



GLADSTONE
REGIONAL COUNCIL

**GENERAL MEETING NOTICE
AND AGENDA**

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

On Tuesday 1 March 2022

Commencing at 9.00am

**Leisa Dowling
CHIEF EXECUTIVE OFFICER**

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G/1. MAYORAL STATEMENT OF CURRENT ISSUES

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 15 FEBRUARY 2022

Responsible Officer: Chief Executive Officer

Council Meeting Date: 1 March 2022

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 15 February 2022.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 15 February 2022 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 15 February 2022.

Tabled Items:

Nil.

Report Prepared by: Executive Secretary

G/3. DEPUTATIONS

G/3.1. TURTLEWAY ARTSCAPE COMMITTEE

Responsible Officer: Chief Executive Officer

Council Meeting Date: 1 March 2022

File Ref: CM7.6

Purpose:

The Turtleway Artscape Committee will update Council on the Turtleway Artscape projects including information on upcoming projects.

Officer's Recommendation:

That the deputation from Turtleway Artscape Committee be received.

Background:

Deputation details are as follows:

For 10 years, Turtleway Artscape Committee has been engaging local Gladstone Region artists to create artistic enhancement to the beautiful Turtleway that winds through and connects schools, shopping centres, major employer BSL, sports fields to the Boyne River and Millennium Esplanade.

Time of Presentation	9:15am
Duration of Presentation plus question time	15 mins
Speakers to present	Liz Cunningham Maxine Brushe
Is the matter currently or has previously been subject to legal proceedings?	No
Matter for information only	No - seeking support for use of Gladstone Regional Council land sites for art pieces and continued promotion of Turtleway Artscape as a regional asset.

Attachments:

1. Boyne Tannum Turtleway Artscape Presentation

Tabled Items:

Nil.

Reported Prepared by: Executive Secretary

G/4. OFFICERS' REPORTS

G/4.1. DEVELOPMENT APPLICATION 24/2021 FOR A RECONFIGURING A LOT – BOUNDARY REALIGNMENT AND ACCESS EASEMENT AND A MATERIAL CHANGE OF USE OF PREMISES FOR AN OUTDOOR SPORT AND RECREATION USE (AQUATIC CENTRE), INDOOR SPORT AND RECREATION USE (GYM), AND FOOD AN

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 1 March 2022

File Ref: DA.24.2021; DB1.7

Development Application:

Application Number:	DA/24/2021
Applicant:	ZenDev Pty Ltd C/- Ethos Urban
Owner:	Mainfife Pty Ltd, Baruby Pty Ltd and RBD Properties Pty Ltd
Confirmation Notice:	17 June 2021
Location:	Lot 1 RP 619033 & Lot 5 RP 620667
RPD:	Lot 1 RP 619033 & Lot 5 RP 620667
Area:	3.34 hectares
Current Use of Land:	Vacant Lot
Zoning:	Centre (Level 1 Zone)
Proposal:	Reconfiguring a Lot – Boundary Realignment and Access Easement and Material Change of Use - Outdoor Sport and Recreation, Indoor Sport and Recreation and Food and Drink Outlet
Public Notification Period:	7 October to 29 October 2021
Number Of Submissions:	270 submissions including – Three (3) Properly Made and one (1) Not Properly made submission received by Council; and 266 collated responses received by Zendev

Purpose:

The purpose of this report is to assess Development Application 24/2021 for a Reconfiguring a Lot – Boundary Realignment and Access Easement, and a Material Change of Use of Premises for an Outdoor Sport and Recreation Use (Aquatic Centre), Indoor Sport and Recreation Use (Gym), and Food and Drink Outlet (Café), located at Lot 1 and 5 Hampton Drive, Boyne Island QLD 4680.

Executive Summary:

A Development Application for a Reconfiguring a Lot – Boundary Realignment and Access Easement, and a Material Change of Use of Premises for an Outdoor Sport and Recreation Use (Aquatic Centre), Indoor Sport and Recreation Use (Gym), and Food and Drink Outlet (Café), located at Lot 1 and 5 Hampton Drive, Boyne Island, was received by Council on 19 May 2021. The application was prepared by Ethos Urban on behalf of ZenDev for the combined proposal.

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In accordance with the *Our Place Our Plan Gladstone Regional Council Planning Scheme 2015, Version 2* (the Planning Scheme), the proposed Boundary Realignment, Gym and Café are categorised as Code Assessable while the Aquatic Centre is Impact Assessable in the Centre Zone. As per the Act, an Impact Assessable application must be carried out against the assessment benchmarks in the categorising instrument, may have regard to any matters prescribed by the *Planning Regulation 2017* (the Regulation), and may be carried out against, or having regard to, any other relevant matter. Therefore, the Application was assessed against the entire planning scheme, the *State Planning Policy – July 2017* (the SPP) and in accordance with the *Planning Act 2016* (the Act).

Furthermore, the proposal triggered referral to the Department of State Development, Manufacturing, Infrastructure, Local Government and Planning (DSDILGP) – State Assessment and Referral Agency (SARA) as per Schedule 10 of the Regulation. SARA reviewed the application material given the proximity to the state controlled road, intersection and coastal management impacts upon receipt of the referral on 22 June 2021. SARA later approved the application subject to conditions on 18 November 2021.

As per the Act, an Impact Assessable application must be publicly notified. The Applicant conducted the Public Notification period between 7 October until 29 October 2021. During this period, a total of 270 submissions were received; 267 submissions were in support with three (3) submissions raising concerns.

Of particular note, the proposed Aquatic Centre within the Centre Zone has highlighted commercial and recreational synergies linkages that align with the intent of the planning scheme vision for the site with significant support from the local community. As highlighted in this report, there are sufficient grounds that demonstrate alignment with the planning scheme intent and operation of the subject site. As such, it is recommended that the Reconfiguring a Lot – Boundary Realignment and Access Easement, and a Material Change of Use of Premises for an Outdoor Sport and Recreation Use (Aquatic Centre), Indoor Sport and Recreation Use (Gym), and Food and Drink Outlet (Café), located at Lot 1 and 5 Hampton Drive, Boyne Island be approved, subject to conditions.

Subject Site:

Lot 1 is a corner allotment that fronts Hampton Drive and Wyndham Avenue with a total site area of 1.79 hectares. Lot 5 is an irregular corner lot that abuts Wyndham Avenue and Arthur Street. Both lots are vacant and bounded by the Boyne River to the east. Lot 5 also shares a common boundary with two (2) lots that have been developed with Dwelling Houses. Figure One provides an aerial view of the subject sites and surrounding area.



Figure One: Aerial View of the subject sites and surrounds

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The subject sites are located within the Centre Zone under the Planning Scheme which can be viewed below in Figure Two. The area surrounding the sites is characterised by a Shopping Centre, Medical Services, Veterinary Clinic and Community Facilities to the west, and varying types of residential development to the north and south.

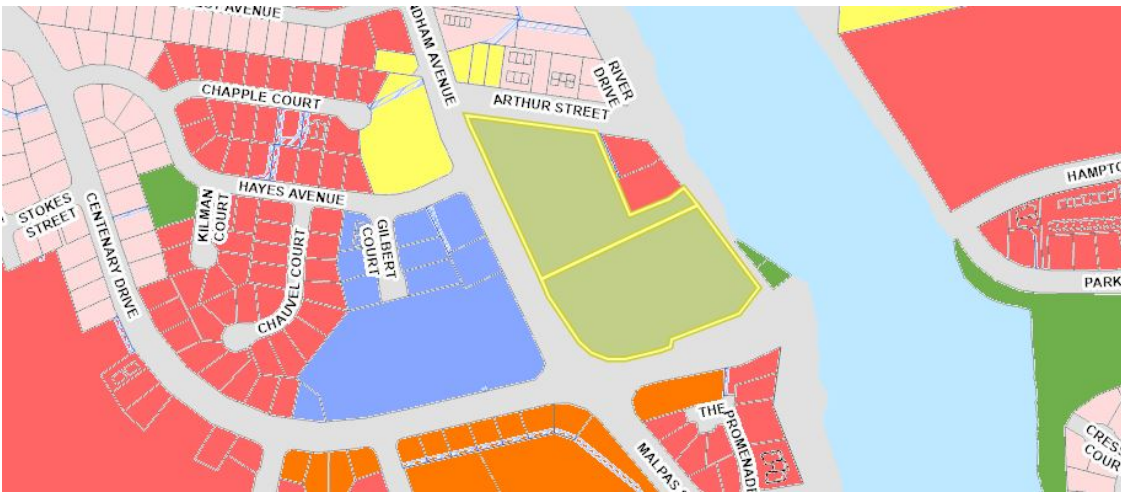


Figure Two: Zoning of the subject sites (Centre Zone) and surrounds

The subject site is relatively flat with some areas which reflect earth bunding and an onsite dam. The Applicant conducted a detailed contour survey as part of the proposal which has been included below.

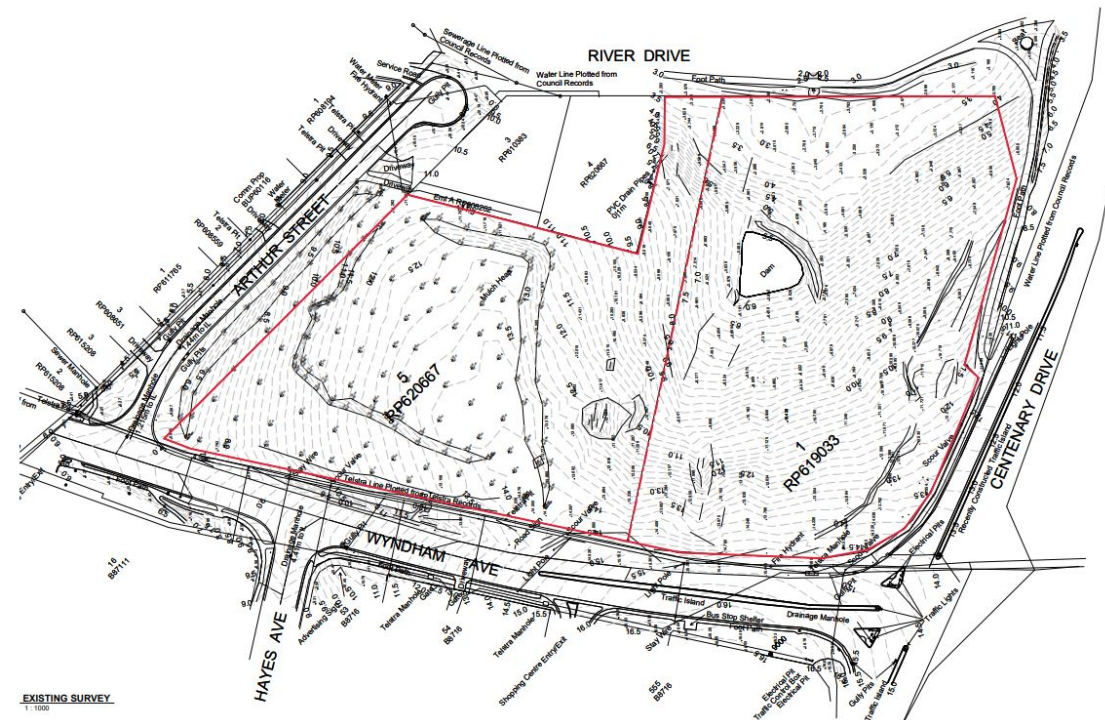


Figure Three: Existing Contours of the subject sites (extract from common material)

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The site has the opportunity to connect into the surrounding water, sewer, stormwater, electricity and telecommunication infrastructure. The location of Council's water, sewer and stormwater networks can be viewed in Figure Four.



Figure Four: Council's infrastructure network

Background:

Application history

Development Application 20701/2008 for a Preliminary Approval for a Material Change of Use of Premises for a Mixed Use Commercial Development was lodged with Council for assessment on 19 December 2008 which sought to override the *Calliope Shire Planning Scheme 2007*. The Preliminary Approval was approved by Council with a Negotiated Decision issued on 1 November 2010. Since then, the Applicant has received a Changed Decision Notice and several extensions to the currency period (i.e. lapse date of 4 November 2023 – excluding COVID-19 extension provisions).

A subsequent Development Application for a Material Change of Use of Premises for 25 Multiple Residential Units was lodged on 2 July 2013. DA/878/2013 was approved by Council on 17 January 2014. This Development Permit represents Stage 1 of the overall development approval under the Preliminary Approval (DA/20701/2008). This application has since lapsed.

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On 16 July 2021, Council issued a Further Advice Notice outlining the following engineering concerns:

- Submit a Sewer and Water Master Plan
- Provide an amended Engineering and Stormwater Management Plan that demonstrates non worsening between pre and post developed states, the relevant discharge point, and complete an assessment for stormwater quality as per the SPP
- Submit an amended Traffic Impact Assessment Report to show the full development and revised connections to Wyndham Avenue
- Illustrate safe access to Arthur Street with supporting swept path diagrams

The Applicant requested an extension to respond to the Information Request and subsequent Further Advice Notice, which Council consented. On 29 September 2021, the Applicant provided a full response to the Information Request and Further Advice Notice with a new suite of plans and supporting technical reports. The response also included a Change Request which sought to include two new uses within the application (i.e. Indoor Sport and Recreation (Gym) and Food and Drink Outlet (Café)). As such, Council reviewed the material and confirmed the change was minor given the extent was in response to Information Request items. To avoid any confusion, the report has only referred to the change response material submitted within the Information Request Response by the Applicant.

The Applicant conducted Public Notification in accordance with the Act with the revised material and permit being sought. During this period, the developer (ZenDev) commenced several forms of community engagement regarding the project at the subject site. Upon notification of the completion of the Public Notification period, the developer advised Council of the additional 266 submissions that were collated via ZenDev (noting Council received four submissions).

After completion of the submitter review period, Council officers requested two (2) extensions to the Decision Making period to allow sufficient time to review and prepare a Council report. The Applicant agreed to the extension.

Proposal:

The Development Application includes both a Reconfiguring a Lot and Material Change of Use component. As such, these have been broken down into the relevant types below.

The reconfiguration aspect proposes to amend the common boundary between Lot 1 and 5 to align with the proposed development footprint for the Aquatic Centre while establishing a shared access arrangement for both vehicle and pedestrian movements via separate easements.

Easement A – access and Easement C – pedestrian access both burden Proposed Lot 2 in favour of Proposed Lot 1. While Easement B – access will burden Proposed Lot 1 in favour of Proposed Lot 2. The realignment and associated easements can be view below in Figure Six.

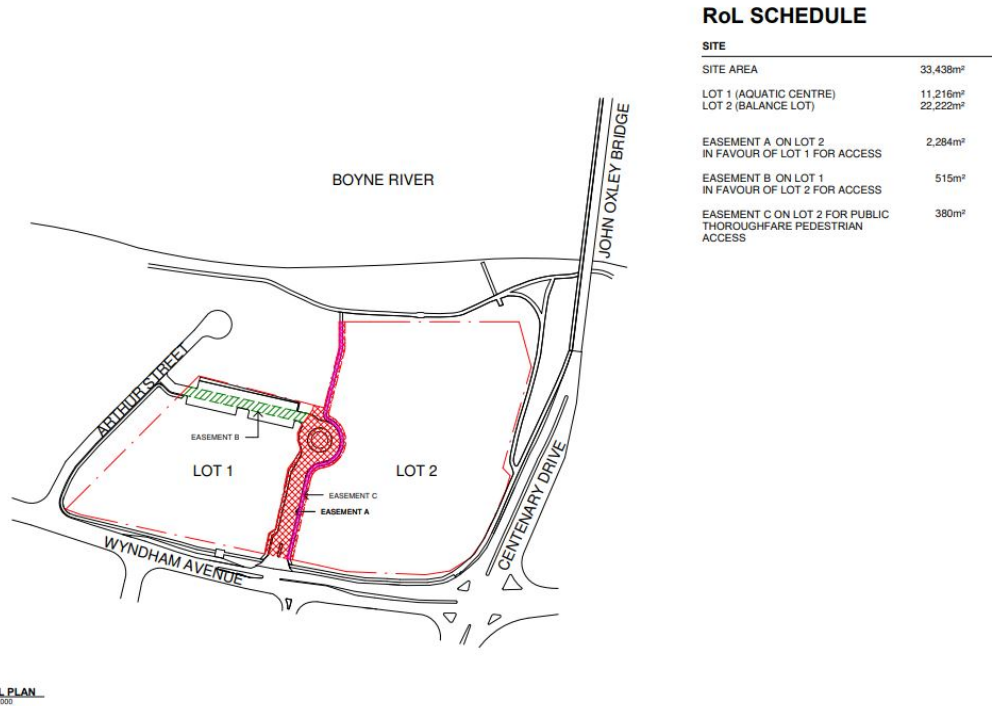


Figure Six: Proposed Boundary Realignment and easements

The table below provides additional details on the lot designs.

Existing Lot	Existing Area	Proposed Lot	Proposed Area	Associated Use
Lot 1 RP 619033	1,7890m ²	Proposed Lot 2	22,222m ²	Balance lot for future development
Lot 5 RP 620667	15,530m ²	Proposed Lot 1	11,216m ²	Proposed Aquatic Centre, Gym and Café

The Applicant further stated within the common material that the balance lot would be subject to future development applications to align with the developer’s (ZenDev) master plan that includes commercial and residential uses. Figure Seven has been included to demonstrate the draft master plan for the entire site which includes a proposed Marina on the Boyne River.

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Figure Seven: Draft Master Plan (extract from the common material)

The current application seeks only a Development Permit for Precinct 1 which will result in the construction of an Aquatic Centre (Outdoor Sport and Recreation Use), Gym (Indoor Sport and Recreation Use) and Café (Food and Drink Outlet). The relevant planning scheme definitions for each use being sought can be viewed below:

Outdoor Sport and Recreation: Premises used for a recreation or sport activity that is carried on outside a building and requires areas of open space and may include ancillary works necessary for safety and sustainability. The use may include ancillary food and drink outlet(s) and the provision of ancillary facilities or amenities conducted indoors such as changing rooms and storage facilities.

Indoor Sport and Recreation: Premises used for leisure, sport or recreation conducted wholly or mainly indoors.

Food and Drink Outlet: Premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site.

The proposed Aquatic Centre will provide outdoor sport and recreation activities intended to meet the needs of the Boyne Island and Tannum Sands community. The centre will result in two main buildings, a 50m pool, spectator grandstand with partial roof cover, small indoor pool for aerobics and learn to swim patrons, and a splash play area. Figure Eight illustrates the overall site plan for the Aquatic Centre with supporting site sections.



Figure Eight: Proposed Overall Site Plan

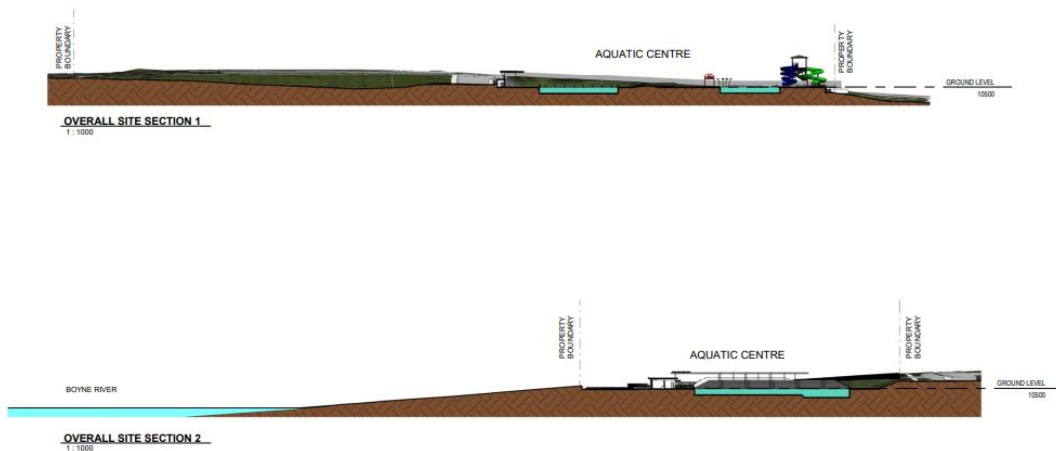


Figure Nine: Proposed Overall Site section

Development onsite will result in two crossovers, an internal round-a-bout, designated loading area and car parking area. Pedestrian access to the facility will be available from 3 separate access points – 2 access points are available via Building 2 located at the rear of the site adjacent to the carpark and 1 access point is located between Building 2 and the grandstand adjacent to the Wyndham Street access driveway. Furthermore, a new pedestrian connection will be constructed to link the existing trail located to the east along the Boyne River.

With reference to Figure 10, this illustrates the development footprint of the site.

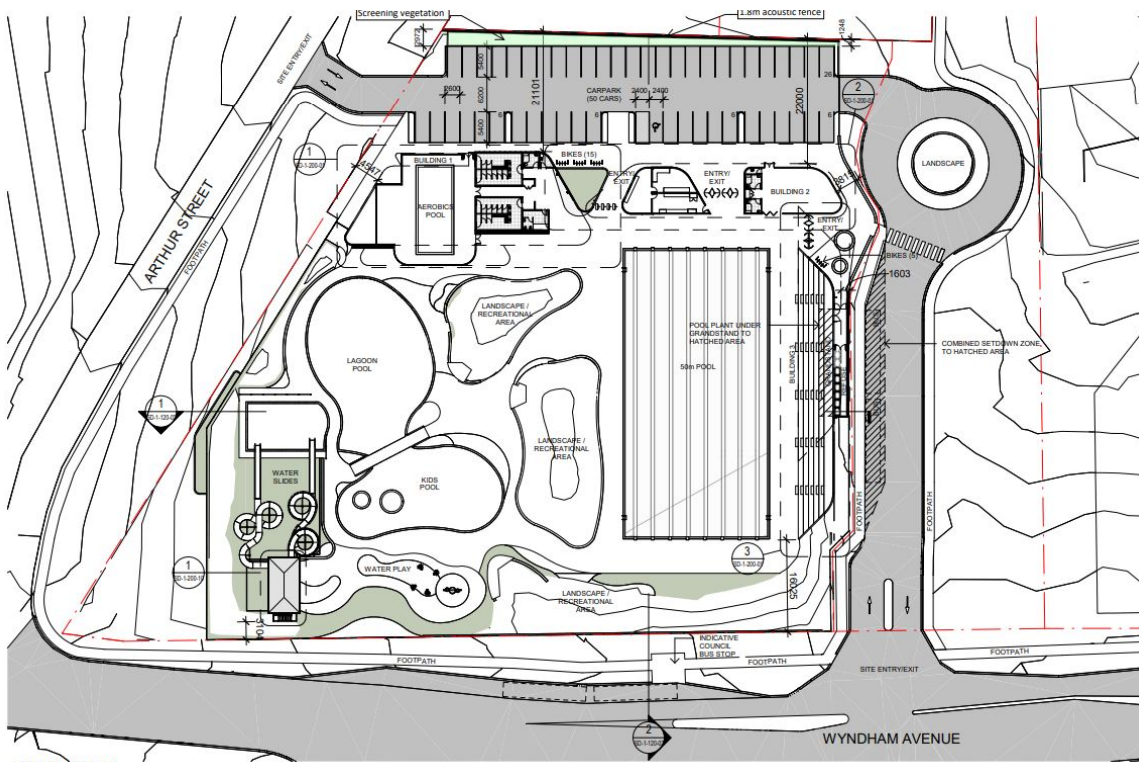


Figure 10: Proposed Site Plan

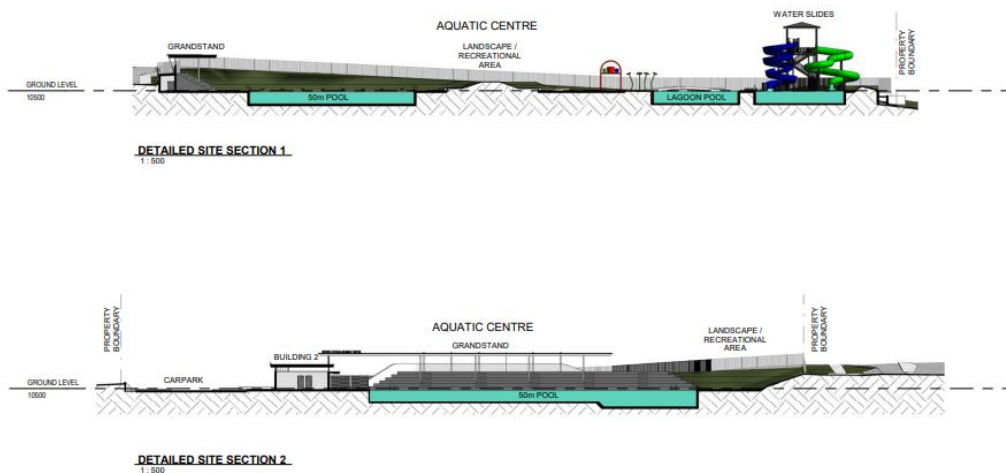


Figure 11: Proposed detailed sections

The proposed Splash Play area located in the north-west corner of the site will include the following elements:

- A shallow wading pool with bridge access to allow for commute between internal recreational areas and the water slides.
- A water playground, including a water slide tower and 2 water slides.
- A water play area with associated splash embellishments.
- A 50m, 7 lane pool located on the south of the site.

The entry to the Aquatic Centre will comprise of 2 buildings located adjacent to the carpark.

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Building 1 will incorporate the ancillary amenities, including PWD facilities and a parents room, and screened outdoor rinse showers and the indoor pool.

Building 2 will incorporate the two entry/exit points, reception, office, and the Café (30m² Gross Floor Area (GFA)) and Gym (100m² GFA) uses.

Building 3 will host the spectator grandstand which will be located on the southern portion of the site and adjacent to the 50m pool. This grandstand will have concrete seating and be partially roofed. Pool plant equipment will be located underneath the structure and will be accessible internally to the site.

Figure 12 further depicts the internal floor plan for each building.

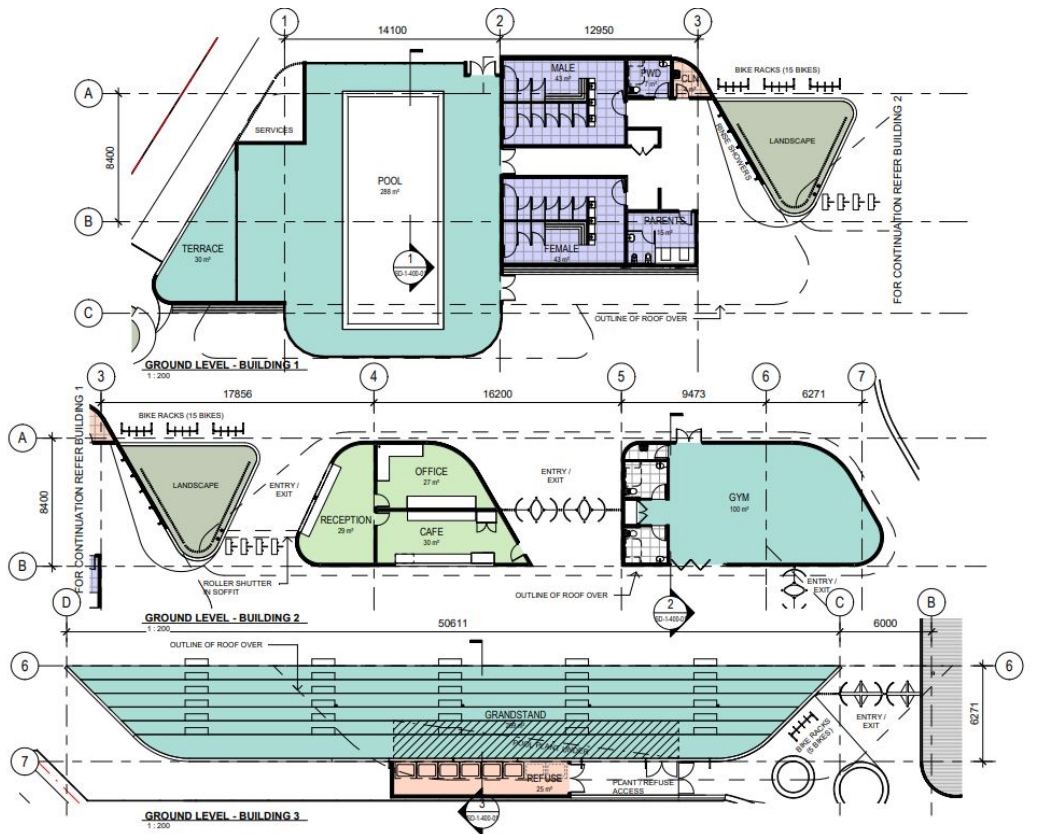


Figure 12: Proposed Floor Plan for each building

The proposed Aquatic Centre has a bulk, scale and operation that is compatible with the existing centre uses and surrounding residential, commercial and community development. The Applicant has stated that a variety of high quality materials including rendering, aluminum batten screening and louvers, and mosaic feature tiles will be incorporated to respond to the existing built form characteristics. The built form sections can be viewed below in Figures 13 and 14.

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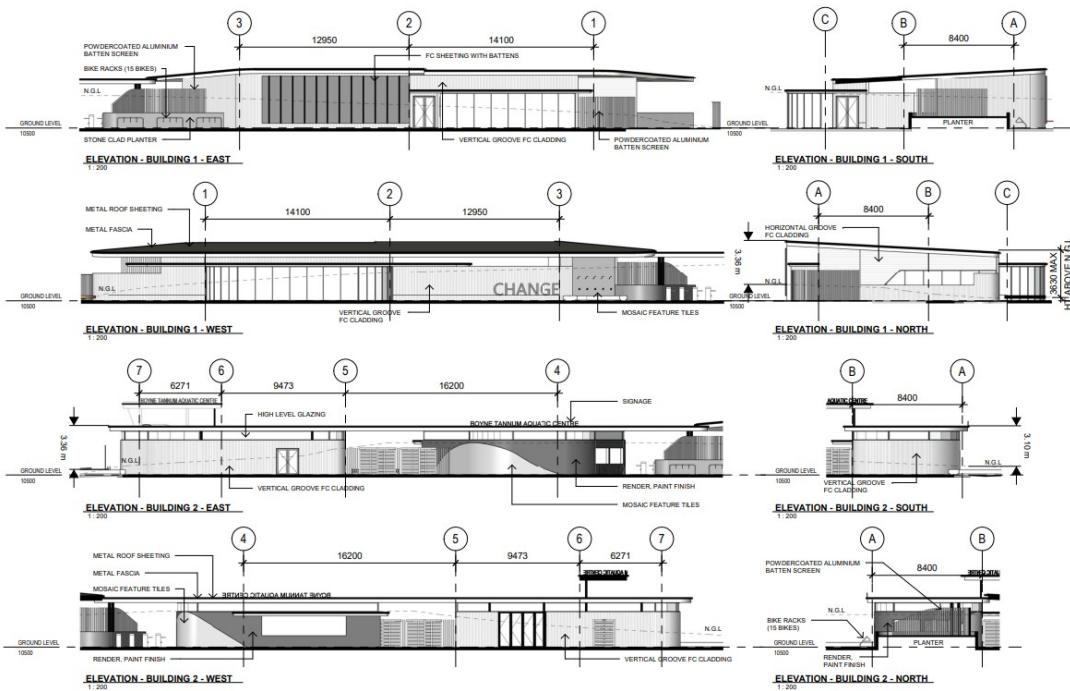


Figure 13: Proposed Sections for Building 1 and 2

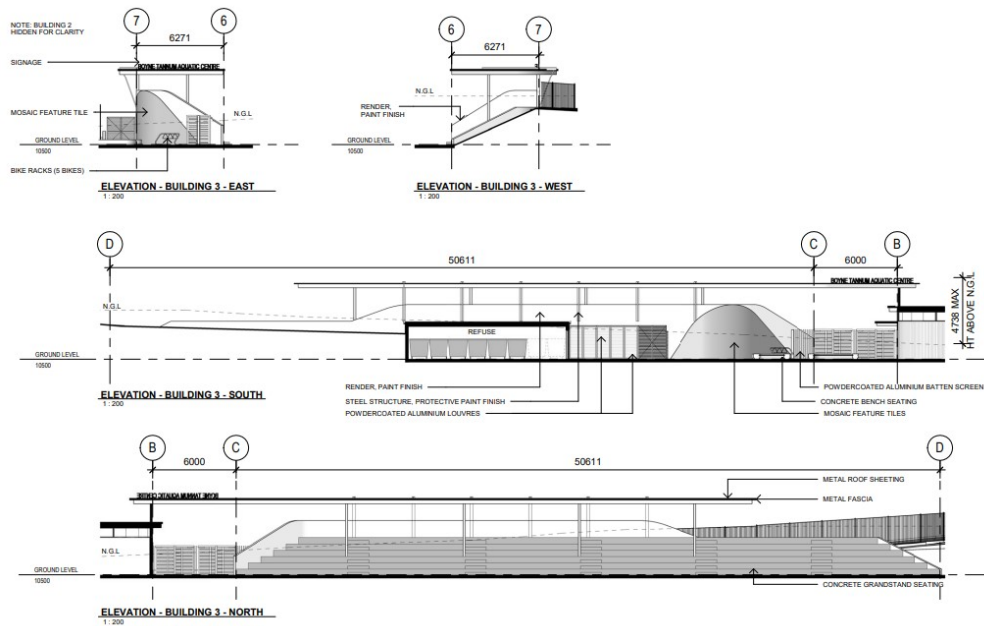


Figure 14: Proposed Sections for Building 3

The proposed Aquatic Centre is strategically located on the corner of main access routes, Hampton Drive and Wyndham Avenue, between the Boyne Island Town Centre and Boyne River. As such, the proposal intends to install crossover connections to both Wyndham Avenue and Arthur Street. A snippet of the 3D rendered perspectives has been included below to provide further illustration of the proposed facility from Wyndham Avenue and Arthur Street.



Figure 15: Proposed 3D Rendered Perspective from Wyndham Avenue



Figure 16: Proposed 3D Rendered Perspective from Arthur Street

Adopted Infrastructure Charges Notice:

The application is subject to calculation against the *Gladstone Regional Council Adopted Infrastructure Charges Resolution (No. 1) – 2015 – Amendment No. 2 (AICR)*. The table below provides a summary of the Reconfiguring a Lot development component:

Existing		Proposed		
Zone	Lot/s	Zoning	Lot/s	Stage
Centre Zone	2	Centre Zone	2	N/A

As per the AICR, as no additional lot is being created the Reconfiguring a Lot component will attract a nil charge.

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With reference to the Material Change of Use component, the table below provides a summary of the levied charge calculation.

Existing Lawful Use	Proposed Use		
Planning Scheme Definition	Planning Scheme Definition	GFA	Associated Levied Charge
Vacant Lot	Outdoor Sport and Recreation	793.58m2 GFA	\$112,331.78
	Indoor Sport and Recreation	100m2 GFA	\$14,155.00
	Food and Drink Outlet	30m2 GFA	\$4,246.50

It should be noted that the Outdoor Sport and Recreation Use is categorised as Specialised Use within the AICR which states the *local government should determine the charge which appropriately reflects the use at the time of assessment*. As such, this type of use at this location has been aligned with the expected demand to a Commercial Use category.

As per the AICR, the combined development will attract a charge of \$130,733.28, minus the vacant lot credit of \$28,311.20, which totals a levied charge of \$102,422.08. As part of the Decision Notice, an Adopted Infrastructure Charge Notice will be issued in accordance with the Act.

Notwithstanding this, the proposal would be eligible to apply under the current Council Policy for Infrastructure Charges Rebate Scheme (P-2019-28 adopted on 19 November 2019); referred to as Rebate Scheme herein. If a request were lodged against the Rebate Scheme and the Applicant agreed to construct within two years (rebate condition), a 50% reduction could be applied against the levied charge. This would result in an Infrastructure Agreement with a rebated charge of \$51,211.04.

Referral:

The Applicant was required to refer the application to SARA given the development was located within proximity of a state-controlled transport corridor and intersection, and within the coastal management district. The Applicant referred the application in which SARA issued a Confirmation Notice on 22 June 2021 and later an Information Request on 2 July 2021 regarding the following matters:

- The submitted Traffic Impact Assessment Report required further amendments to consider the entire development over both lots to enable assessment of the ultimate design for the site and associated traffic generations
- Amendments to the proposed access and median strip treatment along Wyndham Avenue to address the conflicts with queuing near the state intersection and adjoining shopping centre complex.
- Conduct revised traffic counts with current data during the preferred time periods.

Upon receipt of the Information Request Response, SARA issued a Decision Notice on 18 November 2021 with requirements relating to onsite stormwater management and restricting direct access to Centenary/Hampton Drive. The Applicant did not Appeal the Concurrence Agency conditions.

Assessment:

The proposed development includes two components (Reconfiguring a Lot and Material Change of Use) which will be assessed separately. The current planning scheme is yet to incorporate the recent SPP policy, therefore, an additional assessment is required to the Act and planning scheme considerations.

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RECONFIGURING A LOT (BOUNDARY REALIGNMENT AND ACCESS EASEMENTS)

State Planning Policy

The SPP articulates the State Interests that have been identified as critical to protecting and enhancing Queensland and delivering developments. The subject site is located within the Natural Hazards, Risk and Resilience mapped interest. The proposed boundary realignment and access easements would achieve non-worsening at the subject site. As such, the proposal does not identify any adverse conflicts with the SPP.

Planning Scheme

Acid Sulfate Soils, Bushfire Hazard, Coastal Hazard and Flood Hazard Overlay Code

The proposed Boundary Realignment with associated access easements will not increase the risk of potential hazards and allow the opportunity for future development to be located outside of the mapped coastal and flood hazard areas. As such, no further assessment is required for the Reconfiguring a Lot application against the overlays as a result general compliance.

Centre Zone Code

The Centre Zone seeks to *provide for a mix of uses and activities in a highly accessible locality that functions as a true town centre, community hub and meeting place. These uses include, but are not limited to, business, retail, professional, administrative, community, entertainment, cultural and residential and associated activities.* The proposed Boundary Realignment and Access Easements will result in two large lots that can facilitate the intent of the Centre Zone without compromising accessibility to the site.

Reconfiguring a Lot Code

The development seeks to realign the boundaries to accommodate the proposed Material Change of Use and include a larger balance lot for the draft master plan. The minimum lot size for the Centre Zone is 600m² with 15m road frontage. The proposed Boundary Realignment exceeds the minimum design requirements which will allow for future centre activity to occur at the highly accessible site.

The proposed revised boundaries will ensure suitable integration with the surrounding locality, in particular the adjoining Shopping Centre and existing pedestrian network can be achieved, without undermining the state controlled road intersection. As such, the proposal complies with the Reconfiguring a Lot Code.

Development Design Code

A Boundary Realignment application requires the Applicant to demonstrate that each lot and the associated connections (existing or proposed) are located within the new boundaries; as no new lots are being created. As such, several conditions have been included for the confirmation of water, sewer, electrical and telecommunication connections. This will ensure the proposal complies with Acceptable Outcomes 1.1, 2.1 and 3.1.

Relevant conditions have also been included for the proposed easements that burden both lots and the minimum requirements to lodge the subsequent permit for the Endorsement of Survey Plan application. Overall, the proposal complies with the Development Design Code requirements for the proposed Boundary Realignment and Access easements.

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Landscaping Code

Given no additional lots are proposed as part of the Reconfiguring a Lot application, noting that future Material Change of Use applications will require assessment against the Landscaping Code; no further assessment will be conducted against this code.

MATERIAL CHANGE OF USE (AQUATIC CENTRE, GYM AND CAFÉ)

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	<p>Complies – As per Council’s endorsed Flood Study for the Boyne River, the flooding extent is mainly contained to the eastern frontage of the site which is outside of the proposed development footprint area.</p> <p>As part of the Site Based Stormwater Management Plan, the modelling of the design suggests that it is possible to mitigate any negative impacts to the surrounding sites. As such, the proposal has mitigated flood risk to people and property.</p>
	Coastal Hazard Area	<p>Complies – As per the mapped Coastal Hazard Overlay, the proposed development footprint avoids all coastal hazards.</p> <p>Given the proposed development location and associated contours, the risk for people and property at the site has been reduced.</p>

Planning Scheme

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the area for the life of the planning scheme. For the purpose of articulating the policy direction for the planning scheme, the strategic framework is structured with the strategic intent, six themes that work together to articulate the complete policy direction, strategic outcomes, and the elements that refine and further describe the strategic outcomes. The policy direction in the strategic framework is supported, at a finer grain level, by other parts of the planning scheme. The zones organise the planning scheme in a way that facilitates the location of compatible land uses. Local

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plans organise the planning scheme area at the local level and provide more detailed planning for the zones.

By achieving the balance of economic opportunities with community and environmental aspects, it creates a mature region of complete communities which provide genuine choice and support for all its residents, workers and visitors. With the Strategic Intent noted, the following assessment within the planning scheme has been applied.

Strategic Framework – Centre Activities

The strategic framework outlines the centre hierarchy within the Gladstone region and how each zone operates with a different focus on commercial activities. The theme, Gateway to the World depicts four (4) levels of centre activity with the most relevant being Strategic Outcomes 8 and 9 which have been included below.

8. The region's major shopping centres must reflect true mixed use centres in providing for a range of entertainment, community and residential uses and not just retailing.

9. 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.

Within this theme, the above outcomes are further articulated within the Local Business Element which *state the region's mixed use centres and urban revitalisation neighbourhoods occur in the Neighbourhood centre, Centre, Principal centre, Mixed use and Specialised centre zones. Business and centre activities occur in these zones and are not supported in residential zones as this is inconsistent with the form, function and amenity of residential neighbourhoods.*

Mixed use centres are intended to incorporate a variety of uses which varies depending on the role and function of the area. The intent for these areas is that they are not dominated by a single use, but rather include a range of retail, commercial, entertainment and community uses which increases activity during and after regular business hours.

The strategic theme then orders the region's four (4) levels of centre activity from largest to smallest:

1. Principal Centre - CBD
2. Major Shopping Centres
 - Kin Kora
 - Gladstone Central
 - Kirkwood Road
 - Boyne Island
 - Tannum Sands
 - Calliope
 - Agnes Water
3. Neighbourhood Centres
4. Specialised Centres

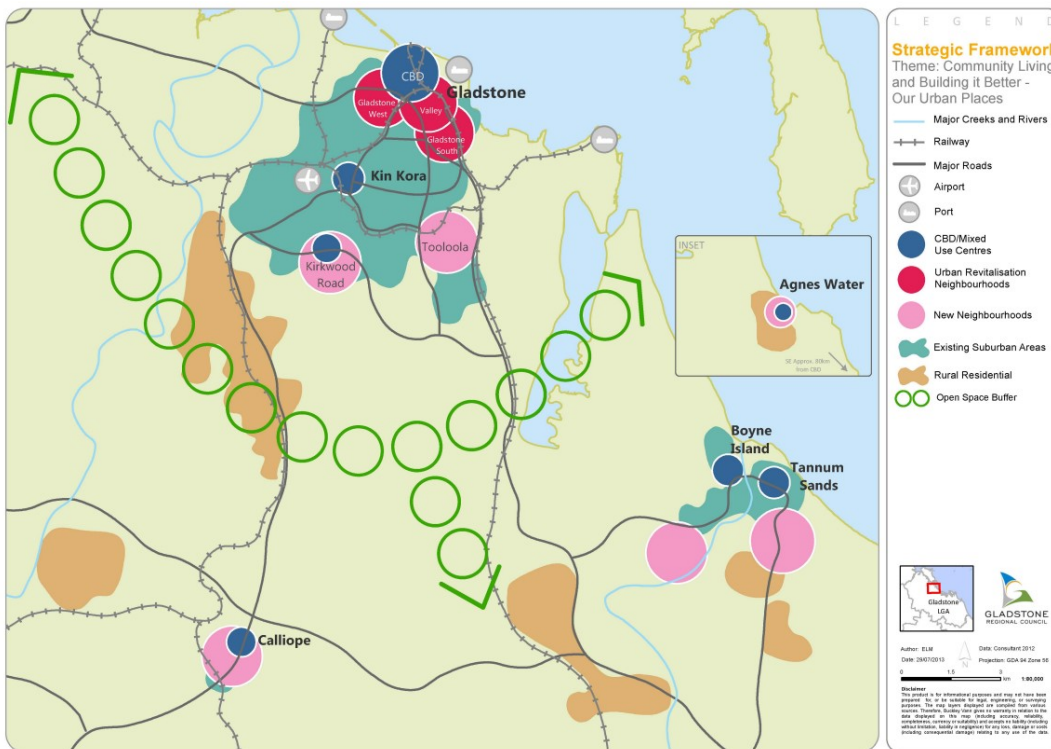


Figure 17: Designated Urban Places within the Strategic Framework

It should be noted that all four levels of centre activity have not considered an Outdoor Sport and Recreation Use such as an Aquatic Centre as a compatible use, however some acknowledge Indoor Sport and Recreation uses for small scale recreational options to the general public consistent with the centre mix.

An important factor of this proposal is the potential synergies associated with co-location of complementary uses at the site and the Boyne Island Town Centre. The Applicant has noted that via increased pedestrian traffic from non-retail uses will help support retail businesses, build critical mass, facilitate trip chaining, and improve overall amenity. Currently, the Boyne Island Town Centre provides limited non-retail uses.

This is further supported by the Strategic Theme acknowledging *growth or any expansion within these centres should commensurate with community needs; does not impact on the viability of other centres in the region, and integrates development with surrounding areas.*

The proposed development will enhance the role of the Boyne Island Town Centre, increase the range of recreational options to the community via mixed use development, with high quality building and landscaping elements that promote vibrancy and social interaction on a significant site, and provide additional support to businesses in the Town Centre; which in turn will support development of a more diverse retail offering.

Overall, the proposal is not considered to impact the viability of the centre and other centres by virtue of providing a unique offering that is integrated via key connections between the site and the activated riverfront. Furthermore, the proposal has been reinforced by the community with significant support for the development of an Aquatic Centre in the urban area of Boyne Island and Tannum Sands.

Strategic Framework – Centre development

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The strategic framework also highlights the established urban footprint and considerations for urban redevelopment within the Gladstone region. In particular, Building it Better theme recognises the *region's major shopping centres are identified in the Centre zone. They provide regional and sub-regional retail services. Major shopping centres are to transition into true mixed use centres that are more than a traditional shopping mall to also include entertainment, community and above ground residential uses.*

The Planning Scheme has noted that the Boyne Island Town Centre is to evolve into a true mixed use centre in accordance with concept diagram (Figure 18). The expansion of the centre through development on the corner of Wyndham Avenue and Hampton Drive must reinforce and promote the riverside location by providing a mid-site linkage (both for access and view) connecting Wyndham Avenue with the Turtle Way walkway and also activate the area of the site adjoining the walkway through community infrastructure such as a park or similar measures.



Figure 18: Concept diagram for Boyne Island Town Centre from the Planning Scheme

It is considered that land uses not only provide for traditional shopping and retail but also entertainment, dining and residential that take advantage of proximity to the Boyne River through improved public access and activity along the river.

On comparison, the planning scheme also notes that the Tannum Sands Town Centre is to evolve into a true mixed use centre in accordance with concept diagram (Figure 19). Booth Avenue is to be developed over time as a 'main street' supporting mixed use buildings. A smaller node of cafes, restaurants and the like is encouraged overlooking Port Curtis at the intersection of Pacific Avenue and Ocean Street. This node has buildings fronting onto both Ocean Street and Pacific Avenue and there is the opportunity for redevelopment for tourism related uses taking advantage of the coastal views and vistas.



Figure 19: Concept diagram for Tannum Sands Town Centre from the Planning Scheme

Tannum Sands Town Centre is intended to consolidate as a more intense mixed use centre that takes advantage of proximity to the Tannum Sands beach, Turtle Way and proximity to the hotel through dining, entertainment above ground residential and tourism support uses. Tannum Sands also has the potential to include a health and wellbeing hub immediately south of the shopping centre that encourages a mix of allied health and medical activities, aquatic facilities along with aged care and retirement living opportunities.

While noting each centre has varying uses that provide commercial, entertainment and community uses which assist in achieving true mix of development options for the public to access and enjoy, the proposed development does not undermine the Tannum Sands Centre ultimate development aspirations. The acknowledged synergies with the Boyne River and the proposal will activate the riverfront and provide a suite of uses to promote community health and wellbeing, and additional uses that will support residential, recreation and tourism elements as part of the draft master plan.



Figure 19: Draft Master Plan (extracted from common material)

A destination use such as an Aquatic Centre will assist in achieving the Boyne Island Centre vision with the opportunity for other recreational and community development to occur at either town centre in Boyne Island or Tannum Sands. In summary, the proposal will further activate the site to achieve the desired mixed use centre operation as nominated by the planning scheme, therefore, the proposal is considered to align with the planning scheme vision.

Strategic Framework – Accessibility and Lifestyle Choices

The strategic theme for Connecting Our Places talks to access via different modes and highlights the need for a range of facilities to accommodate the community's lifestyle opportunities. This is further expressed via the below strategic outcomes

- 1. Communities are well connected to each other. Neighbourhoods are linked to centres, employment and recreation areas by an integrated transport system across a mix of modes that meets a range of mobility needs and offers choice about how to move around the region.*
- 3. All communities have access to a range of facilities and services, public spaces, open space, sport and recreation areas.*
- 4. Gladstone City provides the highest level community and health services and facilities for the region. Other major urban places such as Boyne Island / Tannum Sands and Calliope provide regional level sport and recreation facilities. Smaller places provide for community infrastructure to support their local needs.*

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Community wellbeing is supported at local and regional scales through development that contributes community services, facilities and infrastructure to meet community needs. The planning scheme considers the Gladstone region as well serviced by sport and recreation facilities at local through to regional level. The major sporting facilities include:

- The Gladstone Showground/Speedway/Racecourse
- The Rigby Park Complex and Aquatic Centre
- The Tannum Sports Park
- Boyne Island / Tannum Sands Recreational Area
- Calliope Sports Park
- The Benaraby Motor Sport precinct, and
- Mt Larcom Showgrounds.

On balance, the proposal does not detract or reduce the operation of surrounding sport and recreation activities, nor the affiliated clubs in the Boyne Island and Tannum Sands community. However, the existing Aquatic Centers/Public Pools located in Gladstone and Calliope localities were not identified in the Applicant's Information Request Response regarding community and economic need and the associated membership impacts. Instead, the Applicant has relied on the findings from the Feasibility Study and Community Engagement conducted by Gladstone Regional Council (Council) in 2018-2019 regarding the desire for an Aquatic Centre to be established within the Boyne Island and Tannum Sands area.

From this Council led study, a total of 95% of respondents identified they would like to see the development of the Aquatic Centre. Council has progressed the significant project to date by allocating a progressive budget from 2018. However, the Council facilitated project is yet to lodge the relevant development applications at the preferred site location in Tannum Sands off Coronation Drive.

Notwithstanding the above, as part of this proposal, the developer conducted various forms of engagement with the local community and businesses prior and during the development application process. As highlighted in the Public Notification section of the report, the development received significant support for an Aquatic Centre to be established at the site.

As such, the proposal is considered to address the community need by establishing an Aquatic Centre which includes health and wellbeing outcomes to provide additional opportunities for the Boyne Island and Tannum Sands residents. The planning scheme acknowledges community wellbeing achieved via people having choices about how they access these services that include walking, cycling and public transport. Overall, the proposal is considered to achieve the strategic theme by providing the local community with necessary community services and sporting facilities to meet their local needs in an urban location.

Strategic Framework – Economic and Tourism benefits

The strategic theme for Gateway to the World highlights via the strategic elements the important role that local business and tourism industry offer in the region.

The Gladstone region is considered to offer diverse tourism attractions for visitors and residents. The major tourism drivers identified in the planning scheme are Agnes Water and 1770 connection to the coast and islands; Gladstone with connection to Awoonga Dam, the Marina and the East Shores development, and rural townships with surrounding local heritage or national parks.

The Applicant has stated that the delivery of the mixed-use precinct incorporating some non-traditional retail components adjacent to the Boyne Island Shopping Centre will enhance the Town Centre's role, strengthening its viability by diversifying the centre's offering which is in-line with national activity commercial trends.

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The development will activate the riverfront and provide a suite of uses to promote community health and wellbeing and additional uses that will support recreation and tourism as part of the future Precinct 2 and 3 stages as outlined in the draft master plan. This in return is said to enhance the local tourism offering to support economic recovery following the global pandemic in the Boyne Island and Tannum Sands urban area. By creating a smaller scale attraction to the one in Gladstone, it is considered that the proposal may assist in generating a new tourism opportunity for the Boyne Island and Tannum Sands urban area.

Strategic Framework – Transport Networks

The theme, Connecting Our Places has the below relevant Strategic Outcomes in relation to suitable transportation connections:

2. Development achieves the efficient use of existing transport and community infrastructure and the timely and equitable delivery of new infrastructure.

5. Pedestrian and cycle networks are fundamental to the movement functions of neighbourhoods and centres throughout the region. They are essential components of new neighbourhoods, urban revitalisation neighbourhoods and other urban place types. Road corridors connecting important destinations throughout the region incorporate public transport and active transport modes and are designed to be safe and universally accessible.

6. Public transport links mixed use centres with the region's new neighbourhoods, urban revitalisation neighbourhoods and existing suburban areas so that people have improved access to shopping, health care, community services and cross modal points (airport and railway).

7. The road network ensures the safe and efficient movement of people to employment nodes (including specific use and industrial places) and mixed use centres.

The development will strengthen the existing Boyne Island Town Centre via a new pedestrian connection through the site from Wyndham Avenue to Turtle Way Bikeway and Boyne River. This will assist in further activating the river edge and existing pedestrian network.

The revised access connections from Wyndham Avenue and Arthur Street will facilitate efficient use of the existing road network without undermining the current function of the connecting state controlled road corridor.

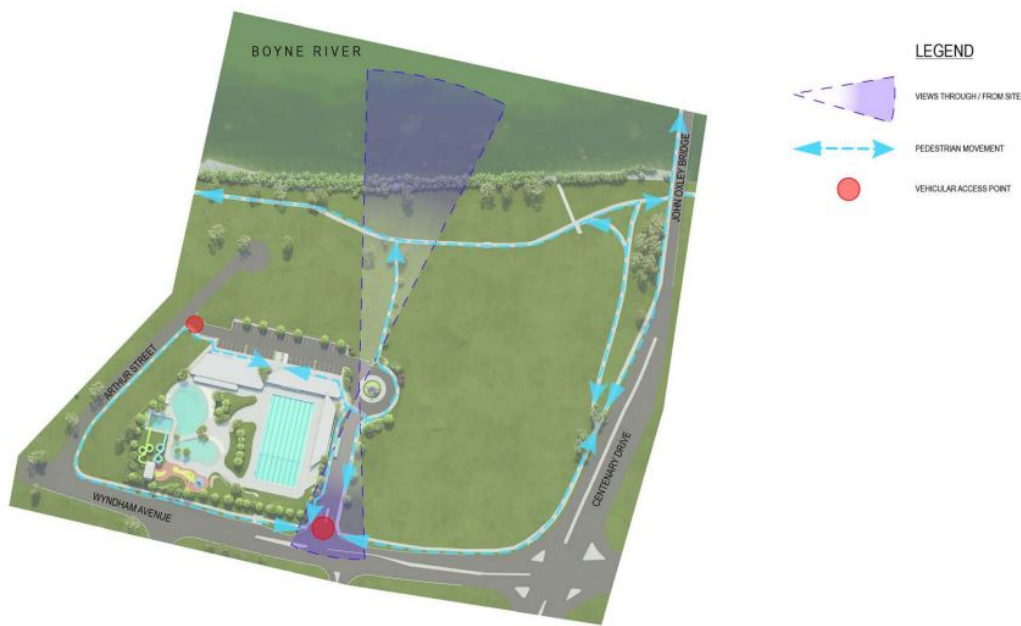


Figure 20: Proposed access to the site and visual links (extract from common material)

In summary, the proposal will achieve high levels of connectivity and encourage walkability to key destinations for local businesses, community facilities, health services, shopping and entertainment, and recreational and sporting areas given the highly accessible site location and surrounding existing networks.

Strategic Theme – Environmental Protection

The final strategic framework element outlined via the Environment and Heritage theme has the below relevant environmental considerations on the development given the proximity to the Boyne River.

- 5. *The environmental values and quality of the region's waters and waterways are protected.*
- 7. *Development ensures waterfront areas, including coastal and riverine locations, are publicly accessible except where required for port related purposes or where sensitive ecological values occur.*
- 8. *Urban areas accommodate a network of open spaces, parks and recreational areas suited to community needs and also protect environmental values.*

The region's waterways and foreshores are important community assets where development must ensure continued public access to these areas. The Boyne River and the proposed development minimise impacts on the ecological and water values by implementing stormwater and waste water design measures via new infrastructure within the site to achieve lawful point of discharge into Council's existing network. This engineered process will ensure both waste water and stormwater are conveyed to the correct locations.

The future stages of the development identified within the draft master plan will be subject to potential state referrals and detailed design in relation to the planning scheme requirements, at the time of the lodgement of the relevant applications. This will ensure each precinct within the draft master plan has considered the environmental impacts on the Boyne River.

Acid Sulfate Soils Overlay Code

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The portion of the subject site that will facilitate the construction of the Aquatic Centre is located within the 5m-20m AHD of potential Acid Sulfate Soils. Given the expected earthworks associated with the proposed development, a condition has been included as part of the Operational Works that the relevant tests within an Acid Sulfate Soils Investigation and Management Report are conducted in accordance with the Queensland Acid Sulfate Soil Technical Manual. As such, the condition will assist in managing any Acid Sulfate Soils, thus achieving compliance with the overlay code.

Coastal and Flood Hazard Overlay Code

With reference to the development footprint of the proposed Aquatic Centre and associated parking areas, this portion of the site is located outside of the mapped Coastal and Flood Hazard areas. Furthermore, the Applicant has submitted a revised Engineering and Stormwater Management Report which includes construction of an inter-allotment drainage system which will be conveyed to the lawful point of discharge in Council's adjoining networks. This design will ensure non-worsening of the existing mapped flood hazard, and any potential contamination with the generated water runoff.

As part of the subsequent Operational Works permits, the associated earthworks and supporting infrastructure will also be reviewed in accordance with the Coastal and Flood Hazard overlay. This review will consider the excavated topography of the subject site to facilitate construction of the Aquatic Centre and if any impacts will affect the existing flood/coastal movements.

As such, the proposal complies with the relevant benchmarks within the Coastal and Flood Hazard Overlay Codes via the recommended conditions and subsequent assessments.

Centre Zone Code

Acceptable Outcome 1 stipulates minimum hours of operation for a select few uses, including Food and Drink Outlet, from 6am until 10pm. The Applicant has stated that the hours of operation for the Food and Drink Outlet will generally align with the Aquatic Centre hours; 4am to 8:30pm. As detailed later in the assessment of the Aquatic Centre, the submitted Acoustic Report provided preliminary assumptions on noise generation between 4am to 7am with recommended restrictions to comply with the relevant Environmental Protection Act and Policies. Based on this later assessment, the proposal is considered to generally comply with the Performance Outcome criteria via several conditions.

Performance Outcome 7 seeks for development to provide a diverse mix of building types and tenancy sizes to support a range of uses. The proposed development is for an Aquatic Centre that will provide a variety of recreation activities for different age groups in the Boyne Island and Tannum Sands community. The Aquatic Centre will also include a Gym and Food and Drink Outlet which align with the commercial intentions of the Centre Zone.

The Aquatic Centre has been considered as a destination use that will assist in creating a mixed-use community hub within the Boyne Island Town Centre that will achieve the needs of the local community; aligning with commercial trends to active commercial spaces with a variety of social opportunities not just limited to retail. As such, the proposal is considered to comply with the purpose of the Centre Zone Code by creating a mix of uses that will function as a community hub and meeting place.

The proposed development complies with the Building Height as per the information layer, Building height and frontages, which stipulates 6 storeys and 24 meters. The proposed facility remains low scale with the Splash Play Area that includes a water slide tower reaching 12.1m approximately in height. The Applicant provided a Shadow Diagram of the proposed Aquatic Centre facility to depict the shadows cast at various seasons. This further demonstrates design responsiveness to address to the adjoining residential uses.

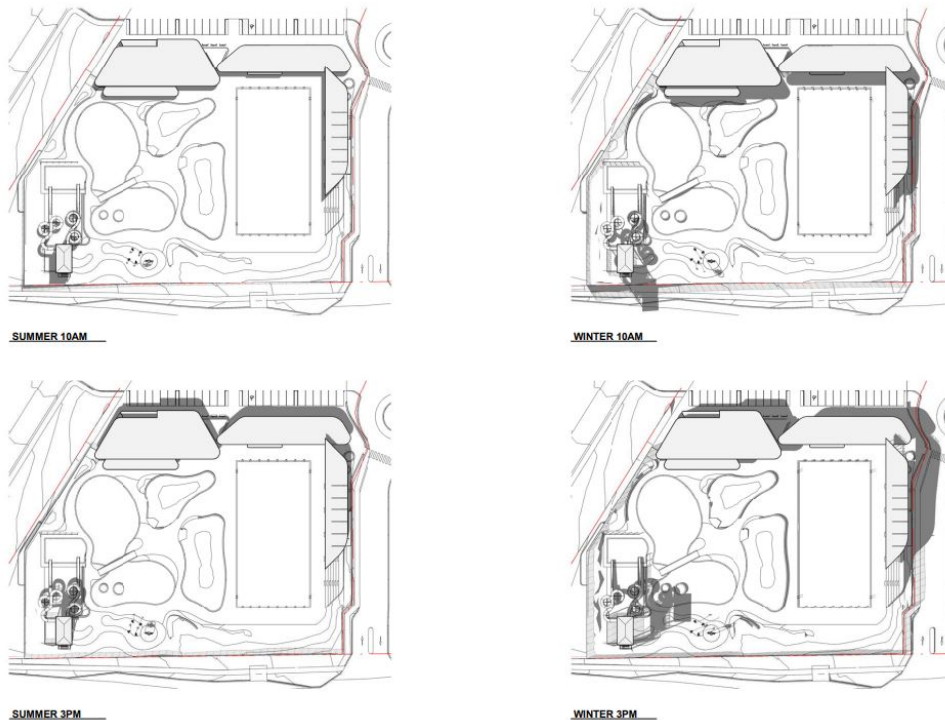


Figure 21: Proposed Shadow Diagrams

The location of the water slide tower has been strategically positioned north-west corner away from adjoining residential uses. This location will assist in reducing any impacts such as overshadowing, noise, privacy concerns. However, to further ensure the potential of overlooking into adjoining residential properties is appropriately managed from the water slide tower (being the highest structure on the site) a condition has been recommended that the platform receives screening treatment (maximum 50% transparency) to all sides. This will ensure privacy for both the patrons at the subject site and adjoining residential sites are protected. Additionally, this screening may further restrict the potential for projectiles to be lodged at height (onsite and within the road reserve).

Performance Outcomes 9 to 12 and 14 to 18 outline building design and materials, built form, density and street interface. The site is located on a corner lot with frontages to Arthur Street and Wyndham Avenue. The frontages of the facility will have transparent fencing along the boundaries for safety and security, and dense landscaping, including mature trees. By proposing transparent fencing, this further assists in achieving a high quality streetscape.

By locating the buildings at the rear of the site, it has allowed the Applicant to address the corner frontages with substantial landscaped areas that assist in a visual aesthetic interface with the street. Both Wyndham Avenue and Arthur Street access points have included wayfinding signage to assist users.

Furthermore, the proposed buildings reflect low-scale development with an approximate site cover of 4.3% to assist in reducing building bulk and nestle the Aquatic facility in the site without creating significant contrast within the established residential uses to the north and east.

These proposed treatments will enhance the streetscape amenity and present a visually aesthetic interface at the public realm. Therefore, the proposed development is considered to achieve the design intent specified within Performance Outcomes 9 to 12.

In addition to transparent fencing and wayfinding signage, the development includes further safety and security features by ensuring clear sightlines are maintained and entrapment locations are avoided. Lighting will be provided around key entry points, carparking areas and internal activity areas to avoid potential concealment locations. These further safety design treatments will assist in complying with

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Performance Outcome 13 which references Crime Prevention through Environmental Design Guidelines for Queensland (CPTED).

Performance Outcome 19 specifies development must ensure safe, convenient and legible connections and pathways are provided for pedestrian/cyclists to public transport or other recreational or centre related activities. The Applicant has proposed an internal pedestrian footpath from the external network along Wyndham Avenue that will link into the adjoining walkway located to the east of the site. Additionally, there are internal pathways abutting the centre to direct pedestrian/cycle traffic from the parking and bus area into the main entry of the Aquatic Centre. Of particular note, a condition has been recommended that the pedestrian link to Boyne River is constructed as part of the subsequent Operational Works permit with the associated external footpath requirements.

Acceptable Outcome 22.2 outlines that *a 1.8m high solid screen fence is provided along all boundaries shared with a residential zone*. As referenced in the revised Acoustic Report, a minimum 1.8m high solid (with no gaps) acoustic barrier will be installed along the common boundary of the site and residential uses to the east (as shown in Figure 22). This should buffer vehicle movement sounds and headlights to the adjoining residential uses.



Figure 22: Proposed Solid Acoustic Barrier (extract from common material)

The acoustic barrier will mitigate any amenity issues on nearby residences that may occur from the site access and carparking areas located near the common boundary. The provision of the acoustic fence demonstrates compliance with Acceptable Outcome 22.2 and will be reflected in the condition package.

Performance Outcome 23 states *development minimises impacts on surrounding land and provides for an appropriate level of amenity within the centre, having regard to noise, hours of operation, traffic, visual impact, signage, odour and emissions, lighting, access to sunlight, privacy, and outlook*.

In response, the Applicant has proposed all buildings to be setback from the surrounding residential uses to reduce odour, lighting, overshadowing and increase privacy and amenity. Of particular note, the proposed Aquatic Centre seeks to operate between the hours of 4am to 8:30pm which was included in the

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Information Request as an item of concern requiring further justification to demonstrate how the surrounding residential uses amenity impacts would be addressed. A revised Acoustic Report was submitted which included the below diagram of the mixed uses adjacent to the subject site (noting residential, community and commercial).



Figure 23: Diagram from Noise Report illustrating surrounding uses

To further articulate Figure 23, the report noted that the residential uses (sensitive noise receptors) were calculated at the following distances; Group 1: is less than 5m away from the proposal, Group 2: 15m and Group 3: 45m.

The report also states that based on the preliminary assumptions, noting equipment and materials are not finalised, the maintenance equipment rooms, Gym, indoor and outdoor pool areas can all achieve compliance with 40dB(A) at the receiver boundary during the hours of concern (4am to 7am). The Acoustic Report has included the following recommendations based on the preliminary assumptions between 4am to 7am:

- The Mechanical Plant Room for the Indoor Pool building to receive acoustic noise control measures
- The Indoor Pool building to incorporate a minimum 10.38mm façade glazing treatment
- The Gym building façade to include a minimum 10.38mm façade glazing
- Outdoor pool (50m) is to only allow a maximum of 30 people, music and whistles are not to be used and no outdoor group training sessions are to be held

Given the uncertainty of the above recommendations with reference to the unknown equipment and materials, it is recommended that the Applicant submit a revised Noise Report and supporting Environmental Management Plan as part of the Operational Works application to ensure all noise and recommendations to achieve the maximum limits outlined in the *Environmental Protection (Noise Policy) 2019* under the *Environmental Protection Act 1994* is upheld at all times. It is assumed these revised reports will demonstrate compliance with Performance Outcome 23 by mandating acceptable noise levels for the adjoining sensitive use receptors with the necessary details regarding the materials proposed for construction.

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Acceptable Outcome 25.1 refers to *parking areas are located in a basement or semi basement, or setback a minimum of 15m from any street frontage and screened to allow a building edge for active uses*. The proposed parking area for the Aquatic Centre will be located behind the building which is considered to comply with the intent of the Acceptable Outcome.

In accordance with Acceptable Outcome 26, all equipment and machinery will be appropriately screened from view or be integrated within a building as depicted on the proposed plans.

Development Design Code

To achieve compliance with Acceptable Outcome 1.1, a condition has been recommended that the site is connected to Council's water main which is located within Wyndham Avenue.

As referenced in the revised Technical Reports, filling of the pool can be achieved using hydrants at a typical flow rate of 10L/s, though the initial filling of the swimming pools will be conducted via a tanker truck contract. This has been reviewed and confirmed suitable from the existing network.

Acceptable Outcome 2.1 will require the Applicant to extend the sewer network from the eastern corner of Arthur Street to the property boundary. Although this has been included as a condition within the Reconfiguring a Lot application, depending on the timing of each development component, it is recommended that the Material Change of Use reflects this requirement also. As such, the sewer extension as part of the subsequent Operational Works application will achieve the intent of Acceptable Outcome 2.1.

Acceptable Outcome 4.2 specifies that *fire fighting infrastructure located within private property (excluding reticulated mains and hydrants on reticulated mains) is owned maintained by a party other than Council*. Within the Information Request Response based on Council's Boundary Conditions (which specify water and sewer capacity information) the Applicant has noted that fire fighting supply services for the development are to be confirmed by the hydraulic engineer at the Plumbing and Drainage permit stage. Notwithstanding this, the preliminary check confirmed that the existing water main on Wyndham Avenue contains a Fireflow residual pressure of 52.8m of head (Approx. 518 kPa), which is more than sufficient pressure to service the proposed development. Therefore, it is considered that the proposal will comply with Acceptable Outcome 4.2

Acceptable Outcomes 5.1 to 6 discuss stormwater design requirements. Given the type of development and size, the stormwater design required both quality and quantity assessment as per the SPP. The revised Stormwater Management Report has noted SPEL filters to achieve the required water quality from the subject site and construction of internal stormwater system to pipe the catchment to Council's network located in Arthur Street. As part of the detailed design stage within the Operational Works applications, it is requested that an updated Stormwater Management Plan is submitted to reflect all civil works within the development. Furthermore, a condition has also been included for the proprietary assets (proposed SPEL filters) are inspected and maintained in accordance with the manufactures requirements.

Additionally, the Applicant also noted within the revised Technical Reports that advice was sought regarding draining of the proposed pools to the existing sewer infrastructure. This proposed drainage system will ensure no potential contamination is conducted within the stormwater network. The material also notes that pool draining should be completed at a flow rate of 5L/s and can be achieved by trickle feeding prior to discharging to the infrastructure. Backwashing of the pools will be required to divert pool water to a suitably sized holding tank, prior to discharging (flow rate of 5L/s) to the sewer.

The existing and proposed sewer main contains sufficient capacity and fall to receive the combined sewer discharge via the private maintenance hole within the subject site. As such, the above discharge rate will be reflected in the condition package to ensure compliance with Acceptable Outcome 7 to avoid wastewater discharging into any waterways. The ongoing assessment of the discharge components will be regulated via the Trade Waste permit required for this type of development.

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The associated earthworks and retaining walls will form part of the Operational Works application to ensure the civil works are designed and supervised by a Registered Professional Engineer of Queensland (RPEQ). This will result in compliance with the Performance Outcome 8.

As outlined in Acceptable Outcome 9, car parking and bicycle rates are calculated in accordance with the rates specified within the parking rates planning scheme policy. Based on the GFAM2 rate for Outdoor Sport and Recreation, the proposal exceeds the minimum requirement for parking spaces. The alternative calculations specified within the policy talks to the number of spectators within the grandstand. Within the revised Traffic Impact Assessment Report, the material has concluded that given the unknown capacity of the grandstand and noting its primary use is for carnivals, the proposed parking and bicycle spaces are sufficient for this type of use during on and off peak season.

Use	Planning Scheme Requirement	Planning Scheme Rate	Proposed number
Outdoor Sport and Recreation (Aquatic Centre)	Vehicle 1 space per 20m ² GFA, or 1 space per 5 spectators able to be seated; or 4 spaces per court or lane Bicycle 1 space per 400m ² GFA (minimum 6 spaces)	Vehicle 40 Bicycle 6	Vehicle 50 Bicycle 20 Bus 2
Indoor Sport and Recreation (Gym)	Vehicle 1 space per 20m ² GFA, or 1 space per 5 spectators able to be seated, or 4 spaces per court or lane. Whichever is the greater. Bicycle 1 space per 400m ² GFA (minimum 4 spaces)	Vehicle 5 Bicycle 4	
Food and Drink Outlet (Café)	Vehicle All other zones: 1 space per 15m ² GFA. Bicycle 1 space per 200m ² GFA (minimum 4 spaces)	Vehicle 2 Bicycle 4	

Based on the above review with support from the revised Traffic Impact Assessment, the proposed development is considered to comply with Acceptable Outcome 9 which will have detailed conditions to support the total of 50 car parking spaces, 2 bus/taxi loading bays and 20 bicycle spaces.

A condition has been included for the Aquatic Centre and Gym uses to incorporate end of trip facilities as per the Queensland Development Code in accordance with Acceptable Outcome 10.

Due to the interaction with the intersection of Wyndham Avenue / Hampton Drive and the existing Shopping Centre complex on the southern side of Wyndham Avenue, Council deems that this property access must take the formation of an intersection as opposed to a driveway access and as such, needs to meet the minimum intersection spacing. Furthermore, the Wyndham Avenue access will be restricted to a left in, left out intersection only. This will achieve compliance with Acceptable Outcome 11.1.

As illustrated within the proposed plan package and noted below in Figure 24. The proposed development will construct internal pedestrian footpaths and an external network that will link into the existing footpath located along Hampton Drive. The associated construction of the pedestrian footpaths will be conducted as part of the Operational Works application. This will achieve compliance with Acceptable Outcome 13.



Figure 24: Proposed external footpath connection link

A condition has been included as part of the condition package to ensure all outdoor lighting proposed within the subject site complies with the Australian Standard as per Acceptable Outcome 18.

Acceptable Outcome 21 to 22.1 highlights the relevant waste management policy and on-site waste collection requirements. The submitted Waste Management Report has outlined the minimum waste requirement for the development is 3 x 1.1m² bulk bins for general and recycling each that will be serviced weekly onsite. The report further notes that during the peak summer season, additional servicing may occur with the ongoing waste contract.

The waste bin storage area has been illustrated below in Figure 25. Further conditions have been recommended to ensure the relevant screening, paved area and appropriate hose fittings are facilitated in this location.

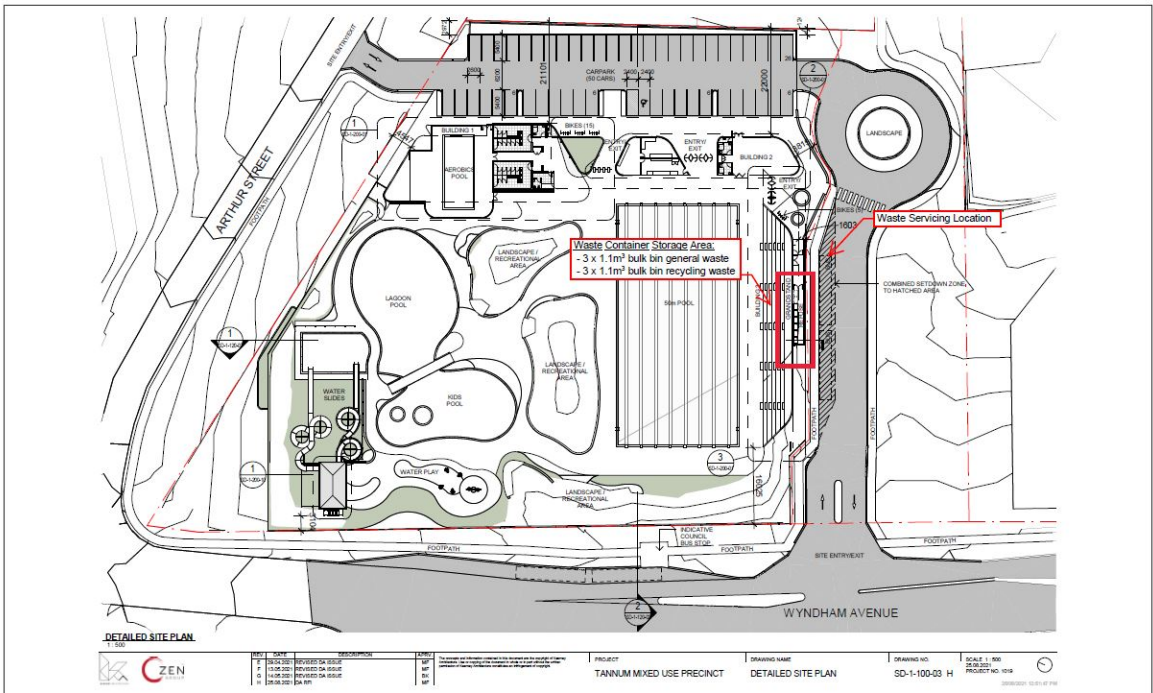


Figure 25: Proposed Waste collection and storage area

As noted in the Acoustic Report, the operation of the Aquatic Centre is within 4am to 8:30pm. A recommendation within the report also suggests that all waste servicing is conducted after 7am during the day. This will assist in reducing noise and amenity impacts on the adjoining residential uses. This requirement will be outlined as an additional waste condition within the package.

Landscaping Code

As part of the Applicant’s response to the Information Request, a revised Landscaping intent package was included which addressed the initial non-compliance with the Landscaping Code regarding vegetation buffers, street trees and shade trees within the parking area. Figure 26 provides an aerial view of the proposed landscaping plan for the development.



Figure 26: Proposed Landscaping Plan

As such, the submitted landscaping package demonstrates compliance with the Landscaping Code and will be requested that the installation of these items are further approved and completed within the subsequent operational works permits.

Public Notification and Submissions:

By virtue of the level of assessment, Public Notification was required. As the Development Application seeks only a Development Permit for a Reconfiguration of a Lot and Material Change of Use, public notification was required for a minimum of 15 business days (as prescribed in the Act). The public notification period occurred between 7 October to 29 October 2021.

During this period, Council received a total of four (4) submissions, which can be grouped as three (3) submissions with concerns and one (1) submission in favour. The below table provides a summary of the received submissions with concerns from the proposed development.

Submission	Officer's Response
Master Plan impacts	
<p>We believe this proposal is not in the long term interests of the community or the environment. Particularly the second stage which we believe will have lasting impact on the health of the river system and associated marine environment. We have at no stage seen any documentation about the environmental impact of the proposal, nor have the residents been considered with regard to the access to the river in that section.</p>	<p>The proposed development entails the Aquatic Centre, Gym and Café only. The Applicant has submitted various draft plans for the entire site (draft Master Plan) to assist in responding to Council and State's relevant Information requests. Furthermore, the elements outline in the draft Master Plan would be subject to future development applications that will require detailed assessment at the time of lodgement by Council and State agencies.</p> <p>Nonetheless, the proposed development footprint has been located landward of all coastal and flood impacts, with the supporting technical documents to ensure all waste water and stormwater are captured and conveyed to the lawful discharge locations. This will reduce any impact on the Boyne River.</p>
Council project	
<p>We are also concerned that this project if it is successful, will negate Council's plans for a publicly owned Aquatic Centre.</p>	<p>The current development application has been progressing simultaneously with Council's strategic project for an Aquatic Centre.</p>
Dust and Noise Construction Maintenance	
<p>The proposed development will require substantial earthworks which will result in dust nuisance and inconvenience for adjoining residential uses.</p>	<p>As part of the subsequent Operational Works applications, the Applicant is required to submit for approval a Construction Management Plan and comply with the relevant Environmental Protection Act requirements regarding noise and dust. This is supervised by a Registered Professional Engineer of Queensland and Council.</p>
<p>The associated civil works will occur over a lengthy period of time and will cause vibration and noise nuisance during construction.</p>	
Noise Nuisance	
<p>The proposed barriers are unlikely to reduce the traffic noise from the carpark located</p>	<p>As highlighted in the revised Noise Report, the Applicant is required to install both a solid</p>

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<p>between the facility and adjoining residents.</p> <p>The proposed grandstand and likelihood of events will create ongoing noise concerns.</p> <p>The proposed filtration system will have a 24/7 operation with unknown noise impacts</p>	<p>acoustic barrier fence and landscaping to assist in buffering the associated noise and lighting from the proposed Aquatic Centre and associated parking area from the adjoining residential uses.</p> <p>Early morning activities will be limited to patron numbers and use of certain systems, with the additional treatments of glazing and soundproofing to further suppress the noise generated from the site.</p> <p>An amended Noise Report has been requested to include the proposed mechanical and equipment systems to analyse the associated impacts.</p> <p>The combined requirements will ensure the acceptable noise levels outlined in the Environmental Protection Act are maintained throughout the operating hours of the facility.</p>
Privacy	
<p>The proposed development will likely result in significant loss of privacy during and post construction (i.e. operation of the facility).</p> <p>Potential overlooking opportunities from the proposed grandstand and water slide tower to adjacent properties</p>	<p>The proposed development has been positioned towards the rear of the subject site to assist in reducing noise, amenity, and privacy impacts. The installation of fencing and dense landscaping further assists in separating the proposed development from the residential uses.</p> <p>The proposed grandstand is orientated towards the north to allow for casual surveillance of the facility and is position behind Building 1 and 2. As such, the potential for overlooking from this facility is limited.</p> <p>The proposed water slide tower is located on the most western portion of the site with a total height above natural ground reaching approximately 12m. Given the orientation of the proposed slides, a condition has been recommended that the tower is installed with screening treatment (maximum 50% transparency) to ensure overlooking is managed from the subject site.</p>
Lighting	
<p>Lack of details regarding proposed lighting in particular within the proposed parking areas noting the proposed hours of operation. Request a certified expert conduct the report and plan.</p>	<p>Outdoor lighting is regulated by an Australian Standard which seeks all lights to be downward facing with treatments (hoods) to reduce the light span being emitted. This forms part of the subsequent Operational Works permits at detailed design stage that is certified by a RPEQ.</p>

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Overshadowing	
Proposed shadow diagrams do not depict what would occur at 3pm on adjoining residents. Request a shadow diagram from a certified expert.	The proposed building height remains under 8.5m from natural ground level and has been positioned behind the parking area to further reduce amenity impacts on the adjoining residential uses. Both the proposed setback and building height comply with the relevant requirements outlined in the planning scheme for the centre zone site.
Traffic	
The suggested traffic movements from Arthur Street into the car parking area will result in the 'quite cul-de-sac' to a busy commercial parking lot.	The revised Traffic Impact Assessment report and associated access design has outlined that the access from Wyndham Avenue will capture most of the patrons entering and existing the subject site. Fewer numbers will utilise the access point along Arthur Street which is designed as an Urban Residential Access Street. Therefore, the proposal complies with Road Hierarchy considerations within the Planning Scheme.

Furthermore, the developer (ZenDev) conducted various forms of community engagement with the local residents and collated 266 submissions. The full engagement program can be viewed in the attachments.

The below table provides a summary of the submitted submissions in favour of the proposed development.

Submission	Officer's Response
Benefits from the pool	
The development has the opportunity to provide a genuine worthwhile piece of community infrastructure that may attract additional tourism to the area.	As outlined in the Planning Scheme, the synergies with the proposed development providing a mix use commercial centre at the highly accessible subject site which will introduce a recreational component aligned with national development trends has overcome traditional centre outcomes. The proposed development has also demonstrated community need to balance the Planning Scheme assessment at the Centre Zone site, while highlighting the alignment with the planning scheme vision and intent for providing lifestyle and wellbeing choice for the community to thrive in.
Build it and they will come	
Swimming in the ocean and river can have its own risks. An area of this size deserves a swimming pool	
The region needs to continue to evolve and be appealing to young families	
Region needs new projects to keep prospering.	
Development has great benefits and is offering high amenity and social infrastructure	
Will increase the accessible community facilities for the area	
Lots of economic opportunities	
Help retain families in the area	
Access to a facility that is disability friendly in the area	
Great to see more recreational development such as East Shores, Lions Park and the Marina in the area happen	As such, the proposed Aquatic Centre, Gym and Café have been recommended for approval, subject to conditions.
Boyne/Tannum residents need/want a public	

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pool without having to drive to other facilities in the region	
Development will have health, community and social benefits	
A couple of private dwellings are monopolising what should be a public resource of use and access to all at the proposed site.	
Improved market value for the area	
Much better location than the proposed site for the Council project. Rates won't rise.	
Encourages a safe, healthy and active lifestyle for all ages.	
The proposed location is strategically positioned within close proximity to retail stores, supermarket, health services, transport and education facilities.	
Boost for accommodation in the town	
Adjoining Shopping Centre	
Potential to diversify potential retail income by putting an aquatic centre adjacent to the Boyne River.	The Planning Scheme has considered the adjoining Shopping Centre and the subject site as the Boyne Island Town Centre holistically. As such, the proposed development was required to demonstrate continuous linkages between the adjoining Shopping Centre and abutting Boyne River.
The adjoining shopping centre complex requires dire refurbishment and patron boost. This proposal may assist in the revitalisation of the centre.	
The proposed Aquatic and Community Recreation Centre will contribute to and enhance the function of the existing Centre Precinct of Boyne Island.	This has been reflected in the revised proposed plans which will reinforce the town centre vision for the sites and increase patrons to access and utilise the facilities available.
Pedestrian linkage	
The only river and beach in the area that is genuinely accessible by pedestrians, cyclists and swimmers is an even more attractive feature of the area.	The proposed development has included new key pedestrian/cycle linkages throughout the subject site and within the Wyndham and Arthur Street road reserves. This will result in additional connection points for users to access the Shopping Centre, proposed development and recreational paths along the Boyne River.
Great vehicle, pedestrian and cyclist access will be provided within the site, and to the river and adjoining centre.	
Benefit for local schools	
Proximity to the local schools to reduce cost of swimming lessons and events that require travel	As noted in the Economic Overview submitted by the Applicant, the Boyne Island and Tannum Sands urban area currently lacks this type of recreational infrastructure for the broader community. This is further articulated via the community feedback to both Council and the developer regarding an Aquatic Centre within this area.
Great opportunity to introduce swimming curriculum and events to the local schools.	
Learn to swim.	The establishment of the proposed development at the highly accessible location will result in all users having the opportunity to access and utilise the facility.

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Master Plan	
The area does not have any decent accommodation for visitors. It will assist in bringing more people to the area	The proposed development includes an Aquatic Centre, Gym and Café only. The Applicant has submitted various draft plans for the entire site (draft Master Plan) to assist in responding to reviewing the current application. The structures outlined in the draft Master Plan would be subject to future development applications that will require detailed assessment at the time of lodgement.
Access to a marina without industry pollution	
Possible future river activation with the potential to create local adventure tourism industry.	

As attached, the full submission package and Applicant's response can be viewed.

Officer's Recommendation:

That Development Application 24/2021 for Reconfiguring a Lot – Boundary Realignment and Access Easement, and a Material Change of Use of Premises for an Outdoor Sport and Recreation (Aquatic Centre), Indoor Sport and Recreation (Gym) and Food and Drink Outlet (Café) located at Lot 1 and 5 Hampton Drive, Boyne Island QLD 4680 be approved, subject to reasonable and relevant conditions.

Statement 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 Reconfiguring a Lot – Boundary Realignment and Access Easement, and a Material Change of Use of Premises for an Outdoor Sport and Recreation (Aquatic Centre), Indoor Sport and Recreation (Gym) and Food and Drink Outlet (Café).

Assessment benchmarks:

Benchmarks applying to the development:	Benchmark reference:
<i>State Planning Policy July 2017</i>	<ul style="list-style-type: none"> • <i>State Interest – Natural Hazards, Risk and Resilience</i>
<i>Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2</i>	<ul style="list-style-type: none"> • <i>Strategic Framework;</i> • <i>Acid Sulfate Soils Overlay Code;</i> • <i>Bushfire Hazard Overlay Code;</i> • <i>Coastal Hazard Overlay Code;</i> • <i>Flood Hazard Overlay;</i> • <i>Centre Zone Code;</i> • <i>Reconfiguring a Lot Code;</i> • <i>Development Design Code; and</i> • <i>Landscaping Code.</i>

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

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2. The proposed development aligns with the strategic vision outlined in the planning scheme via the six Strategic Framework themes
3. The identified synergies with commercial development and recreational development to activate the Boyne Island Town Centre and create a vibrant community and social hub.
4. Acknowledging community support for an Aquatic Centre and achieving additional lifestyle choices in a key urban area.
5. The Application is deemed 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
Acid Sulfate Soils Overlay Code – Table 8.2.1.3.1 – Acceptable Outcome 1.1	Compliance with Acid Sulfate Soils Overlay Code – Table 8.2.1.3.1 – Acceptable Outcome 1.1 via a condition
Centre Zone Code – Table 6.2.5.3.1 - Acceptable Outcome 1	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 1 via condition
Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 7	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Purpose statement
Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 9 to 12	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 9 to 12 via conditions
Centre Zone Code – Table 6.2.5.3.1 – Performance Outcome 13	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 13 via condition
Centre Zone Code – Table 6.2.5.3.1 – Performance Outcome 14 to 18	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 14 to 18 via conditions
Centre Zone Code – Table 6.2.5.3.1 – Performance Outcome 19	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 19 via condition
Centre Zone Code – Table 6.2.5.3.1 – Acceptable Outcome 22.2	Compliance with Centre Zone Code – Table 6.2.5.3.1 – Acceptable Outcome 22.2 via conditions
Centre Zone Code – Table 6.2.5.3.1 – Acceptable outcome 25.1	Compliance with Centre Zone Code – Table 6.2.5.3.1 – Acceptable Outcome 25.1 via conditions
Centre Zone Code – Table 6.2.5.3.1 – Acceptable Outcome 26	Compliance with Centre Zone Code – Table 6.2.5.3.1 – Acceptable Outcome 26 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.1 to 3.1	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.1 to 3.1 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 4.2	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 4.2 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 5.1 to 6	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 5.1 to 6 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 7	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 7 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 8.1 to 8.3	Compliance with Development Design Code – Table 9.3.2.3.1 – Performance Outcome 8 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 9	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 9 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 10	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 10 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 11.1	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 11.1 via conditions

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Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 13	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 13 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 18	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 18 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 and 22.1	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 and 22.1 via a condition
Landscaping Code – Table 9.3.5.3.1	Compliance with Landscaping Code – Table 9.3.5.3.1 –via conditions

Relevant matters for impact assessable development:

Nil

Matters raised in submissions for impact assessable development:

Submissions with concerns	Officer’s Response
Master Plan impacts	
We believe this proposal is not in the long term interests of the community or the environment. Particularly the second stage which we believe will have lasting impact on the health of the river system and associated marine environment. We have at no stage seen any documentation about the environmental impact of the proposal, nor have the residents been considered with regard to the access to the river in that section.	The proposed development entails the Aquatic Centre, Gym and Café only. The Applicant has submitted various draft plans for the entire site (draft Master Plan) to assist in responding to Council and State’s relevant Information requests. Furthermore, the elements outline in the draft Master Plan would be subject to future development applications that will require detailed assessment at the time of lodgement from both Council and State agencies. Nonetheless, the proposed development footprint has been located landward of all coastal and flood impacts, with the supporting technical documents to ensure all waste water and stormwater are captured and conveyed to the lawful discharge locations. This will reduce any impact on the Boyne River.
Council project	
We are also concerned that this project if it is successful, will negate Council's plans for a publicly owned Aquatic Centre.	The current development application has been progressing simultaneously with Council’s strategic project for an Aquatic Centre.
Dust and Noise Construction Maintenance	
The proposed development will require substantial earthworks which will result in dust nuisance and inconvenience for adjoining residential uses.	As part of the subsequent Operational Works applications, the Applicant is required to submit for approval a Construction Management Plan and comply with the relevant Environmental Protection Act requirements regarding noise and dust. This is supervised and certified by a Registered Professional Engineer of Queensland.
The associated civil works will occur over a lengthy period of time and will cause vibration and noise nuisance during construction.	
Noise Nuisance	
The proposed barriers are unlikely to reduce	As highlighted in the revised Noise Report, the

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<p>the traffic noise from the carpark located between the facility and adjoining residents.</p>	<p>Applicant is required to install both a solid acoustic barrier fence and landscaping to assist in buffering the associated noise and lighting from the proposed Aquatic Centre and associated parking area from the adjoining residential uses.</p>
<p>The proposed grandstand and likelihood of events will create ongoing noise concerns.</p>	<p>Applicant is required to install both a solid acoustic barrier fence and landscaping to assist in buffering the associated noise and lighting from the proposed Aquatic Centre and associated parking area from the adjoining residential uses.</p>
<p>The proposed filtration system will have a 24/7 operation with unknown noise impacts</p>	<p>Early morning activities will be limited to patron numbers and use of certain systems, with the additional treatments of glazing and soundproofing to further suppress the noise generated from the site.</p> <p>An amended Noise Report has been requested to include the proposed mechanical and equipment systems to analyse the associated impacts.</p> <p>The combined requirements will ensure the acceptable noise levels outlined in the Environmental Protection Act are maintained throughout the operating hours of the facility.</p>
<p>Privacy</p>	
<p>The proposed development will likely result in significant loss of privacy during and post construction (i.e. operation of the facility).</p>	<p>The proposed development has been positioned towards the rear of the subject site to assist in reducing noise, amenity and privacy impacts. The installation of fencing and dense landscaping further assists in separating the proposed development from the residential uses.</p>
<p>Potential overlooking opportunities from the proposed grandstand and water slide tower to adjacent properties</p>	<p>The proposed grandstand is orientated towards the north to allow for casual surveillance of the facility and is positioned behind Building 1 and 2. As such, the potential for overlooking from this facility is limited.</p> <p>The proposed water slide tower is located on the most western portion of the site with a total height above natural ground reaching approximately 12m. Given the orientation of the proposed slides, a condition has been recommended that the tower is installed with screening treatment (maximum 50% transparency) to ensure overlooking is managed from the subject site.</p>
<p>Lighting</p>	
<p>Lack of details regarding proposed lighting in particular within the proposed parking areas noting the proposed hours of operation. Request a certified expert conduct the report and plan.</p>	<p>Outdoor lighting is regulated by an Australian Standard which seeks all lights to be downward facing with treatments (hoods) to reduce the light span being emitted. This forms part of the subsequent Operational Works permits at detailed design stage that is certified by a</p>

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	RPEQ.
Overshadowing	
Proposed shadow diagrams do not depict what would occur at 3pm on adjoining residents. Request a shadow diagram from a certified expert.	The proposed building height remains under 8.5m from natural ground level and has been positioned behind the parking area to further reduce amenity impacts on the adjoining residential uses. Both the proposed setback and building height comply with the relevant requirements outlined in the planning scheme for the centre zone site.
Traffic	
The suggested traffic movements from Arthur Street into the car parking area will result in the 'quite cul-de-sac' to a busy commercial parking lot.	The revised Traffic Impact Assessment report and associated access design has outlined that the access from Wyndham Avenue will capture most patrons entering and existing the subject site. Fewer numbers will utilise the access point along Arthur Street which is designed as an Urban Residential Access Street. Therefore, the proposal complies with Road Hierarchy considerations within the Planning Scheme.
Submissions of support	Officer's Response
Benefits from the pool	
The development has the opportunity to provide a genuine worthwhile piece of community infrastructure that may attract additional tourism to the area.	As outlined in the Planning Scheme, the synergies with the proposed development providing a mix use commercial centre at the highly accessible subject site which will introduce a recreational component aligned with national development trends has overcome traditional centre outcomes. The proposed development has also demonstrated community need to balance the Planning Scheme assessment at the Centre Zone site, while highlighting the alignment with the planning scheme vision and intent for providing lifestyle and wellbeing choice for the community to thrive in. As such, the proposed Aquatic Centre, Gym and Café have been recommended for approval, subject to conditions.
Build it and them will come	
Swimming in the ocean and river can have it's own risks. An area of this size deserves a swimming pool	
The region needs to continue to evolve and be appealing to young families	
Region needs new projects to keep prospering.	
Development has great benefits and is offering high amenity and social infrastructure	
Will increase the accessible community facilities for the area	
Lots of economic opportunities	
Help retain families in the area	
Access to a facility that is disability friendly in the area	
Great to see more recreational development such as East Shores, Lions Park and the Marina in the area happen	
Boyne/Tannum residents need/want a public pool without having to drive to other facilities in the region	
Development will have health and community benefits	
A couple of private dwellings are monopolising	

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what should be a public resource of use and access to all at the proposed site.	
Improved market value for the area	
Much better location than the proposed site for the Council project	
Adjoining Shopping Centre	
Potential to diversify potential retail income by putting an aquatic centre adjacent to the Boyne River.	The Planning Scheme has considered the adjoining Shopping Centre and the subject site as the Boyne island Town Centre holistically. As such, the proposed development was required to demonstrate continuous linkages between the adjoining Shopping Centre and abutting Boyne River.
The adjoining shopping centre complex requires dire refurbishment and patron boost. This proposal may assist in the revitalisation of the centre.	This has been reflected in the revised proposed plans which will reinforce the town centre vision for the sites and increase patrons to access and utilise the facilities available.
Pedestrian linkage	
The only river and beach in the area that is genuinely accessibly by pedestrians, cyclists and swimmers an even more attractive feature of the area.	The proposed development has included new key pedestrian/cycle linkages throughout the subject site and within the Wyndham and Arthur Street road reserves. This will result in additional connection points for users to access the Shopping Centre, proposed development and recreational paths along the Boyne River.
Benefit for local schools	
Proximity to the local schools to reduce cost of swimming lessons and events that require travel	As noted in the Economic Overview submitted by the Applicant, the Boyne Island and Tannum Sands urban area currently lacks this type of recreational infrastructure for the broader community. This is further articulated via the community feedback to both Council and the developer regarding an Aquatic Centre within this area.
Great opportunity to introduce swimming curriculum and events to the local schools	The establishment of the proposed development at the highly accessible location will result in all users having the opportunity to access and utilise the facility.
Master Plan	
The area does not have any decent accommodation for visitors. It will assist ion bringing more people to the area	The proposed development includes an Aquatic Centre, Gym and Café only. The Applicant has submitted various draft plans for the entire site (draft Master Plan) to assist in responding to assessment of the current application.
Access to a marina without industry pollution	The structures outlined in the draft Master Plan would be subject to future development applications that will require detailed assessment at the time of lodgement.

Matters prescribed by a regulation:

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1. The *State Planning Policy July 2017 – Part E*;
2. 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 of the *Planning Act 2016*:

RECONFIGURING A LOT CONDITIONS

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
SD-1-100-05	C	ROL Plan	Keamey Architecture	15/09/2021

Special Conditions

2. At all times, all existing buildings and structures are to be located wholly within the boundary of each proposed lot.

Operational Works

3. A Development Permit for Operational Works must be obtained from Council prior to the lodgement of a request for Survey Plan Endorsement. The Development Permit is to include the Sewer Infrastructure extension (inclusive of new manholes) and have received the relevant 'On Maintenance' documentation.
4. 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 endorsement of the relevant Survey Plan, 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

5. Prior to the lodgement of a request for Survey Plan Endorsement, the Applicant is to demonstrate that all existing water service connections are to be located within the front property boundary of each lot.
6. 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>.

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Sewerage Infrastructure

7. Prior to the lodgement of a request for Survey Plan Endorsement, the Applicant demonstrate that all existing sewer service connections are to be located within the front property boundary of each lot.
8. Connections to Council's live sewerage 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 Sewer is found at <http://www.gladstone.qld.gov.au/forms>.

Electrical, Telecommunication and Gas services

9. Prior to the lodgement of a request for Survey Plan Endorsement, a Certificate of Supply shall be provided to demonstrate connection of electricity supply to each proposed lot.
10. Prior to the lodgement of a request for Survey Plan Endorsement, a Certificate of Supply shall be provided to demonstrate connection of telecommunication supply to each proposed lot.

Survey Plan Endorsement

11. As part of the lodgement for Survey Plan Endorsement, the Applicant is to provide to Council one copy of the fully executed Easement Documentation for the lodgement with the Titles Office for the following:
 - a. Access easement in favour of Proposed Lot 1 through Easement A and C burdening Proposed Lot 2; and
 - b. Access easement in favour of Proposed Lot 2 through Easement B burdening Proposed Lot 1.
12. Lodgement of Survey Plan Endorsement must include the following:
 1. Completion of Council's Request - Assessment and Endorsement of a Survey Plan Form;
 2. All survey marks in their correct position in accordance with the Survey Plan;
 3. A Compliance Report demonstrating compliance with all associated Development Permit(s);
 4. One copy of the Survey Plan and Easement documentation, each fully executed for the lodgement with the Titles Office;
 5. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the *Planning Regulation 2017*; and
 6. Payment of any outstanding Adopted Infrastructure Charges.

Advisory Note: Council's Request - Assessment and Endorsement of a Survey Plan Form is found at <http://www.gladstone.qld.gov.au/forms>.

MATERIAL CHANGE OF USE CONDITIONS**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
SD-1-000-02	K	Overall Site Plan	Keamey Architecture	15/09/2021
SD-1-000-03	K	Detailed Site Plan	Keamey Architecture	15/09/2021
SD-1-100-10	A	Movement and Views	Keamey Architecture	15/09/2021
SD-1-120-01	D	Overall Site Sections	Keamey Architecture	15/09/2021
SD-1-120-02	K	Detailed Site Sections	Keamey Architecture	15/09/2021
SD-1-200-01	K	Floor Plans – Ground Level	Keamey Architecture	15/09/2021
SD-1-200-10	C	Water Slide Tower	Keamey Architecture	15/09/2021
SD-1-300-01	K	Elevations – Sheet 1	Keamey Architecture	15/09/2021
SD-1-300-02	E	Elevations – Sheet 2	Keamey Architecture	15/09/2021
SD-1-400-01	K	Sections – Sheet 1	Keamey Architecture	15/09/2021

And supporting documents

Document Number	Revision	Description	Author	Date
21.067	F	Landscape Intent Statement	Andrew Gold Landscape Architecture	-
21032-1	D	Engineering Report & Stormwater Management Plan	VT Consulting Engineers	September 2021
210135	D	Acoustic Report – Stage 1	JHA Services	27/08/2021
MRA21-156	1	Waste Management Plan	MRA Environmental	31/08/2021

Special Conditions

2. Prior to the lodgement of a Development Permit for Operational works, a revised set of plans must be submitted for approval by Council for the proposed Water Slide Tower inclusive of perforated panels or trellises that have a maximum of 50% openings, a maximum opening dimension of 50mm, and are permanently fixed and durable at the slide platform to all four sides.

Operational Works

3. 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 signage and footpaths);
 - c. Sewer Infrastructure;
 - d. Stormwater Management (quantity, quality, flood and drainage control);
 - e. Erosion and Sediment Control (as applicable)
 - f. Lighting, electrical and telecommunications; and
 - g. Landscaping, environmental protection, fencing and associated works.
4. As part of the first application for a Development Permit for Operational Works, the Applicant must submit for approval a detailed Environmental Management Plan (Construction Plan), which addressed, but is not limited to, the following matters:
 - a. Water quality and drainage;
 - b. Erosion and silt/sediment management;
 - c. Acid Sulfate Soils;
 - d. Top soil management;
 - e. Interim drainage plan during construction;
 - f. Construction programme;
 - g. Geotechnical issues;
 - h. Emergency vehicle access;
 - i. Noise and dust suppression; and
 - j. Waste management.
5. As part of any Development Permit for Operational Works, the Applicant must submit and comply with the approved Environmental Management Plan for the development works.
6. As part of the first development application for Operational Works, the Applicant must submit amended versions of the development plans that show the Wyndham Avenue access as a left in-left out only intersection with a concrete median to prevent all other movements.
7. As part of the first Development Application for Operational Works, the Applicant must submit plans that show swept paths that demonstrate that an Austroads Class 5 Service Vehicle can safely enter and exit the development site in a forward gear using the Arthur Street access when vehicles are parked on Arthur Street and another vehicle is using the access.
8. As part of the first Development Application for Operational Works, the Applicant is to submit for approval an Engineering Design and Drawing(s) for the proposed extension of sewer network assets to gravity main ID SMA082973 and sewer manhole ID SND100052 for the proposed lot connections.

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9. The Applicant is to submit for approval by Council an amended Site Based Stormwater Management Plan as part of the Development Application for Operational Works. 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 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.
10. As part of the any Development Permit for Operational Works, the Applicant must submit for approval an outdoor lighting plan that is designed in accordance with the Australian Standard AS4282 that considers the subject site and adjoining sensitive residential land use receptors.
11. 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>.

12. All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parking within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Arthur Street or Wyndham Avenue.
13. All Development Permits for Operational Works must be obtained prior to the issue of a Development Permit for Plumbing and Drainage Works and Building Works.

Acid Sulfate Soils

14. As part of any Development Application for Operational Works, the Applicant must submit an Acid Sulfate Soil 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 measures 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.

Noise and Air Quality

15. As part of any Development Application for Operational Works, the Applicant must submit an amended Noise Report to Council for approval, which addresses, but is not limited to, the matters:
 - a. All selected equipment associated with each use and the generated noise;
 - b. Appropriate acoustic fencing to reduce noise at all sensitive land use receptors;
 - c. Appropriate treatments to reduce sound emission from the site's buildings (e.g. glazing, panelling, etc);
 - d. Restricted activities and patron numbers between 4am to 7am and 6pm to 8:30pm

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16. At all times, the Applicant must adhere to the recommendations and restrictions within the approved Noise Report as outlined in condition 18.
17. At all times, the development must achieve the noise generation levels set out in the *Environmental Protection (Noise) Policy 2019*, as amended.
18. At all times, the development must achieve the air quality design objectives set out in the *Environmental Protection (Air) Policy 2019*, as amended.
19. At all times, waste and service deliveries should not occur between the hours of 4am to 7am to ensure the management strategies to minimise noise impacts to the adjacent residential uses are upheld.

Building, Plumbing and Drainage Works

20. The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Planning Act 2016*. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.
21. The Applicant is required to obtain a Development Permit for Plumbing and Drainage Works and Plumbing and Drainage Final in accordance with the *Planning Act 2016*. Construction is to comply with the *Plumbing and Drainage Act 2018* and the requirements of other relevant authorities.
22. Prior to the commencement of the use, all plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.
23. Prior to the commencement of the use, the development is to incorporate a variety of at least four different textures, colours and designs within the external façade of the building. Details of the proposed colour scheme, materials and finishes for all external areas of the building are to be submitted to Council for approval prior to the issue of a Development Permit for Building Works.
24. As part of Building Works, all outdoor lighting is to be constructed in accordance with the approved Outdoor Lighting plan.
25. Prior to the commencement of the use, all lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining the sites.
26. As part of the first Development Application for Building Works, the Applicant is to submit for approval by Council End of trip facilities for both female and male users. The End of trip facilities should include, but not be limited to the following:
 - a. Lockers;
 - b. Change rooms; and
 - c. Showers and sanitary compartment

Advisory note: the minimum requirements for End of Trip facilities can be located within the Queensland Development Code – MP 4.1 Sustainable Buildings – End of Trip Facilities.

Water Infrastructure

27. 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.
28. 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>.

Sewerage Infrastructure

29. Prior to the commencement of the use, all sanitary drainage is to drain into a new 1050mm diameter privately owned maintenance hole within the development site, before connection to Council's sewerage infrastructure. The location and size of the sewer service is to be determined in consultation with Council.
30. Prior to the commencement of the use, connections to Council's live sewerage 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 Sewer is found at <http://www.gladstone.qld.gov.au/forms>.

31. Prior to the commencement of the use, the Applicant is required to obtain a Trade Waste Permit to discharge trade waste to the Sewer in accordance with Council's Trade Waste Approval Process prior to Plumbing Final being issued.

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

32. As part of Building Works, sealed and raised bunding is to be constructed around all areas that may result in potential chemical contamination for overland flow.
33. As per the approved Engineering Report, pool draining is completed at a flow rate of 5L/s prior to discharging to the infrastructure. Backwashing of the pools will be required to divert pool water to a suitably sized holding tank, prior to discharging to the sewer.

Stormwater Infrastructure

34. Upon commencement of the use, all stormwater runoff must be piped from roofed areas and discharged to a kerb and channel drainage system in a Council controlled road, or an approved inter allotment stormwater drainage system, in accordance with Queensland Urban Drainage Manual 2017.
35. All ongoing maintenance and management actions necessary for any proposed stormwater quality management devices must be carried out by suitably qualified person(s) in a timely manner. A completed log book must be maintained and available on-site for inspection by Council and /or relevant authorities.

Transportation Services

36. As part of Operational Works application, the Wyndham Road access must be constructed as a left-in left-out only intersection with a concrete median to prevent all other movements. This intersection is to be constructed in accordance with the requirements of the Capricorn Municipal Development Guidelines (CMDG) with particular consideration to Wyndham Avenue's classification as a 2 Lane Distributor Road in Council's Road Hierarchy and that this class of road has an intersection spacing of 500m.

37. Prior to the commencement of the use, a Commercial Driveway is to be constructed in accordance with Council's Standard Drawing Urban Commercial/Industrial Driveway at Arthur Street.

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>.

38. At all times, the Wyndham Avenue access to the development site must allow left-in and left-out movements only with right-in and right-out movements physically restricted at this access point.

39. Prior to the commencement of the use, a minimum of 50 car parking spaces and two loading bays are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. These spaces and all vehicle movement areas are to be constructed, sealed, line marked, provided with wheel stops and maintained in accordance with the Engineering Design Planning Scheme Policy under the Our Place Our Plan Gladstone Regional Council Planning Scheme and AS2890.1.

40. Prior to the commencement of the use, a total of 20 bicycle spaces are to be constructed onsite within 30m walking distance to the entry of the use. All bicycle spaces are to be constructed in accordance with AS2890.3 (2015).

41. Prior to the commencement of the use, any damage to the driveway crossing and kerb and channel shall be repaired at the owner's expense and to Council's Standard Drawing 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>.

42. 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.

43. 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.

44. Prior to the commencement of the use, construction of a 2.5 metre wide concrete footpath for the full extent of each lot frontage that connects into the existing network in accordance with Council's Standard Drawing Concrete Pathway/Bikeway Details.

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

45. As part of Operational Works, the Applicant must construct all internal pedestrian footpaths as illustrated in the approved plan package.

Retaining Walls

46. As part of Operational Works, any new retaining walls which are visible from the road reserve, must receive a surface treatment such as rendering or cladding to maintain the visual amenity of the streetscape. The treatments must complement with the proposed colour pallet of the development.

Landscaping

47. As part of the first Development Application for Operational Works, a full Landscaping Plan is to be provided in accordance with Table 9.3.5.3.2 - Plant Species List of the Landscaping Code of the Our Place Our Plan Gladstone Regional Council Planning Scheme and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification. The full Landscaping Plan is to be certified by a Landscape Architect and reflect the current approved plan.

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

48. As part of the first Development Application for Operational Works, all landscaping areas are to be constructed with an appropriate irrigation system. Details of the irrigation system are to be provided as part of the full Landscaping Plan.
49. As part of the Development Application for Operational Works, street trees are to be constructed as per the approved Landscaping Plan and 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.

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>.

50. At all times, the Applicant must ensure ongoing maintenance and replanting of the landscaped areas (if required) is maintained.
51. Prior to the commencement of the use, construction of a minimum 1.8m high screen fence to the development footprint, other than those areas where the building acts as boundary line must be completed. Details of the proposed fencing are to be submitted with any Development Application for Building Works.

Waste Management

52. Prior to the commencement of the use, refuse bins are to be provided in accordance with the approved Waste Management Plan.
53. Prior to the commencement of the use, the waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted in close proximity to the enclosure to ensure the area can be easily and effectively cleaned.
54. Prior to the commencement of the use, open storage areas shall be adequately screened so as not to detract from the visual amenity of the area. One way of achieving compliance with this condition is as follows:
 - a. Outdoor storage areas are situated in locations not visible from the street; and
 - b. A 1.8m solid screen fence is located around storage areas.

Environmental Health

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

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

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

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

Lawful Commencement

57. 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.
58. 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. Council's Infrastructure Charges Incentive Policy may be applicable to this development. Please see the full Policy on Council's website.

Attachments:

1. Information Request Response;
2. Submissions Received during Public Notification Period;
3. Submissions collated by the developer during Public Notification Period; and
4. Applicant's response to submissions.

Tabled Items:

Nil

Report Prepared by: Development Services

G/4.2. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION ANNUAL NATIONAL GENERAL ASSEMBLY MOTIONS

Responsible Officer: General Manager Strategy and Transformation

Council Meeting Date: 1 March 2022

File Ref: GR3.1

Purpose:

The purpose of this report is to provide Council with the opportunity to consider a submission of motion to Australian Local Government Association's (ALGA) annual National General Assembly (NGA) to be held 19 – 22 June 2022 in Canberra and to allow Council to nominate attendance at the same event.

Officer's Recommendation:

That Council:

1. Submit the following conference motions to the Australian Local Government Association (ALGA) for consideration:
 - a. That this National General Assembly calls on the Commonwealth Government to amend the *Competition and Consumer Act 2010 (Cth)* to reduce barriers to local government jointly tendering for recyclables processing and innovative resource recovery services by exploring options to amend:
 - Sections 2BA or 2C to reduce the application of Part IV – for example, by removing recyclables processing or innovative resource recovery services, for which tenders are sought, from the definition of “business”; or
 - Section 51 of the *Competition and Consumer Act 2010 (Cth)* to introduce exceptions to Part IV in circumstances where local governments:
 - o undertake joint tendering exercises for recyclables processing and/or innovative resource recovery services; and
 - o hold collaborative forums to discuss waste diversion, resource recovery and recyclables processing procurement strategy and initiatives.
2. Authorise Councillor _____ and Councillor _____ to attend the NGA, 19-22 June in Canberra, noting Mayor Burnett is scheduled to attend as a representative of the Australian Local Government Association.

Background:

The Australian Local Government Association's National General Assembly will be held in Canberra 19 – 22 June.

The NGA aims to focus on how partnerships, particularly between the Australian Government and Local Governments, can tackle immediate challenges facing communities as well as confidently facing the future. The theme of the 2022 NGA is *Partners in Progress*. The NGA provides the opportunity for Council to influence the national policy agenda and promote new ways of strengthening the local government sector, as well as providing a valuable networking forum with other participating Council's.

In preparation for the National General Assembly, ALGA seeks Council to submit motions in advance to be debated at the assembly. Acceptance of motions close Friday, 15 March 2022 and must first be agreed and approved through Council processes.

GENERAL MEETING AGENDA 1 MARCH 2022

If Council elects to submit a motion for debate at the conference, a Councillor must also be present at the conference to present and speak on the motion.

This report identifies a proposed motion for discussion and endorsement before submitting to ALGA for consideration.

Summary of Motion Key Arguments:

Regional aggregation of waste volumes has increased the options for recovery and more efficient disposal, supported investment in new infrastructure, and attracted greater competition and industry interest (Arcadis, Queensland Waste and Resource Recovery Infrastructure Report, February 2017).

Procurement within the recyclables processing and broader resource recovery spaces have presented some challenges for regional councils due to remoteness, low populations and volumes of material resulting in poor economies of scale, lack of viable end markets and processing opportunities. However, there is also potential to create new opportunities for councils working together on a regional scale to achieve necessary economies of scale, transport efficiencies and/or infrastructure investment attraction. Such opportunities for collaboration are presently being stymied by current *Competition and Consumer Act* requirements, which require local governments, as each other's competitors, to seek ACCC authorisation to engage in collaborative joint tender exercises in the recyclables processing and resource recovery spaces to avoid breach of the *Competition and Consumer Act 2010* (Cth). Whilst Gladstone Regional Council has had a positive experience with the ACCC, the Competition & Consumer Act requirements have meant that Councils have needed to factor in an additional six (6) months into strategic procurement plans, together with the resources required to achieve a favourable ACCC determination. When local governments are already grappling with different contract expiry dates for individually procured services, the additional ACCC hurdle may significantly impede local government collaboration and ultimately reduce resource recovery.

The motion has been deliberately restricted to procurement involving a tender process to give the Australian Government confidence that there are sufficient safeguards in place under the sound contracting provisions of each State's Local Government legislation to ensure healthy market competition.

Options, Risk and Opportunity Analysis:

Australian Government & ALGA Strategic Priorities

The Australian Government National Waste Policy 2018 outlines five key principles which include to "avoid waste" and "improve resource recovery". The Policy recognises that "by working together to improve waste management, we can create opportunities for jobs, protect the environment and better manage valuable and finite resources". The Australian Local Government Association Strategic Plan 2020-2023 also highlights Waste Reduction and Recycling as a key objective and therefore the proposed motion complements ALGA advocacy.

Legislative limitations

Local governments are considered to be each other's competitors for the purposes of the *Competition and Consumer Act 2010* (Cth). Without ACCC authorisation, local governments who jointly procure recyclables processing and resource recovery services are in breach of the *Competition and Consumer Act 2010* (Cth), in particular:

- Sections 45AF, 45AG, 45AJ and 45AK in relation to cartels;
- Sections 45(1)(a) and (b) in relation to anticompetitive agreements; and
- Section 45(1)(c) in relation to concerted practices.

GENERAL MEETING AGENDA 1 MARCH 2022

Impact on regional local government collaboration

The ACCC Authorisation process takes six (6) months and significant local government resourcing. An analysis of applications for ACCC authorisation accessible via the ACCC Public Register shows that in 2021, applications were made for or on behalf of 95 local governments located across Victoria, Tasmania, New South Wales and Queensland seeking ACCC authorisation to jointly procure recyclables processing or innovative resource recovery services.

Communication and Consultation:

Internal communication and collaboration has occurred with The Office of the CEO, Governance, Legal, Economic Development and Waste areas of the business for suggested submissions.

Legal Strategy and Policy Implications:

Council is required to formally approve motions for submission prior to ALGA by Friday, 25 March 2022.

Financial and Resource Implications:

There are no costs associated with submitting motions for debate other than internal staff resources.

As a representative of ALGA, Mayor Burnett's registration fee will be covered, and his travel and accommodation will be funded from the Elected Members budget.

Registration, travel and accommodation costs are applicable for all other conference attendees. The below costs are estimated per person. There are funds allocated in the Elected Members budget for up to two Councillors to attend this conference in addition to Mayor Burnett.

Registration (per person)	Travel and Accommodation (per person)	Total Estimate (per person)
\$989	\$1762	\$2751

Summary:

Nil.

Anticipated Resolution Completion Date:

15 March 2022

Attachments:

1. Draft – Potential ALGA Motion
2. 2022 ALGA Call for Motions Discussion Paper

Tabled Items:

Nil.

Report Prepared by: Manager Strategy and Improvement

G/4.3. TENDER 80-22 RPQS SUPPLY AND DELIVERY OF ROADMAKING MATERIAL

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 15 March 2022

File Ref: PE1.1

Purpose:

This report seeks resolution from Council to enter into agreements for the Supply and Delivery of Roadmaking Materials under a Register of Pre-Qualified Suppliers.

Officer's Recommendation:

That Council:

1. Endorse the Tender Evaluation Panel's recommendation to appoint the following (9) contractors on RPQS 80-22 Supply and Delivery of Roadmaking Material:
 - Berajondo Pty Ltd ATF Sal Bonanno Family Trust trading as Berajondo Earthmoving & Haulage;
 - Boral Resources (QLD) Pty Ltd;
 - Butlers Yarwun Quarries Pty Ltd;
 - Downer EDI Works Pty Ltd;
 - Fulton Hogan Industries Pty Ltd;
 - Grycan Pty Limited as trustee for the Blomfield Family Trust trading as Blomfield Excavations;
 - WC&JG Thurecht & GD&GE Grant T/A Mini Excavations;
 - Road Solutions Australia Pty Ltd; and
 - Stillers Pty Ltd - trading as Stillers Recycling.

2. Authorise the Chief Executive Officer to enter into panel agreements for a term of two (2) years with the above contractors.

Background:

Council seeks to establish a Register of Pre-Qualified Suppliers (RPQS) to supply and deliver various roadmaking materials to assist with project and maintenance activities throughout the region, following expiration of the current RPQS 100-20 on 28 February 2022. Roadmaking materials include:

- Road base;
- Rock;
- Asphalt;
- Crusher Dust;
- Aggregate;
- Sand; and
- Cationic Emulsion.

GENERAL MEETING AGENDA 1 MARCH 2022

A Register of Pre-Qualified Suppliers ('RPQS') provides Council with efficiencies when engaging service providers as follows:

- i. s232 of the Local Government Regulation 2012, allows Council to enter into contracts with suppliers for engagements \$15,000 ex GST and over, without the need for a formal quoting or tender process.
- ii. The suppliers on an RPQS have been appointed in accordance with the requirements of Council's Procurement Policy including meeting safety requirements, local content and value for money.
- iii. Suppliers and their personnel relevant to potential future works, will be managed in Council's Contractor Management System ('Beakon') including inductions, licensing and insurances.
- iv. Employees can request quotes from suppliers on an RPQS to ensure value for money is achieved.
- v. Engagements will be approved via Purchase Orders in accordance with Council's Register of Financial Delegations; which means any engagements over \$500,000 ex GST will be brought to Council for approval.

Appointment to an RPQS gives no guarantee or representation as to the volume or value of orders to be issued by Council, nor is Council limited to utilise only these contractors.

Council may refresh this contract at any time during the contract term by issuing a new Invitation to Tender based on the same evaluation criteria as this ITT, seeking offers from contractors wishing to be added to the register.

Options, Risk and Opportunity Analysis:

On 30 October 2021, Council released an Invitation to Tender ('ITT') to the open market via VendorPanel, in accordance with the tender process requirements set out in section 228 of the Local Government Regulation 2012.

The tender closed on 23 November 2021 with nine (9) conforming offers received.

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

Objective Evaluation Criteria	Weighting
Business Capabilities	50%
Proposed resourcing addresses all aspects of the scope and GRC's requirements	35%
Local Content	15%

The nine (9) conforming offers were scored against the above evaluation criteria and were found to meet or exceed Council's technical requirements for acceptance on this panel.

The tender evaluation panel therefore recommends appointment of the nine (9) contractors to this RPQS, on the basis of anticipated service requirements and presentation of the best overall value offers to Council.

Communication and Consultation:

Nil.

Legal Strategy and Policy Implications:

Council sought offers via LG Tenderbox 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.

The Officer's recommendation is based on the evaluation methodology and criteria in the ITT. There are risks associated with Council awarding a contract contrary to the officer's recommendation.

If Council is not satisfied with the evaluation methodology and criteria or the application thereof, Council may refer the matter back to officers for re-evaluation.

In the interests of probity, an amendment to the evaluation methodology and/or criteria may require referral back to tenderers so that they can each have the opportunity to make any changes to their offers having regard to the amended criteria prior to re-evaluation.

Financial and Resource Implications:

Appointment to an RPOS is based on a schedule of rates, it does not commit financial resources. Engagements with service providers under this arrangement will be exempt from tender or quote requirements in accordance with s232 of the Local Government Regulation 2012, however will be

subject to the Sound Contracting Principles and Register of Delegations - Exercise of Statutory Powers and Financial Delegation Register.

Summary:

The offers from the nine (9) contractors recommended for award, presents the best value to Council and will meet Council's anticipated demand for these materials.

Anticipated Resolution Completion Date:

The contracts will be awarded in March 2022.

Attachments:

1. CONFIDENTIAL RPOS 80-22 Offer Evaluation Report

Tabled Items:

Nil.

Report Prepared by: Manager Contracts and Procurement

G/5. COUNCILLORS REPORT

G/6. URGENT BUSINESS

G/7. NOTICE OF MOTION

G/8. CONFIDENTIAL ITEMS