has been developed by the General Manager People, Culture and Safety with input from the Chief Executive Officer. General Managers have been provided the opportunity to contribute feedback on the policy with the governance team ensuring relevant policy development processes have been applied.

Feedback provided by Council on 2 November 2020 has also been taken into consideration.

Legal Strategy and Policy Implications:

The adoption of the policy is expected to provide clarity on Council's position for offering remuneration and contract duration terms for individual contract staff positions. The policy aligns to the principles of the *Local Government Act 2009* which provide for the local government to appoint the CEO (and individual contract terms) whilst the CEO has accountability for employment of all other positions in Council.

Financial and Resource Implications:

There are minimal financial implications associated with the proposed policy.

A recent survey undertaken of contract positions identified that the majority of the positions are within the proposed benchmark.

Summary:

A new Contract Staff Remuneration Policy is proposed to be adopted to provide clarity and consistency to the remuneration and contract duration term offered when recruiting for individual contract staff positions.

Anticipated Resolution Completion Date:

Within two weeks of resolution.

Attachments:

1. Proposed P-2020-14 - Contract Staff Remuneration Policy

Tabled Items:

Nil.

Report Prepared by: Specialist Adviser – Governance & Risk

G/4.8. ACCESS TO GLADSTONE PORT

Responsible Officer: General Manager Strategy & Transformation

Council Meeting Date: 1 December 2020

File Ref: RD4.2

Purpose:

To seek Council's endorsement of Option B as Council's preferred option for the *Access to Gladstone Port Project* currently being undertaken by the Department Transport and Main Roads.

Officer's Recommendation:

That Council endorse Option B as Council's preferred option for the Access to Gladstone Port Project currently being undertaken by Department Transport and Main Roads.

Background:

The Department of Transport and Main Roads (TMR) is investigating options to provide an alternate route for heavy vehicles travelling to and from the Port of Gladstone.

TMR have identified two potential route options for heavy vehicles accessing the Port of Gladstone in a move to increase freight efficiency and improve safety for the busy surrounding road network:

- Option A includes the Gladstone-Mount Larcom Road corridor with targeted upgrades (including Hanson Road)
- Option B was identified in 2013 as part of the previous Gladstone Port Access Road Extension (GPARE) Stage Two and Three Planning Project and identifies a new Gladstone Port Access Road corridor and Blain Drive corridor as a potential route (Port Access Road Stage 2)

See Project Area Map attached to this report for more details of each option.

The *Access to Gladstone Port* project will deliver upgrades needed to ensure that freight supply chains are supported by fit-for-purpose road infrastructure.

TMR are inviting input into this project about the two options through a stakeholder engagement program and have invited Gladstone Regional Council (GRC) to respond on our preferred option.

The project is in the planning phase. This involves:

- community consultation (online consultation closed on 29 October 2020)
 - Council has secured until 2 December 2020 to respond, allowing for this discussion at a Council meeting.
- transport modelling and analysis
- studying accident history and congestion hot spots
- environmental and cultural heritage investigations
- engineering investigations
- assessments on geometry, public utility plant, geotechnical conditions, hydraulics and hydrology, acoustics, structures, and pavement investigations.

The product of the planning phase is the project's business case. The business case will report the results of the planning phase and identify the preferred route option and why it was chosen. The business case is expected to be finalised and approved in early 2021.

The Australian Government has invested \$2 million to fund the project's planning phase and previously \$100 million to Port Access Road Stage Two which will be allocated to deliver the preferred option. It is anticipated the future design and construction phases would be funded on an 80:20 basis by the Australian Federal and Queensland Governments.

Options, Risk and Opportunity Analysis:

The development and establishment of regionally significant supply chain infrastructure and in particular a heavy vehicle transport corridor from Central Queensland into the Port of Gladstone at Port Central is identified as a Strategic Priority by Council.

From discussions held, and based on the information provided and detail that is available online in the absence of more detailed concept drawings or traffic reports available for a more technical analysis, Council Officers identified the following analysis on the Options being considered: -

Option A

- Hanson Road is already a commercial route and has a large % of heavy vehicle traffic.
- Limited impact on residential/sporting properties compared to Option B.
- The main concern for Option A is the mixing of heavy and light vehicles. It is noted that a key goal of this project is to support the use of road trains and an increase in freight vehicles. There are safety concerns with mixing heavy vehicles with light vehicles in a commercial environment. Predominantly where light vehicles will be stopping suddenly to access properties and weaving around the slower heavy vehicles to try to "beat" them at the various traffic signals. Driver behaviour would be a major risk.
- The number of proposed signals on this route reduce the efficiency of the road network.
- Opportunity for back lane access for the businesses in this area is significantly limited.
- The Hanson Road precinct in the Gladstone Region Planning Scheme is light industrial and is the primary area for light industrial growth. This will mean an increase in vehicle trips locally which will be compounded by the use of road trains.

Option B

- Option B is more favourable for more efficient direct access with less signals along the route.
- The route has several community interactions with adjacent sporting fields, residential addresses, and the Hospital grounds, however there are solutions to mitigate this impact as indicated by TMR.
- With regards to noise concerns it is noted that the rail corridor (which the new road has been included in) is not at the same level as the residential/health properties which should remove some of the noise, and most of the remaining noise should be able to be designed out through acoustic barriers, noise attenuation and surface material design. Additionally, it is a long-term rail corridor, so some level of noise already exists.
- When considering the safety concerns from mixing heavy vehicles, a large portion of Option B is a dedicated route which completely removes the concern of mixing traffic. For the Blain Drive section of Option B, Blain Drive is a single lane road so there is less opportunity for vehicles to travel adjacent to and in the blind spot of large vehicles. Additionally, Blain Drive already has a significant percentage of heavy vehicle traffic (approximate daily traffic of 5,500vpd and 15% HV - 2019 traffic counts).

- The main concern for Option B is the closing of pedestrian activity along Scenery Street and if Option B were chosen, Council would request investigation into the impact on pedestrian movements and consideration to a pedestrian crossing facility at this location.
- Impacts on the sports grounds (primarily Netball courts and parking) will need to be assessed and impacts mitigated, or alternative options investigated.

Council Officers are concerned the *Access Port of Gladstone Project* is not considering in this planning exercise the Oversize Over Mass (OSOM) limitations that may occur and that will preclude future large scale project freight from using the options and Port Central. These limitations should be identified and considered early to avoid creating OSOM limitations on a dedicated Port Access.

In general, efficiency and safety of the road network is key for all users.

Based on this, Option B as a dedicated, restricted access at grade corridor with the existing rail corridor is preferred based on this high-level assessment.

Communication and Consultation:

Council Officers from Strategic Asset Performance, Development Services and Strategy & Transformation have met with TMR and their consultants WSP to review and explore the options presented. Council Officers have also met independently with Gladstone Ports Corporation Officers to discuss the options and outcomes on several occasions. The CQ Transport Working Group has also reviewed and discussed the options several times. GRC Officers have facilitated discussions between TMR/WSP and the Gladstone Region Economic Development Practitioner Network and the Hanson Road Traders Association.

Legal Strategy and Policy Implications:

Nil legal & strategy implications at this point in the consultation and planning process.

The recommendation of Option B is consistent with Council commitment to delivering on its Strategic Priorities and supporting the development of a dedicated heavy vehicle corridor into Gladstone.

Financial and Resource Implications:

Nil at this point. Responding to consultation only.

Summary:

Nil.

Anticipated Resolution Completion Date:

Feedback to be provided to TMR by close of business 2 December 2020.

Attachments:

1. Project Area Map

Tabled Items:

Nil.

Report Prepared by: Economic Development Specialist

G/4.9. INNOVATE RAP ENDORSEMENT

Responsible Officer: General Manager Community Development and Events

Council Meeting Date: 1 December 2020

File Ref: CR3.2

Purpose:

The purpose of this report is to seek final approval for the draft Innovate Reconciliation Action Plan (RAP). Upon Council's approval the draft Innovate RAP will then be submitted to Reconciliation Australia for a final endorsement. Council's Innovate RAP is a two-year action plan.

Officer's Recommendation:

That Council endorse the Innovate Reconciliation Action Plan 2021-2023 to be submitted to Reconciliation Australia for a final endorsement.

Background:

Extensive engagement took place with the RAP Reference Group members, over ten interactive workshop sessions were attended ending in a of 70 deliverables for the draft Innovate RAP. The first engagement meeting with the deliverable officers and the RAP Reference Group took place on the 9th of June 2019. There were a series of individual meetings with each deliverable officer until all 70 actions were approved.

At the Councillor Information Session on the 13th of August 2019, Officers sought feedback on Council's intention to develop its second RAP. Council's draft Innovate RAP was sent to Reconciliation Australia for review and endorsement on the 2nd of September 2019. Reconciliation Australia contacted Council in January 2020 proposing minor amendments. The amendments were made in consultation with the RAP Reference Group and relevant business units then re-submitted to Reconciliation Australia in February 2020 for a further review.

On the 9th of June 2020 Council received a conditional endorsement from Reconciliation Australia. The RAP Officer is now seeking approval from Council to submit the draft Innovate RAP to Reconciliation Australia for a final endorsement.

Options, Risk and Opportunity Analysis:

Council's Innovate RAP will focus on developing and strengthening relationships between First Nations people, Council employees, the broader community and external stakeholders through the reconciliation process. Council recognises the diverse skills and experiences from various backgrounds of its employees. We not only respect different backgrounds, culture and skills we celebrate and embrace it. Our connection with our First Nations people, the broader community and external stakeholders will create vital opportunities for our business.

Communication and Consultation:

The RAP Reference Group members attended a series of workshops and created 70 deliverables for the draft Innovate RAP. These workshops were designed to sit in line with the Empower end of the International Association of Public Participants (IAP2) participation spectrum.

The draft Innovate RAP deliverables proposed by the RAP Reference Group were shared with internal business units, to gain their approval and to explore if the deliverables were realistic and achievable in their current form.

In January 2020 feedback and minor amendments were received from Reconciliation Australia. In consultation with the RAP Reference Group and relevant business units the feedback was passed on and amendments were made. The draft Innovate RAP was then sent back to Reconciliation Australia for further review in February 2020.

On the 9th of June 2020 a conditional endorsement was received from Reconciliation Australia. The RAP Officer is now seeking a final approval from Council. Once a final approval is granted Council can then submit the draft Innovate RAP to Reconciliation Australia for a final endorsement.

Legal Strategy and Policy Implications:

Nil

Financial and Resource Implications:

Each business unit has been involved in the discussions to ensure financial and other resources have been considered. Given these discussions initially took place some time ago the follow up conversations are planned with all Officers, with a particular focus given to Officers not involved in the original planning of RAP deliverables. The Reconciliation Action Plan Officer with guidance from the RAP Reference Group, will coordinate the delivery of the Innovate RAP. The program is funded under the 2020/21 Budget.

Summary:

This report is seeking endorsement of Councils draft Innovate RAP which will be followed by Reconciliation Australia's endorsement, the deliverable officers will endeavor to make the deliverables of the RAP become part of the fabric of Council.

Anticipated Resolution Completion Date:

Adopt and deliver on relevant obligations detailed in the Innovate Reconciliation Action Plan by 30 June 2023.

Attachments:

1. Conditionally approved draft Innovate RAP 2020-22

Tabled Items:

Nil.

Report Prepared by: RAP Officer

G/4.10. COMMUNITY INVESTMENT PROGRAM - IMPACT EVENT

Responsible Officer: General Manager Community Development and Events

Council Meeting Date: 01 December 2020

File Ref: GS 3.1

Purpose:

Consider the recommendation of the Community Investment Panel on applications received under the Community Investment Program's Community Celebration Fund, Ignite & Impact initiatives for events to be held in 2021.

Officer's Recommendation:

That Council:

1. Adopt the Community Investment Panel's recommendation and approve the funding in the below table:

Applicant	Event	Date	Location	Recommendation	
				Funds	In-kind
Moogool Enterprises	Wrapt in Mugal	01 July 2021 – 30 September 2021	Colosseum	\$15,000.00	0.00

2. Authorise the Chief Executive Officer to enter into funding agreements (detailing entitlements and conditions) with the successful applicants on the basis that funding is subject to and conditional upon the applicant obtaining all necessary permits and approvals in particular but not limited to approval from the Department of Transport and Main Roads, planning approvals (including applications for material change of use) from Council, and landowner consents where the public art is to be situated on land owned by third parties.

Background:

The Community Celebration Fund – Impact Event stream aims to support events that demonstrate tourism and regional economy benefits and attract 2500 – 5000 participants, with 10% out of region visitors. The fund is also intended to leverage the objectives of Council's Gladstone Regional Events Strategy 2019 – 2024.

The Community Celebration Fund – Impact Event initiative was open for applications from 1 September to 30 September 2020. A total of four (4) applications were received. Following the initial assessment of Impact event applications in September applications were initially assessed for eligibility by the Community Investment Officer, these checks include ensuring if mandatory documents required for panel assessment have been included or can be obtained.

Applications that remained valid were assessed by the Community Investment Assessment Panel (the Panel) with recommendations for three of the four applications presented to Council for resolution on November 17. The panel recommendation for one remaining application being for Moogool Enterprises was postponed as the panel requested clarification on a number of points prior to finalising the panel recommendation. A summary of this application is tabled below.

Applicant	Event	Date	Location	Request	
				Funds	In-kind
Moogool Enterprises	Wrapt in Mugal	01 July 2021 – 30 September 2021	Colosseum	\$25,000.00	0.00

Panel Assessment Process

In accordance with 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 score applied in the assessment matrix.

KEY SELECTION CRITERIA (KSC)

Impact Event funding supports events that demonstrate tourism and regional economy benefits and attract 2500 – 5000 participants, with 10% out of region visitors.

Key Selection Criteria	Weighting (Out of 100%)
Must meet at least two criteria	Impact
Social & Community - Drives social and community outcomes, including community pride and cohesion	20
Destination - Enhance the profile and appeal of the Gladstone region	20
Financial Sustainability - Generates economic activity in the Gladstone region	20
Economic Impact - Demonstrates financial sustainability	10
Environmental Sustainability - Demonstrated environmental sustainability	10
Overnight Visitation – Attracts external visitation specifically generating overnight visitor expenditure.	20

Overall Score	Definition
65% and above	An overall score of 65.5% and above demonstrates that an application has met or exceeded all KSCs. The Assessment Panel may favourably recommend the application.
Between 50.5% to 65%	An overall score between 51% to 65% demonstrates that an application has met or exceeded a KSC(s) but mostly marginal evidence in others. The Assessment Panel may choose to recommend funding the application based on scores received for KPIs with high weighting and overall alignment to Community Celebration Fund objectives.
50% or Less	An overall score of 50% or less demonstrates that an application has mostly provided marginal evidence across all KSCs. The Assessment Panel may still choose to recommend the application for part funding based on some evidence of meeting the objectives of the Community Celebration Fund objectives.

Options, Risk and Opportunity Analysis:

The application has been assessed by the panel with scoring captured in an Assessment Matrix. Panel comments and recommendations are presented below.

Impact Event

Applicant	Event	Date	Location	Request		Panel Score	Recommendation	
				Funds	In-kind		Funds	In-kind

Moogool Enterprises	Wrapt in Mugal	01 July 2021 – 30 September 2021	Colosseum	\$25,000.00	0.00	66%	\$15,000.00	0.00
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Wrapt in Mugal

Date:	1 July through to 30 September 2021
Location:	Bruce Highway – Between Bororen and Colosseum Creek
Applicant:	Moogool Enterprises
Sponsorship Request:	<p>\$25,000 monetary funding toward the following expenses</p> <p>\$10,000 toward costs of Artists and Installation</p> <p>\$7500 toward Marketing and Promotion</p> <p>\$7500 toward Community Engagement</p> <p><i>Request equates to a 14% contribution to the total event cost.</i></p>
Event Summary:	<p>Wrapt in Mugal will be an exhibition of ephemeral large-scale outdoor art. Five Works will be dotted along the Bruce Hwy, meandering from the north at Bororen to the south of Miriam Vale, with the main exhibition (of ten artworks) to be staged in the spectacular landscape nestled at the foot of Mt Colosseum (or Mugal, as it is known by the traditional owners), on the grounds of Mugul Mountain Retreat, a 300-acre property that borders the national park of Mt Colosseum. This public exhibition will capture the imagination of the region and its visitors from July - September 2021, and aspires in time to become the largest annual outdoor art exhibition in Queensland. The main exhibition will be open to the public on weekends, and by appointment or request on other days. In keeping with its location and atmosphere, Wrapt in Mugal artists will create works that reflect and celebrate the rich history and Indigenous significance of the region.</p>
Participation Projection	<p>20 Volunteers</p> <p>16 Store Holders</p> <p>18 Paid Suppliers</p> <p>1500 Gladstone Region Residents</p> <p>2500 Intrastate Visitors</p> <p>TOTAL 4054</p>
Assessment Score	66%
Panel Comment	<p>The panel scored this application highest relating to meeting objectives of enhancing the profile and appeal of the Gladstone Region, attracting external visitation specifically generating overnight visitor expenditure and its potential generate economic activity in the Gladstone Region. The panel were impressed by the concept and how the event would align to both the Visitor Economy Strategy and Regional Event Strategy. The panel did discuss concerns relating to road safety and advised that any recommendation should be subject to necessary permissions being obtained by the applicant from the Department of Transport and Main Roads.</p> <p>The panel all agreed this event has enormous potential for growth, however, could not recommend funding to the full value requested based on the applicant's marginal ability to meet key selection criteria relating to environmental and financial sustainability.</p>
Panel Recommendation	The panel recommends partial funding for this application of \$15,000 subject to written approval for the event from the Department of Transport and Main Roads.

Communication and Consultation:

The Assessment Panel that undertook assessment consisted of the following officers:

Impact Event Assessment Panel

- General Manager Community Development & Events
- Manager Brand, delegation from General Manager Customer Experience
- Manager Engagement & Partnerships
- Manager Events & Entertainment
- Economic Development Specialist

Additional communications/consultation was undertaken with the following internal stakeholders:

- Senior Legal Advisor
- Listed applicant
- Community Investment Officer

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 favorable adoption of the Panel's recommendations detailed in this report, authorised officers will proceed to enter into a grant and/or one-year (1) sponsorship agreement (detailing sponsor entitlements and funding conditions) with each successful applicant.

In addition to the Panel's comments regarding the funding being subject to the applicant obtaining written approval for the event from the Department of Transport and Main Roads, there may be other approvals required and it is the officer's recommendation that any funding be subject to:

"The applicant obtaining all necessary permits and approvals in particular but not limited to approval from the Department of Transport and Main Roads, planning approvals (including applications for material change of use) from Council and landowner consents where the public art is to be situated on land owned by third parties."

Financial and Resource Implications:

In 2020/21, Council budgeted \$460,000 to support recommended applications received through the Community Celebration Fund. The applications in this round will be funded through this budgeted amount. Council's in-kind support granted to successful applicants are covered through the budgeted in-kind support allocation for the Community Investment Program of \$170,000.

As part of the Community Celebration Fund budget, \$80,000 of funds were allocated as Impact Event funding. Following the endorsement of the officer's recommendation as detailed in this report, \$41,000 will remain in the Impact Event budget.

There are two remaining rounds of Impact event funding in 2021, Round 2, open January 1 – 31 and Round 3, 01 May to 31 May.

Summary:

Nil

Anticipated Resolution Completion Date:

30 November 2021

Attachments:

1. Impact_Event_Guidelines.pdf

Tabled Items:

Nil.

Report Prepared by: Community Investment Officer

G/4.11. SALE OF LAND FOR ARREARS OF RATES AS AT 12 NOVEMBER 2020

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 1 December 2020

File Ref: RV7.1

Purpose:

This report identifies properties that have outstanding rates in excess of three years or a one-year period on vacant or commercial properties where default judgement has been obtained and recovery action is available under the *Local Government Regulation 2012*.

Officer's Recommendation:

That Council proceeds to sell the 219 properties identified in Attachment 1, in accordance with the provisions Part 12 of the *Local Government Regulation 2012*, for arrears of rates. The properties identified are to be sold by way of auction for arrears of rates with an auction reserve and associated matters to be set by the Chief Executive Officer having regard to the requirements of the *Local Government Act 2009* and regulations.

Background:

All proceedings for the sale of land for arrears of rates in accordance with Council's resolution of 3 December 2019 have been permanently suspended following from Council's adoption of the COVID-19 Support Package on 24 March 2020.

Council has resolved to proceed with sale of land action each year for the past 11 years. 714 properties have been subject to sale action for arrears over this time, however only twelve properties have proceeded to auction.

Attachment 1 provides a list of properties with outstanding rates which have now exceeded the three-year period, or the one-year period for vacant or commercial properties where default judgement has been obtained, as at 12 November 2020. As per the attached table, this is a loss in revenue to Council amounting to \$3,236,419.04.

Part 12 of the *Local Government Regulation 2012* enables Council to sell land where rates have been outstanding in excess of three years, or where default judgment has been obtained for vacant or commercial properties. Sale of land for arrears of rates is an option available to Council for the recovery of rates for the properties listed in Attachment 1.

Once notice of its intention to sell land has been issued, Council has a period of not less than three months, and no more than twelve months, in which to auction the land. The reserve price will be set at an appropriate amount for each property, which will be adequate to recover all outstanding rates and charges, and expenditure incurred for the intended sale (including legal costs, advertising, and related charges) or the unimproved capital valuation / site value, whichever is greater.

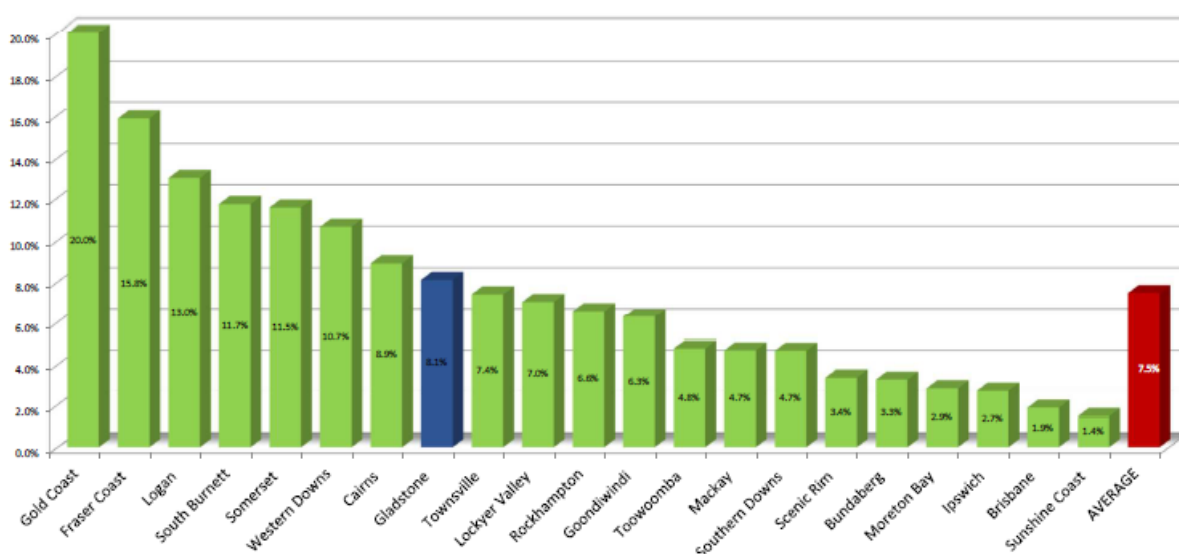
Interest will continue to accrue until the outstanding balances are paid in full. Legislation requires that all outstanding amounts must be paid in full in order for sale procedures to be stopped.

It is probable that Queensland Land Tax owed to the Office of State Revenue will apply to a number of the listed properties. Specific information regarding Land Tax is obtained closer to the auction date if applicable.

Bundaberg Regional Council and Livingstone Shire Council are currently continuing sale of land action, and Toowoomba Regional Council has recently issued its pre-sale letters, with sale of land action scheduled to resume from 1 January 2021. Rockhampton Regional Council and Mackay Regional Council do not anticipate re-commencing sale of land action until the 2021-2022 financial year. All Councils except for Toowoomba are presently recovering rates arrears through legal proceedings utilising mercantile agents.

Council	Legal proceedings	Status of sale of land proceedings	Sale of land resumption date
Bundaberg	Current	Current	Active now
Livingstone	Current	Current	Active now
Mackay	Current	Suspended	post 1 July 2021
Rockhampton	Current	Suspended	post 1 July 2021
Toowoomba	N/A	Suspended	1 January 2021

% Rates Outstanding as at 30 June 2019



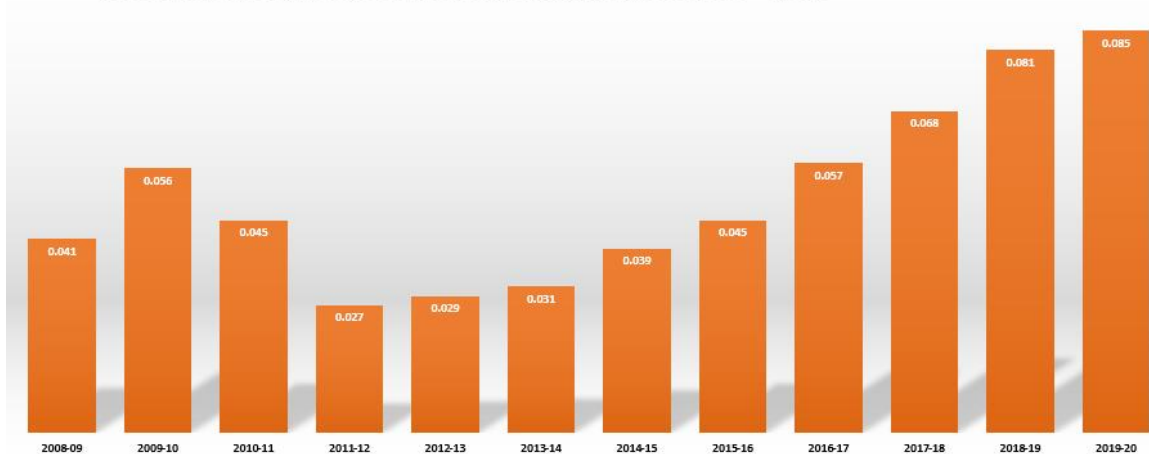
Options, Risk and Opportunity Analysis:

219 properties are identified in Attachment 1 as being eligible for sale of land action. This year is the largest number of properties subjected to this action to date. The properties are a mixture of land use types, including commercial, residential and vacant land. Only 21 properties identified in Attachment 1 are not encumbered by registered mortgages.

For the three years between 2016/2017 and 2018/2019, the average percentage of arrears recovered through sale of land proceedings was 94%. In 2019/2020, following the suspension of sale of land proceedings, the actual percentage of arrears recovered was only 81%. If sale of land proceedings were to resume, it is reasonable to expect that collection recovery levels would increase to 94% of the combined arrears of the listed properties.

The resumption of sale of land action will maximise the opportunity for the systematic reduction of current rates arrears, which have increased from 8.1 per cent in 2018-2019 to 19.9 per cent as at 30 October 2020. This resumption will also increase Council's active engagement efforts in bringing arrears to the attention of at-risk ratepayers, thereby facilitating discussion about payment arrangements and ways to avoid legal proceedings and sale of land action.

% Gladstone Regional Council Outstanding Rates 2008 - 2020



As the statistics mentioned above demonstrate, the utility of sale of land action to Council does not lie in the actual sale of properties. Historically, only a very small percentage of properties on the sale list is sold. The true utility of sale of land action lies in its unique and powerful ability to focus the minds of owners (as well as mortgagees) on the implications of non-payment of rates, or alternatively, on the implications of not abiding by the terms of a payment arrangement which Council has granted in good faith. Sale of land action is an effective means of encouraging ratepayers to comply with their legislative responsibilities, as indeed most ratepayers already do, in order to ensure that a fair and equitable financial contribution to the Gladstone Region is made by all.

Option 1 (Officer's recommendation):

That Council proceeds to sell the 219 properties identified in Attachment 1 for arrears of rates.

Option 2:

That Council does not proceed to sell the 219 properties identified in Attachment 1 for arrears of rates.

Communication and Consultation:

General Manager Finance Governance and Risk
 Senior Legal Advisor
 Senior Rates Officer
 Debt Recovery-Rates Officers

Legal Strategy and Policy Implications:

Part 12 of the *Local Government Regulation 2012* deals with the collection of overdue rates and charges by court proceedings and the sale of land.

Council may sell land for overdue rates and charges where the rates and charges remain unpaid for a period of more than three years for residential properties and one year for commercial properties.

Section 141 of the *Local Government Regulation 2012* still requires that property owners be given 3 months' notice, and the process for auction under section 142 be started within 6 months of notice issuing. The time frame to complete the sale process is now 12 months from issue of notice to sell (and costs of attempting to sell are added to overdue rates).

Section 143 has been amended to say if the property is passed in, Council may enter into negotiations with any bidder who attended the auction, but the sale price under a negotiated agreement must not be less than the reserve price.

Section 144 provides for a further sale process via another auction or negotiation, and if for negotiation the price must be at least:

- (a) the market value of the land; or
- (b) the higher of the following—
 - (i) the amount of overdue rates or charges on the land;
 - (ii) the value of the land.

The former provision deeming Council to purchase the land at the reserve price if passed in without a negotiated sale no longer applies.

Financial and Resource Implications:

Rates and charges arrears are due and payable to Council. Failure to collect these amounts will result in the reduction of funds available to be expended for the benefit of the Gladstone Region by Council in accordance with its adopted budget.

Should sale of land action not be undertaken this financial year, it is likely that the 106 potential 2021/2022 sale of land assessments will have to be added to the 219 assessments listed in Attachment 1, resulting in approximately 325 assessments qualifying for such action in 2021/2022. Current resources in Revenue Services would be challenged to manage sale of land action on such an unprecedented scale.

All costs associated with the debt recovery process for the listed properties are recoverable against the land.

Summary:

Nil

Anticipated Resolution Completion Date:

It is anticipated that sale of land proceedings with respect to this resolution will be completed by 30 June 2021.

Attachments:

1. CONFIDENTIAL – Sale Properties list Agenda Report

Tabled Items:

Nil.

Report Prepared by: Manager Revenue Services

G/4.12. TENDER 323-20 CONSTRUCTION OF BUS STOP SET DOWN AREA - TANNUM SANDS

Responsible Officer: General Manager Operations

Council Meeting Date: 1 December 2020

File Ref: PE1.1

Purpose:

This report seeks resolution from Council to enter into a contract with Grycan Pty Ltd, trading as Blomfield Excavations for the construction of a bus stop set down area at Tannum Sands.

Officer's Recommendation:

That Council:

1. Endorse the Tender Evaluation Panel's recommendation and accept the offer from Grycan Pty Ltd, trading as Blomfield Excavations for 323-20 Construction of Bus Stop Set Down Area - Tannum Sands; and
2. Authorise the Chief Executive Officer to enter into a contract (and associated variations within approved budget) with Grycan Pty Ltd, trading as Blomfield Excavations for 323-20 Construction of Bus Stop Set Down Area - Tannum Sands.

Background:

Gladstone Regional Council ('Council') requires suitably qualified contractor to undertake the construction of a School Bus set down area (bus pick up and drop off area) along Waratah Crescent, Tannum Sands, outside of the Tannum Sands State School.

The construction of the redesigned bus stop set down area will greatly improve the safety and operations of transport at the school and provide long term road safety improvements for all road users travelling along Waratah Crescent.

Options, Risk and Opportunity Analysis:

On 18 July 2020, Council released an Invitation to Tender ('ITT') to the open market via LG Tenderbox, in accordance with the tender process requirements set out in section 228 of the *Local Government Regulation 2012*.

A non-mandatory briefing was held on 28 July 2020 and the tender closed on 13 August 2020, with nine (9) submissions received.

The offers were evaluated by a panel of subject matter experts, based on the criteria disclosed in the ITT which included:

Criteria	Description	Weighting
Submitted Program		25%
Schedule Suitability	Proposed program meets GRC requirements.	
Program detail	The submitted program displays a suitable level of detail and includes all activities to be completed, including the required timeframes, milestones and critical paths.	
Project Understanding & Methodology		25%
Understanding of Scope of Works	Methodology and program demonstrate satisfactory planning and include specific details to support an understanding of the Scope of Works.	
Resource provision	Personnel/manpower requirements are described in detail with sufficient allocation to meet the requirements of the SoW and proposed program.	
Subcontractors/ Suppliers	Project Procurement Plan and supporting information proposed is sufficiently detailed and demonstrates an adequate understanding of requirements.	
Major Machinery and equipment	Provision of a detailed list of project specific plant and equipment intended for use. Listed items are sufficient for completion of the works.	
Previous experience		15%
Past performance/ Project history	Completion of a number of projects within the last five years, which are of a similar scale and nature.	
Key Personnel (Allocation)	Key personnel are proposed with satisfactory allocation of time to the project.	
Key Personnel (Quality)	Key personnel hold appropriate qualifications and demonstrate a satisfactory level of relevant project experience.	
Price	Whole of Contract Pricing	25%
Local Preference (1)	Geographical Location (Vendor head/branch offices)	5%
Local Preference (2)	% of Locally sourced resources and products	5%
TOTAL		100%

The offers were scored against the above evaluation criteria as follows:

	Score (before Local Preference)	Score (after Local Preference)
Grycan Pty. Limited T/A Blomfield Excavations	44.50	54.50
Outback Camps Australia Pty Ltd T/A OCA Construction (QLD)	44.50	50.50
Durack Civil Pty Ltd	45.00	50.00
Miriam Vale Plant Hire Pty Ltd	37.50	47.50
Loftus Contracting Pty Ltd	31.00	41.00
Oaka Constructions (Qld) Pty Ltd	25.00	34.00
RMS Engineering & Construction Pty Ltd	22.00	28.00
Youngs Building Contractors (Gladstone) Pty Ltd	15.00	25.00
Seaforth Civil Pty Ltd	14.00	18.00

The submission from Grycan Pty Ltd, trading as Blomfield Excavations ('Blomfields') scored the highest overall, with a detailed conforming tender. Blomfields provided a detailed program, well-considered resourcing requirements and demonstrated relevant experience.

The tender evaluation panel recommends the submission from Blomfields as it presents the best overall value offer to Council.

Communication and Consultation:

Regular meetings between the project team, stakeholders and contractor will take place throughout the delivery of the project.

Legal Strategy and Policy Implications:

Council sought offers via LG Tenderbox and advertising in the Gladstone Observer in accordance with the Local Government Regulation 2012, Local Government Act 2009 and Council's Procurement Policy P-2018-12.

Council's endorsement of this tender award is in accordance with the Register of Delegations - Exercise of Statutory Powers and Financial Delegation Register.

In accordance with the probity plan established for Council's tendering process, offers have been evaluated based on the evaluation criteria as set out in the ITT. This is consistent with:

- Office of the Chief Advisor- Procurement's guideline - Probity and Integrity in Procurement - including ensuring the tender documentation includes the criteria and evaluation methodology and criteria weightings and that evaluation of all offers occurs objectively under the documented criteria
- CCC's Corruption Prevention Advisory Procurement and Contract Management recommendations to treat all offers and offerors consistently and using the same offer process and evaluation criteria as disclosed in the ITT
- Ensuring evaluation under agreed selection criteria and tender processes and ensuring good faith and dealing consistent with the implied obligation as directed by courts in the cases Hughes Aircraft Systems International v Airservices Australia [1997] and Cubic Transportation Systems v NSW [2002]

Should Council seek to award a contract that is contrary to the application of the evaluation methodology and criteria which was in the ITT, it is recommended that the contract team go back to the tenderers with that variation so they can have the opportunity to make any changes to their offers having regard to the amended criteria and the offers be evaluated in accordance with that amended criteria. If not, there is a risk of claim against Council for unfair practice, plus reputational risk to Council.

Financial and Resource Implications:

The offer made by Blomfields for \$546,147.82 ex GST is within existing allocated funds for this project.

Summary:

Blomfields's submission was evaluated as presenting the best value to Council.

Anticipated Resolution Completion Date:

The contract will be awarded in December 2020.

Attachments:

1. CONFIDENTIAL – Construction of Bus Stop Set Down Area – Tannum Sands

Tabled Items:

Nil.

Report Prepared by: Manager Contracts and Procurement.

G/5. COUNCILLORS REPORT

Nil.

G/6. URGENT BUSINESS

Nil.

G/7. NOTICE OF MOTION

Nil.

G/8. CONFIDENTIAL ITEMS

Nil.

ATTACHMENTS