



**GLADSTONE**  
REGIONAL COUNCIL

**GENERAL MEETING NOTICE  
AND AGENDA**

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

**On Tuesday 5 July 2022**

**Commencing at 9.00am**

**Mark Holmes  
CHIEF EXECUTIVE OFFICER, Acting**

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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 7 JUNE 2022**

**Responsible Officer:** Chief Executive Officer

**Council Meeting Date:** 7 June 2022

**File Ref:** CM7.2

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#### **Purpose:**

Confirmation of the minutes of the General Meeting held on 7 June 2022.

#### **Officer's Recommendation:**

That the minutes of the General Meeting of Council held on 7 June 2022 be confirmed.

#### **Attachments:**

1. Minutes of the General Meeting of Council held on 7 June 2022

#### **Tabled Items:**

Nil

**Report Prepared by:** Executive Secretary

### G/3. OFFICERS' REPORTS

#### G/3.1. NEGOTIATED DECISION TO DEVELOPMENT APPLICATION 24/2021 FOR A RECONFIGURING A LOT AND A MATERIAL CHANGE OF USE OF PREMISES FOR AN AQUATIC CENTRE LOCATED AT LOT 1 & 5 WYNDHAM AVENUE, BOYNE ISLAND

**Responsible Officer:** General Manager Customer Experience

**Council Meeting Date:** 5 July 2022

**File Ref:** DA.24.2021; DB1.7

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#### 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  
**Date Of Receipt:** 11 April 2022  
**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  
**Submissions Close Date:** 7 October to 29 October 2021

#### Purpose:

The purpose of this report is to consider the request for a Negotiated Decision to 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. DA/24/2021 was previously approved at the 1 March 2022 Council General Meeting. The Applicant lodged representations against conditions 11, 6, 15, 36, 38 and 44, and the Adopted Infrastructure Charge Notice on 11 April 2022.

#### Executive Summary:

A Development Application for 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 lodged with Council on 19 May 2021 and approved on 1 March 2022 at Council's General Meeting with reasonable and relevant conditions.

After receipt of the Decision Notice, the Applicant lodged representations against conditions 11, 6, 15, 36, 38, and 44, and the Adopted Infrastructure Charge Notice. The request to amend these conditions has been considered against the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* (the Planning Scheme) in accordance with the *Planning Act 2016* (the Act). From the additional justification

provided by the Applicant, the request to amend several conditions has been assessed and recommended for approval in part.

**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 site and surrounds**

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.

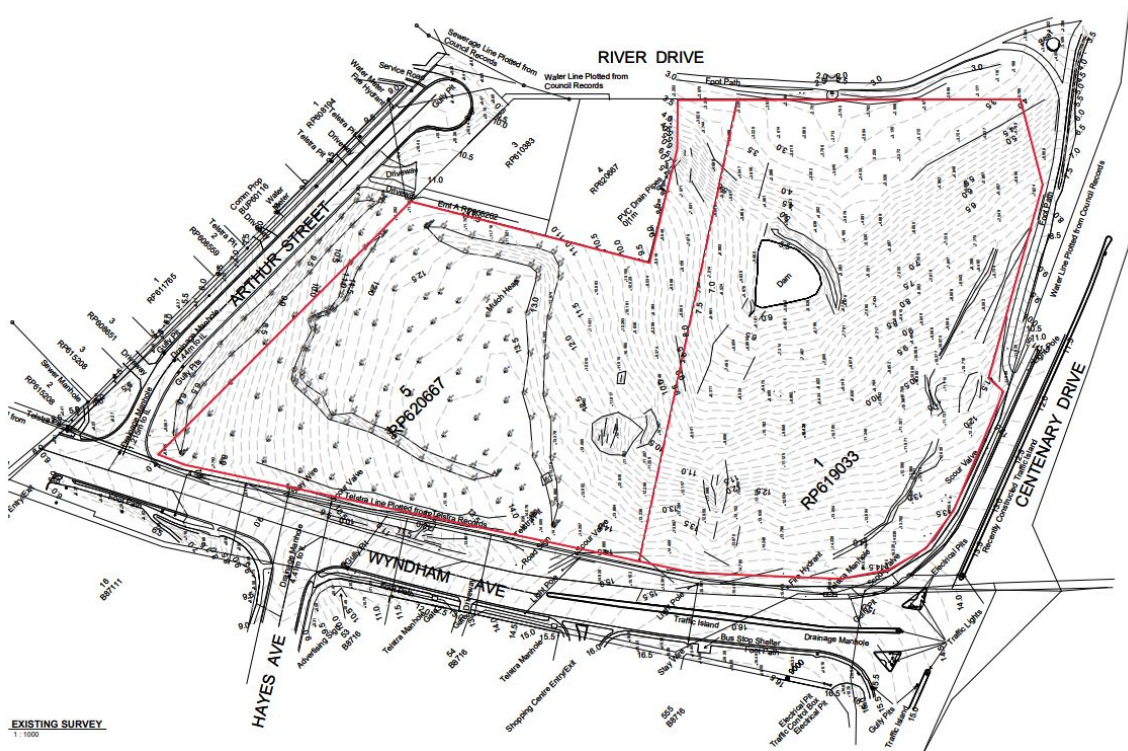


**Figure Two: Zoning of the subject sites (Centre Zone) and surrounds**



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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)**

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:**

A Development Permit for this application was approved by Council at the 1 March 2022 Council General Meeting. After receipt of the Development Permit, the Applicant suspended the Appeal Period and lodged representations against several conditions on 11 April 2022.

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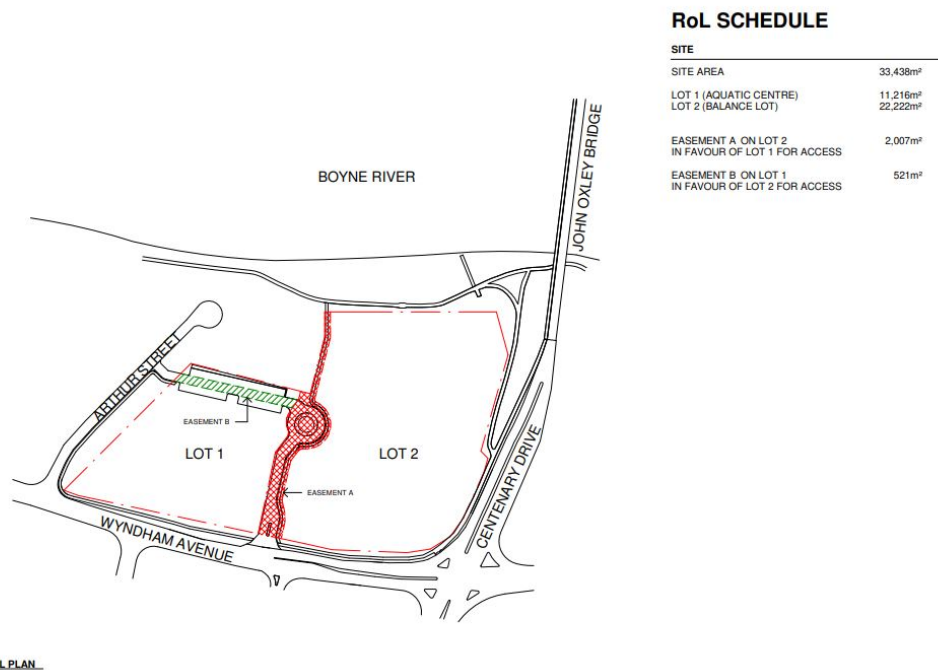
Council requested an extension to the Negotiated Assessment period to review the representations, hold a meeting with the Applicant pertaining to Council officers recommendation and proposed wording.

**Approved Development:**

The approved development 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 will 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 Five.



**Figure Five: Approved 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 <sup>2</sup>	Proposed Lot 2	22,222m <sup>2</sup>	Balance lot for future development
Lot 5 RP 620667	15,530m <sup>2</sup>	Proposed Lot 1	11,216m <sup>2</sup>	Proposed Aquatic Centre, Gym and Café

The approved development only seeks 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*



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*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.*

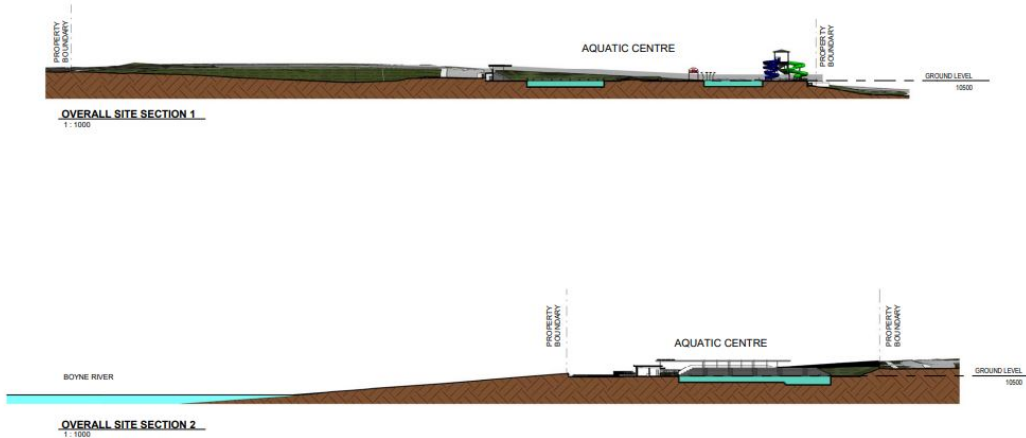
Indoor Sport and Recreation: *Premises used for leisure, sport or recreation conducted wholly or mainly indoors.*

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 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 Six illustrates the overall site plan for the Aquatic Centre with supporting site sections.



**Figure Six: Approved Overall Site Plan**



**Figure Seven: Approved 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 Eight, this illustrates the development footprint of the site.



**Figure Eight: Approved Site Plan**

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The 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.

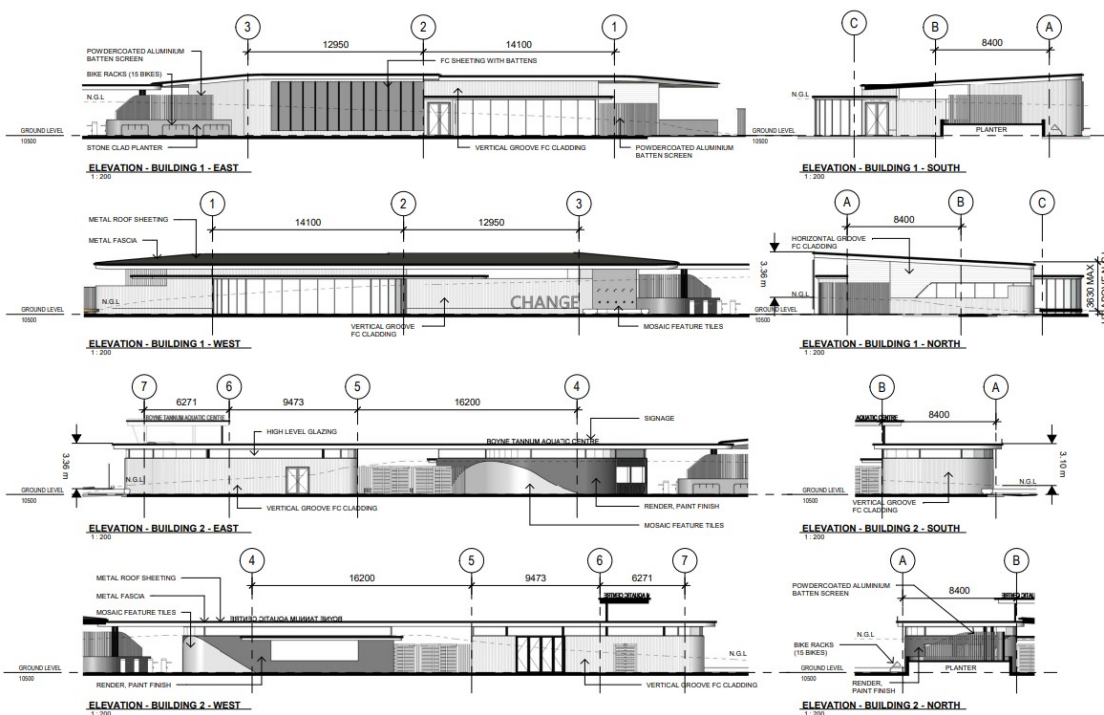
The entry to the Aquatic Centre will comprise of 2 buildings located adjacent to the carpark.

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.

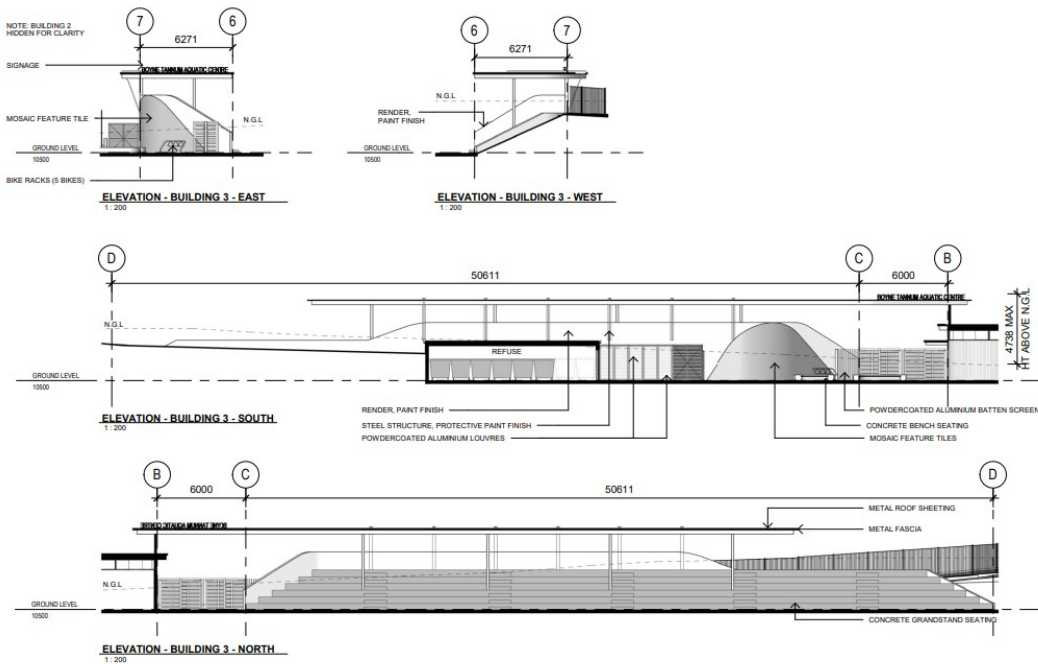
Building 3 will host the spectator grandstand which will be located on the southern portion of the site and adjacent to the 50m pool. This grandstand will have concrete seating and be partially roofed. Pool plant equipment will be located underneath the structure and will be accessible internally to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

The 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 Nine and Ten.



**Figure Nine: Approved Sections for Building 1 and 2**

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**Figure Ten: Approved Sections for Building 3**

The Aquatic Centre is strategically located on the corner of main access routes and between the Boyne Island Town Centre and Boyne River. As such, the development 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 11: Approved 3D Rendered Perspective from Wyndham Avenue**





Figure 12: Approved 3D Rendered Perspective from Arthur Street

**Adopted Infrastructure Charges Notice:**

The application was 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, a nil charge was issued with the Decision Notice.

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

As per the AICR, the combined development attracted 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 was issued in accordance with the Act.

Notwithstanding this, the development is eligible to apply under the current Council Policy for Infrastructure Charges Rebate Scheme (P-2019-28 adopted on 19 November 2019).



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### Applicant's Comments:

The ICN incorrectly identifies a total Gross Floor Area (GFA) for the calculation of the Aquatic centre of 923.58m<sup>2</sup>. This number consists of grandstand and refuse storage areas with a combined area of 294m<sup>2</sup>. The Gladstone Regional Council Adopted Infrastructure Charges Resolution (No. 1) - 2015 - Amendment No. 2 defines GFA as:

The total floor area of all storeys of a building (measured from the outside of the external walls or the centre of a common wall), other than areas used for the following:

- (a) building services, plant and equipment
- (b) access between levels
- (c) ground floor public lobby
- (d) a mall
- (e) the parking, loading and manoeuvring of motor vehicles
- (f) unenclosed private balconies whether roofed or not.

The grandstand is not enclosed by external walls and the refuse storage area provides a service function of the building. Therefore, these areas do not constitute the definition of GFA and can not be included as part of the calculation of infrastructure charges for the development. We request that Council issue a NDN calculating the demand of the Aquatic centre based on the correct GFA of 616m<sup>2</sup>

### Officer's Comments:

In accordance with the GFA definition and further review of the approved plans, it is agreed that the Grandstand and Waste Area does not constitute chargeable GFA. As such, the total of the non GFA (sum of 294m<sup>2</sup>) has been removed as per the revised table below:

Existing Lawful Use	Proposed Use		
Planning Scheme Definition	Planning Scheme Definition	GFA	Associated Levied Charge
Vacant Lot	Outdoor Sport and Recreation	499.58m <sup>2</sup> GFA	\$70,715.55
	Indoor Sport and Recreation	100m <sup>2</sup> GFA	\$14,155.00
	Food and Drink Outlet	30m <sup>2</sup> GFA	\$4,246.50

It is noted that the total GFA of all combined uses equates to 629.58m<sup>2</sup> rather than 616m<sup>2</sup> as stated in the Applicant's comments. This was discussed during the meeting held on 23 June 2022 where it was agreed to calculate in accordance with 629.58m<sup>2</sup> of GFA.

### **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. 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 nor does the submitted change representations impact the Concurrence Agency decision.

### **Assessment:**

The Applicant made representations against the Development Permit which has been addressed as follows. Please note that the original condition is in **bold**, the Applicant's justification is in *italics* and the Officer's comments in normal type.

**RECONFIGURING A LOT PACKAGE**

**Condition 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.**

Applicant's Comments:

*The intended purpose of Easement C on Proposed Lot 2 is to allow for the public move across private land between Wyndham Avenue and the Turtle Way Bikeway / Boyne River as illustrated and described on the approved RoL Plan SD-1-100-05 C dated 15 September 2021. We request that Council amend the condition to rectify the error to allow public movement through the site between Wyndham Avenue and the Turtle Way Bikeway / Boyne River as sought within the planning scheme.*

*Modify the condition to rectify an error to read as follows:*

*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; and*
- c. Access easement in favour of Public Thoroughfare through Easement C burdening Proposed Lot 2.*

Officer's Comments:

The submitted representations further articulate the purpose of the easement rather than grouping the location on the proposed lot. As the proposed wording does not alter the intent of the easements or the condition, it is recommended that condition 11 be amended as per the Applicant's comments.

**MATERIAL CHANGE OF USE PACKAGE**

**Condition 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.**

**Condition 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.**

**Condition 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.**

Applicant's Comments:

*Council's response to submissions states that 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, describing the development proposal that was for all movements from the Wyndham Avenue access. However, where only left-in and left-out traffic movements from Wyndham Avenue are allowed as per the Approval, traffic movements will significantly*

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*increase in Arthur Street greater than was anticipated as part of the development application and the Arthur Street will likely become the main point of ingress and egress to the site. It is considered that the left-in and left-out restriction imposed by Council would result in the unintended and undesirable outcome of significantly increased traffic movements within Arthur Street, which would impact the amenity for residents, result in undue demand placed on the intersection of Wyndham Avenue and Arthur Street, result in operational issues for the Aquatic Centre and the development of the greater precinct, and likely result in likely road safety issues.*

*Please refer to the Traffic Advice attached as Attachment 1 that provides a detailed discussion of this circumstance and proposes an alternative median island design that allows for the addition of right-in movements allows for safe and efficient vehicle movement, while not allowing a right-out movement. It is critical for the operation of Aquatic Centre and future stages of development that a right-in, in addition to left-in and left-out, access arrangement is achieved from Wyndham Avenue, which will also mitigate traffic and amenity issues within Arthur Street for residents. We request that Council amend the condition to allow an additional right-in movement from Arthur Street for the efficient function of the Aquatic Centre, safe operation of the local road network and to limit amenity impacts on the residents within Arthur Street.*

*Modify condition to read as follows:*

*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 and right-in only intersection with a concrete median to prevent all other movements.*

*36. As part of Operational Works application, the Wyndham Road access must be constructed as a left-in, left-out and right-in 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.*

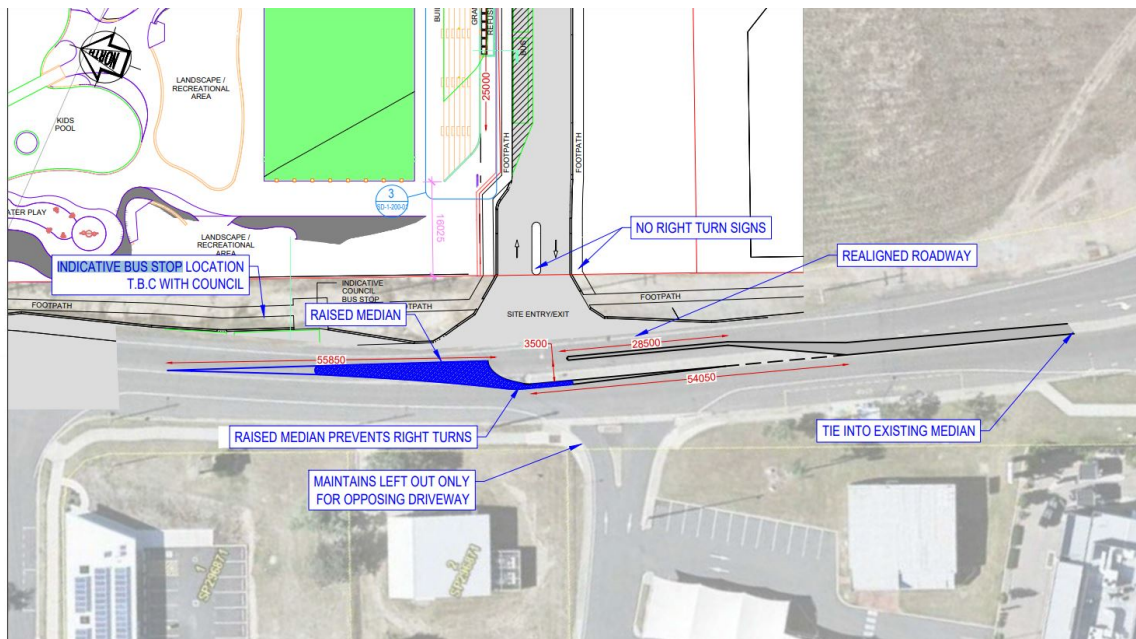
*38. At all times, the Wyndham Avenue access to the development site must allow left-in, left-out and right-in movements only, with right-out movements physically restricted at this access point.*

### Officer's Comments:

Upon review of the submitted Traffic Impact Assessment and the further commentary submitted within the Change Representations prepared by Bitzios Consulting, it is agreed that the current requirement for right turning traffic from Wyndham Avenue to utilise Arthur Street will negatively impact on the lower order road and does not achieve the safety intent of the condition.

Council had considered that the proposed access aligned with an intersection operation and as such, referred to a policy that limits intersections to 500m spacings which is an industry standard. However, the interpretation of an access vs intersection was clearly articulated that the policy would not be applicable for the subject site. As such, access points are permitted at more regular spacings compared to intersections. The submitted justification regarding other intersections to Wyndham Avenue in the direct vicinity of the site are 100m apart within the area and operating as access points, not intersections, consistent with what is proposed.

Bitzios Consulting has further demonstrated that the proposed formation does not impact the current permitted movements associated with the Shopping Centre across the road per concept plans in original Traffic Impact Assessment. Bitzios Consulting have further articulated this via the submitted turn warrants assessment that shows a CHR(s) can be achieved. These assessments were all considered with recent count data within the area.



**Figure 13: Proposed turning treatments**

As such, based on the submitted justification from the engaged Traffic Consulting engineer pertaining to design controls to ensure the safety and efficiency of the road network, it is recommended that conditions 6, 36 and 38 are amended as per the change representations submitted.

**Condition 15**

**As part of any Development Application for Operational Works, the Applicant must submit an amended Nosie 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**

Applicant’s Comments:

*The intent of the proposed development and the broader aspiration of the precinct masterplan is to establish a recreation, entertainment and community hub with activity occurring throughout different times of the day and evening. The development is consistent with the planning intent of the Centre zone that the subject site is in, which limits activities between 6am to 10pm to minimise amenity impacts on nearby residential uses (Centre zone code, Performance Outcome PO1 and Acceptable Outcome AO1). Sport and recreation uses, such as the approved outdoor Aquatic Centre, are also limited to operating hours between 7am and 10pm to ensure these activities do not unreasonable impact on the amenity of nearby residential uses (Sport and recreation zone code, Performance Outcome PO5 and Acceptable Outcome AO5). Therefore, it is anticipated that within the Centre zone and for Outdoor sport and recreation uses, that the hours of operation occur unrestricted until 10pm.*

*Please refer to the Acoustic Advice attached as Attachment 2 that identifies that the proposed development, where incorporating appropriate mitigation and management measures, complies the relevant noise criteria contained within the Environmental Protection (Noise) Policy 2019. The development complies with operational hours expected within the zone, complies with the hours of operation expected for the approved use, and complies with the relevant and measurable noise planning criteria.*

*As the development complies with the relevant assessment benchmarks above, condition 15, which restricts activities and patron numbers between 6pm to 8:30pm and limits operation to 8:30pm, places an*

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*unreasonable imposition on the development that complies with the planning scheme. Accordingly, pursuant to section 65(1)(a) of the Planning Act 2016, condition 15d does not satisfy the criteria of a permitted condition and is therefore unlawful.*

*After the meeting held on 23 June 22, the Applicant and Council discussed the original material submitted, the proposed change representations and the concerns associated with potential noise in the extended evening sessions. The Applicant considered the feedback with a further revised condition submitted on 24 June 2022 which states:*

*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) Hours of operation between 4am to 10pm Monday to Sunday:*
  - i) 4am to 7am: restricted activities, i.e. indoor gym, indoor aerobics pool, amenities, outdoor pool preparation / maintenance, outdoor lap swimming and outdoor swim training to be conducted in a way to minimise noise, including refraining from using whistles, starter guns and amplified music / devices where possible*
  - ii) 8:30pm to 10pm: restricted activities:*
    - Restricted activities, i.e. indoor gym, indoor aerobics pool, amenities, outdoor pool preparation / maintenance, outdoor lap swimming and outdoor swim training to be conducted in a way to minimise noise, including refraining from using whistles, starter guns and amplified music / devices where possible*
    - Use of the Grandstand to occur infrequently.*

### Officer's Comments:

As per the original application material, the Applicant indicated operation hours between 4am to 8:30pm. However, as part of the change representations, the Applicant has requested additional operating hours to align with the planning scheme considerations within the Centre Zone and allow additional flexibility of operation at the Aquatic Centre.

It is further noted the existing conditions pertaining to detailed design information are to be submitted as part of the operational Works application via a revised Noise Report to ensure all equipment has been appropriately designed and mitigated onsite. These existing conditions remain applicable to development and therefore, it is recommended to amend condition 15 as per the Applicant's additional request.

### Condition 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>.**

### Applicant's Comments:

*The Centenary Drive frontage of the site is already improved with an adequate bitumen pathway that connects with the Turtle Way Bikeway and pedestrian access over the John Oxley Bridge. It is not necessary to construct an additional / replace the existing footpath along the Centenary Drive frontage of the site. As part of the future stages of the development the adequacy of existing infrastructure and pedestrian / bicycle linkages will be reviewed in greater detail. We request that Council amend the condition to reflect the circumstances of the subject site and proposed development, with further review / improvements to the Centenary Drive frontage to occur as part of future stages of development over the site.*



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

### Officer's Comments:

Condition 44 does not require the replacement of the existing pedestrian footpath along Hampton Drive/Centenary Drive as highlighted within the Applicant's representations. Rather, the condition requires a new pedestrian footpath along Wyndham Avenue and Arthur Street to connect into the existing network located along Hampton Drive/Centenary Drive.



**Figure 14: Proposed footpath connection stipulated in Condition 44**

During the meeting, Officer's confirmed the extent of the network which the Applicant acknowledged. To provide further clarity regarding the extent, it is recommended that condition 44 be amended to state:

*Prior to the commencement of the use, construction of a 2.5 metre wide concrete footpath for the full extent of each lot along Arthur Street and Wyndham Avenue, that connects into the existing network at the corner of Hampton Drive must be completed. The footpath must be constructed in accordance with Council's Standard Drawing Concrete Pathway/Bikeway Details.*

### **Public Notification and Submissions:**

As the Development Application triggered Impact Assessment under the Planning Scheme, Public Notification was required. The received submissions were addressed as part of the original assessment and included within the Decision Notice.

With reference to the proposed representations submitted by the Applicant and assessment conducted against the Planning Scheme; it was determined that Officer's response to the submissions was not altered.

**Summary:**

A summary of the requested negotiated assessment and Council Officers recommendation has been included below:

Requested Condition	Officer's Recommendation
<b>ROL Condition Package</b>	
Condition 11 – Include additional easement commentary	Agreed
<b>MCU Condition Package</b>	
Condition 6 – Allow right turn movement	Agreed
Condition 15 – Additional hours of operation	Amended
Condition 36 – Allow right turn movement	Agreed
Condition 38 – Allow right turn movement	Agreed
Condition 44 – Amend footpath requirement	Amended
<b>Adopted Infrastructure Charge Notice</b>	
Remove non GFA totaling 294m2	Amended

**Officer's Recommendation:**

That the request for a Negotiated Decision Notice to 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 in part, 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"> <li>• <i>State Interest – Natural Hazards, Risk and Resilience</i></li> </ul>
<i>Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2</i>	<ul style="list-style-type: none"> <li>• <i>Strategic Framework;</i></li> <li>• <i>Acid Sulfate Soils Overlay Code;</i></li> <li>• <i>Bushfire Hazard Overlay Code;</i></li> <li>• <i>Coastal Hazard Overlay Code;</i></li> <li>• <i>Flood Hazard Overlay;</i></li> <li>• <i>Centre Zone Code;</i></li> <li>• <i>Reconfiguring a Lot Code;</i></li> <li>• <i>Development Design Code; and</i></li> <li>• <i>Landscaping Code.</i></li> </ul>

**Reasons for the assessment managers decision:**

1. The Application was properly made in accordance with the *Planning Act 2016* and the Development Assessment Rules; and
2. The 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

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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
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:**

<b>Submissions with concerns</b>	<b>Officer’s Response</b>
<b>Master Plan impacts</b>	
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.
<b>Council project</b>	
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.
<b>Dust and Noise Construction Maintenance</b>	
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
The associated civil works will occur over a lengthy period of time and will cause vibration	

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and noise nuisance during construction.	Registered Professional Engineer of Queensland.
<b>Noise Nuisance</b>	
The proposed barriers are unlikely to reduce the traffic noise from the carpark located between the facility and adjoining residents.	<p>As highlighted in the revised Noise Report, the 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>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>
The proposed grandstand and likelihood of events will create ongoing noise concerns.	
The proposed filtration system will have a 24/7 operation with unknown noise impacts	
<b>Privacy</b>	
The proposed development will likely result in significant loss of privacy during and post construction (i.e. operation of the facility).	<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 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>
Potential overlooking opportunities from the proposed grandstand and water slide tower to adjacent properties	
<b>Lighting</b>	
Lack of details regarding proposed lighting in particular within the proposed parking areas	Outdoor lighting is regulated by an Australian Standard which seeks all lights to be downward



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<p>noting the proposed hours of operation. Request a certified expert conduct the report and plan.</p>	<p>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>	
<p><b>Overshadowing</b></p>		
<p>Proposed shadow diagrams do not depict what would occur at 3pm on adjoining residents.</p> <p>Request a shadow diagram from a certified expert.</p>	<p>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.</p>	
<p><b>Traffic</b></p>		
<p>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.</p>	<p>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.</p> <p>Therefore, the proposal complies with Road Hierarchy considerations within the Planning Scheme.</p>	
<p><b>Submissions of support</b></p>		
<p><b>Benefits from the pool</b></p>		
<p>The development has the opportunity to provide a genuine worthwhile piece of community infrastructure that may attract additional tourism to the area.</p>	<p>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.</p> <p>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.</p> <p>As such, the proposed Aquatic Centre, Gym and Café have been recommended for approval, subject to conditions.</p>	
<p><b>Build it and them will come</b></p>		
<p>Swimming in the ocean and river can have it's own risks. An area of this size deserves a swimming pool</p>		
<p>The region needs to continue to evolve and be appealing to young families</p>		
<p>Region needs new projects to keep prospering.</p>		
<p>Development has great benefits and is offering high amenity and social infrastructure</p>		
<p>Will increase the accessible community facilities for the area</p>		
<p>Lots of economic opportunities</p>		
<p>Help retain families in the area</p>		
<p>Access to a facility that is disability friendly in the area</p>		
<p>Great to see more recreational development such as East Shores, Lions Park and the Marina in the area happen</p>		
<p>Boyne/Tannum residents need/want a public pool without having to drive to other facilities</p>		

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in the region	
Development will have health and community 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	
<b>Adjoining Shopping Centre</b>	
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.
<b>Pedestrian linkage</b>	
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.
<b>Benefit for local schools</b>	
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.
<b>Master Plan</b>	
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 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.
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**Matters prescribed by a regulation:**

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.

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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>.*

### 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; and**
  - c. **Access easement in favour of Public Thoroughfare through Easement C burdening Proposed Lot 2.**
12. Lodgement of Survey Plan Endorsement must include the following:
  - a. Completion of Council's Request - Assessment and Endorsement of a Survey Plan Form;
  - b. All survey marks in their correct position in accordance with the Survey Plan;
  - c. A Compliance Report demonstrating compliance with all associated Development Permit(s);
  - d. One copy of the Survey Plan and Easement documentation, each fully executed for the lodgement with the Titles Office;
  - e. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the *Planning Regulation 2017*; and
  - f. 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:

<b>Drawing Number</b>	<b>Revision</b>	<b>Description</b>	<b>Author</b>	<b>Date</b>
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

<b>Document Number</b>	<b>Revision</b>	<b>Description</b>	<b>Author</b>	<b>Date</b>
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
-	-	<b>Proposed Outdoor Aquatic Centre, Boyne Island,</b>	<b>Bitzios Consulting</b>	<b>31 March 2022</b>

		<b>Draft Traffic &amp; Transport development application conditions review</b>		
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**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 and right-in 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.



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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.
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. **Hours of operation between 4am to 10pm Monday to Sunday:**
    - i. **4am to 7am: restricted activities, i.e. indoor gym, indoor aerobics pool, amenities, outdoor pool preparation / maintenance, outdoor lap swimming and outdoor swim training to be conducted in a way to minimise noise, including refraining from using whistles, starter guns and amplified music / devices where possible**
    - ii. **8:30pm to 10pm: restricted activities:**
      - I. **Restricted activities, i.e. indoor gym, indoor aerobics pool, amenities, outdoor pool preparation / maintenance, outdoor lap swimming and outdoor swim training to be conducted in a way to minimise noise, including refraining from using whistles, starter guns and amplified music / devices where possible**
      - II. **Use of the Grandstand to occur in frequently.**
16. **At all times, the Applicant must adhere to the recommendations and restrictions within the approved Noise Report as outlined in condition 15.**
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 sites.

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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:
- Lockers;
  - Change rooms; and
  - 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

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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 and right-in 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, left-out and right-in movements only, with 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 along Arthur Street and Wyndham Avenue, that connects into the**

**existing network at the corner of Hampton Drive must be completed. The footpath must be constructed in accordance with Council's Standard Drawing Concrete Pathway/Bikeway Details.**

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.



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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:

A Changed 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. DA.24.2021 - Change Representations received 11 April 2022

### Tabled Items:

Nil

**Report Prepared by:** Development Services

### G/3.2. COMMUNITY INVESTMENT PROGRAM - ELEVATOR FUND

**Responsible Officer:** General Manager Community Development & Events

**Council Meeting Date:** 5 July 2022

**File Ref:** GS 3.1

**Purpose:**

To consider the recommendation of the Community Investment Panel on applications received under the Elevator Fund.

**Officer's Recommendation:**

That Council:

1. Adopt the Community Investment Panel recommendation of funding for the applications received under the category of funding tabled below:

Application ID	Applicant	Project	Recommendation
ELVTR0001R2	Tannum Boyne JRL	Shade structures	\$30,000
ELVTR0002R2	Discovery Coast Tourism & Commerce Inc	Agnes Water & 1770 strategic vision and plan	\$0
ELVTR0004R2	Discovery Coast Music and Arts Incorporated	Local community radio station startup & launch	\$0
ELVTR0005R2	Captain Creek Community Sport and Recreation Club	Floor for proposed outdoor covered area	\$43,000
ELVTR0006R2	Gladstone MTB Inc	Event timing equipment	\$10,115
ELVTR0009R2	Sun Valley Park Sports Association Inc	Field playing surface refurbishment project	\$0
<b>Total Funding Recommendation</b>			<b>\$73,000</b>

and

2. Authorise the Chief Executive Officer or delegate to finalise and execute funding agreements with the successful applicants detailing relevant entitlements and conditions.

**Background:**

The Community Investment Program offers five (5) key funding streams, including the Elevator Fund.

On 1<sup>st</sup> April 2022, the Elevator Fund was open for application and closed 30<sup>th</sup> April 2022. This funding round was specifically for applicants with projects seeking funding of a minimum of \$10,000. Council has proposed to budget \$180,000 to fund applications through the Elevator Fund as part of its Community Investment Program.

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The following six applications were received for consideration:

<b>Application ID</b>	<b>Applicant</b>	<b>Project</b>	<b>Requested Amount</b>
ELVTR0001R2	Tannum Boyne JRL	Shade structures	\$30,000
ELVTR0002R2	Discovery Coast Tourism & Commerce Inc	Agnes Water & 1770 strategic vision and plan	\$10,300
ELVTR0004R2	Discovery Coast Music and Arts Incorporated	Local community radio station startup & launch	\$28,746
ELVTR0005R2	Captain Creek Community Sport and Recreation Club	Floor for proposed outdoor covered area	\$43,000
ELVTR0006R2	Gladstone MTB Inc	Event timing equipment	\$10,115
ELVTR0009R2	Sun Valley Park Sports Association Inc	Field playing surface refurbishment project	\$10,000
<b>Total Funding Requested</b>			<b>\$132,161</b>

The Elevator Fund is intended for higher cost, higher risk proposals of over \$10,000, which involves a more detailed application and acquittal process than the Grassroots Fund. Applicants need to demonstrate a high level of competency, capacity, and planning capability to deliver the stated outcomes for Elevator proposals. Applications are for funding over \$10,000 and Applicant’s proposals must align with one or more of the five Elevator Fund Objectives – **Capacity, Place, Connect, Wellbeing and/or Planning**. These funding objectives align to Councils [Community Development Strategy](#) which aim to strengthen and enhance the health and wellbeing of the region.

**Panel Assessment Process**

In accordance with the Community Investment Policy (P-2021-09) and Community Investment Corporate Standard (CS-2021-07), the eligible applications have been assessed by the Panel.

Panel assessment is undertaken using an assessment matrix to score each application against four criteria to determine an order of merit. The overall score is used to inform the recommendation. The table below defines the criteria, weighting and definition of score applied in the assessment matrix:

<b>CRITERIA</b>	<b>Weight</b>
<b>1: Demonstratable need</b>	20%
<b>2: Fund Objective and Aims</b>	60%
<b>3: Provides opportunity for collaboration</b>	15%
<b>4: Capacity to deliver</b>	5%

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<b>RATING MATRIX</b>
<b>Green</b> = An overall score of 65.5% and above demonstrates that an application has met or exceeded all criteria. The Assessment Panel may favorably recommend the application for the full funding sought.
<b>Orange</b> = An overall score between 51% to 65% demonstrates that an application has met or exceeded criteria but mostly marginal evidence in others. The Assessment Panel may choose to recommend funding the application based on scores received for each criterion with high weighting and overall alignment to Community Celebration Fund objectives.
<b>Red</b> = An overall score of 50% or less demonstrates that an application has mostly provided marginal evidence across all criteria. The Assessment Panel may still choose to recommend the application for part funding based on some evidence of meeting the objectives of the Community Celebration Fund objectives.

**Options, Risk and Opportunity Analysis:**

As per the Community Investment Policy, an assessment was undertaken on 13 May 2022 by a panel to consider the applications. Individual panel member scores are captured within the Smarty Grants portal and collated in an assessment matrix.

The Community Investment Panel recommendation is summarised within this table:

Applicant	Project	Project Location	Applicant Request	Panel Score	Recommendation
			Cash		Cash
Tannum Boyne JRL	Shade structures	Gladstone	\$30,000	69%	\$30,000
Discovery Coast Tourism & Commerce Inc	Agnes Water & 1770 strategic vision and plan	Agnes Water & 1770	\$10,300	49%	\$0
Discovery Coast Music and Arts Incorporated	Local community radio station startup & launch	Agnes Water	\$28,746	49%	\$0
Captain Creek Community Sport and Recreation Club	Floor for proposed outdoor covered area	Captain Creek	\$43,000	73%	\$43,000
Gladstone MTB Inc	Event timing equipment	Gladstone	\$10,115	75%	\$10,115
Sun Valley Park Sports Association Inc	Field playing surface refurbishment project	Gladstone	\$10,000	61%	\$0
<b>Total Funding</b>			<b>\$132,161</b>		<b>\$73,000</b>

Panel commentary that supports the Panel recommendation is included below:

<b>SHADE STRUCTURES</b>	
<b>Project Dates</b>	01/08/2022 – 22/08/2022
<b>Organisation Name</b>	Tannum Boyne Seagulls JRL
<b>Objective Alignment</b>	Wellbeing
<b>Brief Project Description</b>	This project is for the installation of shade structures for members and visitors to spectate in a sun safe environment.
<b>Project Beneficiaries</b>	Age Groups > Children and youth (age 0-17) > Adults (people aged 18+) Educational status > Secondary school students Family and relationships > Parents and guardians > Grandparents
<b>Total Amount Requested</b>	\$30,000
<b>Total Project Cost</b>	\$30,000
<b>Panel Score</b>	69%
<b>Panel Commentary</b>	The panel agreed that the project plan for installing shade sails was well articulated within the application. Community need and interest for this project was clear, with the shade sails providing benefit to the local community and visitors all year round.
<b>Panel Recommendation</b>	The Panel recommended full funding for this application.

<b>REVIEW AND UPDATE COUNCIL'S 2013 STRUCTURED PLAN</b>	
<b>Project Dates</b>	01/06/2022 - 30/09/2022
<b>Organisation Name</b>	Discovery Coast Tourism & Commerce Inc.
<b>Objective Alignment</b>	Planning
<b>Brief Project Description</b>	Community engagement to review and update the GRC Strategic Vision and Structured Plan of 2013.
<b>Project Beneficiaries</b>	Universal (no particular population)
<b>Total Amount Requested</b>	\$10,300
<b>Total Project Cost</b>	\$10,300
<b>Panel Score</b>	49%
<b>Panel Commentary</b>	The Agnes Water & 1770 Structure Plan is an informing document to Gladstone Regional Council's Our Place, Our Region Planning Scheme developed in October 2013. The panel were unable to ascertain if there is a community need or wide interest for the progression of this project, however further discussed that it did not appear to align with Council's role and responsibility for strategic planning across the region. It was noted that the GM Community Development & Events and the Manager Asset Planning would meet with Discovery Coast Tourism & Commerce on 6 July 2022 to discuss the intent of the plan and to share information on Council's Local Government Infrastructure Plan.
<b>Panel Recommendation</b>	The panel recommended to not fund the application, however encouraged constructive conversations between Council and DCTC to further explore desired outcomes and responsibilities.



<b>STARTUP &amp; LAUNCH of LOCAL COMMUNITY RADIO STATION</b>	
<b>Project Dates</b>	02/05/2022 - 30/11/2022
<b>Organisation Name</b>	Discovery Coast Music and Arts Inc.
<b>Objective Alignment</b>	Connect
<b>Brief Project Description</b>	Local Community Radio Startup & Launch of FM station.
<b>Project Beneficiaries</b>	Living environment > Rural/regional dwellers Work status and occupations > Artists and performers > Small business owners and operators
<b>Total Amount Requested</b>	\$28,746
<b>Total Project Cost</b>	\$28,746
<b>Panel Score</b>	49%
<b>Panel Commentary</b>	The panel commented the application could be strengthened with further evidence and explanation to demonstrate the community need. The panel sought clarity whether the funding was directed to support the launch of a new radio station, or to establish as new radio station. The application lacked clarity on how the group would build partnerships with other community groups which would strengthen and foster connections. The panel recommended the group reapply through the Grassroots Fund to further explore the business case and model, and the Elevator Fund as the business becomes more established.
<b>Panel Recommendation</b>	Nil funding on this occasion. Applicant to reapply in future rounds.

<b>CEMENT FLOORING – FIRST PHASE OF LARGER PROJECT</b>	
<b>Project Dates</b>	15/06/2022 - 15/09/2022
<b>Organisation Name</b>	Captain Creek Community Sport & Recreation Club
<b>Objective Alignment</b>	Connect
<b>Brief Project Description</b>	Project to lay cement slab as the first phase in creating a covered area between the club and the stage.
<b>Project Beneficiaries</b>	Age Groups > Children and youth (age 0-17) > Adults (people aged 18+) Living environment > Place-based people or groups > Rural/regional dwellers
<b>Total Amount Requested</b>	\$43,000
<b>Total Project Cost</b>	\$43,000
<b>Panel Score</b>	73%
<b>Panel Commentary</b>	The panel agreed that funding the application would improve the functionality of the building, providing an all-weather facility and enabling additional activities to be programmed. The Club is planning to improve its annual program to include original live music, large events such as the Festival of Small Halls and Ride for Life. The strong points of the application enable an all-weather facility, which will enable more activities to be explored. The Club is forward thinking to plan to foster original live music, conduct several bigger events such as Festival of small halls, Ride for Life etc. The Captain Creek Community Sport and Recreation Club advised that the project commencement and delivery is dependent on full funding.
<b>Panel Recommendation</b>	The panel has recommended full funding.

<b>EVENT TIMING EQUIPMENT</b>	
<b>Project Dates</b>	01/06/2022 - 31/08/2022
<b>Organisation Name</b>	Gladstone MTB Inc. (Mountain Biking)
<b>Objective Alignment</b>	Connect
<b>Brief Project Description</b>	Purchase of event timing equipment to provide professional and accurate timekeeping for sports events.
<b>Project Beneficiaries</b>	Living environment > Place-based people or groups
<b>Total Amount Requested</b>	\$10,115
<b>Total Project Cost</b>	\$10,115
<b>Panel Score</b>	75%
<b>Panel Commentary</b>	The Gladstone MTB Inc (Mountain Biking) has re-applied for funding following a declined application in January 2022. The revised application outlines that the funding would contribute to efficient operation of events and would support the attraction of people to the sport, both from within and outside of the region. Research and testing have been undertaken to ensure that the correct equipment is purchased and to ensure value for money.
<b>Panel Recommendation</b>	Panel would recommend full funding of \$10,115.

<b>PLAYING FIELD REFURBISHMENT</b>	
<b>Project Dates</b>	01/09/2022 - 30/09/2022
<b>Organisation Name</b>	Sun Valley Park Sports Association Inc.
<b>Objective Alignment</b>	Capacity
<b>Brief Project Description</b>	Project to refurbish the field playing surface.
<b>Project Beneficiaries</b>	Living environment > Place-based people or groups
<b>Total Amount Requested</b>	\$10,000
<b>Total Project Cost</b>	\$10,000
<b>Panel Score</b>	61%
<b>Panel Commentary</b>	The panel agreed that the application was a good starting point and that the Club would benefit from the support of a grant writing service. The application lacked evidence of the need and demand, users and frequency and the impact the current field condition is causing on activating the space and the health and wellbeing of its users.
<b>Panel Recommendation</b>	Nil funding. Applicant invited to reapply in future rounds.

#### Communication and Consultation:

As detailed within the Community Investment Corporate Standard the assessment panel consisted of the following delegated Officers:

- General Manager Strategic Asset Performance
- General Manager Strategy & Transformation
- Manager Engagement & Partnerships
- Community Development Specialist

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### **Legal Strategy and Policy Implications:**

The application has been assessed against Council's Community Investment Program (P-2021-09), Community Investment Corporate Standard (CS-2021-07) and published Elevator Fund funding guideline. On favorable adoption of the Panel's recommendations detailed in this report, authorised officers will proceed to enter into a grant and or funding agreement (detailing entitlements and conditions) with the successful applicant.

### **Financial and Resource Implications:**

Should Council endorse the officer's recommendation, the approved applications will total \$73,000 from a proposed 2022/23 budget of \$180,000.

### **Summary:**

Nil

### **Anticipated Resolution Completion Date:**

5 July 2022

### **Attachments:**

1. CONFIDENTIAL – Elevator Fund Assessment Matrix
2. CONFIDENTIAL – Scoring Report – Tannum Boyn Seagulls JRL
3. CONFIDENTIAL – Scoring Report – Discovery Coast Tourism and Commerce Inc
4. CONFIDENTIAL – Scoring Report – Discovery Coast Music and Arts Inc
5. CONFIDENTIAL – Scoring Report – Captain Creek Community Sport and Recreation Club
6. CONFIDENTIAL – Scoring Report – Gladstone Mountain Biking Inc
7. CONFIDENTIAL – Scoring Report – Sun Valley Park Sports Association Inc

### **Tabled Items:**

Nil

**Report Prepared by:** Community Investment Officer

### **G/3.3. INTERIM MANAGEMENT LETTER AND REPORT**

**Responsible Officer:** General Manager Finance Governance and Risk

**Council Meeting Date:** 5 July 2022

**File Ref:** FM4.4

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#### **Purpose:**

To present a copy of the Interim Management Letter and Report to ensure transparency and accountability of Council regarding audit findings.

#### **Officer's Recommendation:**

That Council note the Interim Management Letter and Report in accordance with Section 213 of the *Local Government Regulation 2012*.

#### **Background:**

Under Section 213 of the *Local Government Regulation 2012*, the Mayor of a local government must present a copy of the auditor-general's observation report at the next ordinary meeting of the local government. QAO's interim and final reports are these observation reports.

The interim report is provided to detail the results of the interim work performed. The report assesses the design, implementation of internal controls and whether they operate effectively. The report also details any financial reporting issues and other matters that should be considered.

The interim report for 2021-2022 reported no new significant deficiencies in Council's internal controls. There is however one new current year deficiency and one prior year unresolved financial reporting issue which management have taken action to resolve in a timely manner.

#### **Options, Risk and Opportunity Analysis:**

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

#### **Communication and Consultation:**

The auditor-general's interim report has been communicated to the Mayor and has also been presented to the Audit Risk and Improvement Committee as its June 2022 meeting.

#### **Legal Strategy and Policy Implications:**

Section 213 of the *Local Government Regulation 2012* requires the Mayor of a local government to present a copy of the auditor-general's observation report at the next ordinary meeting of the local government. This report meets this legislative obligation.

#### **Financial and Resource Implications:**

Nil

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**Summary:**

Nil

**Anticipated Resolution Completion Date:**

N/A

**Attachments:**

1. Gladstone Regional Council Interim Management Letter and Report

**Tabled Items:**

Nil

**Report Prepared by:** Team Leader Financial Operations

### **G/3.4. MCARTHUR (QLD) PTY LTD - SPECIALISED SUPPLIER**

**Responsible Officer:** General Manager Finance Governance and Risk

**Council Meeting Date:** 5 July 2022

**File Ref:** PE1.1

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#### **Purpose:**

This report seeks a resolution from Council to make use of the provisions in section 235 of the *Local Government Regulation 2012* that allows for the exceptions to the requirement for written quotes or tenders. The use of this provision is sought in relation to remuneration benchmarking services provided by McArthur QLD Pty Ltd.

#### **Officer's Recommendation:**

That Council resolves, in accordance with s235(b) of the *Local Government Regulation 2012*, it is satisfied that due to the specialised nature of the services sought, McArthur QLD Pty Ltd is a specialised supplier.

#### **Background:**

Benchmarking for Contract staff is required via a Remuneration Survey to ensure Councils is paying Contract Staff (Levels 1, 2 and 3) within the benchmarking range based on reputable statistics from the local government sector.

In June 2020, Council released a request for quote to three (3) service providers specializing in this field, for remuneration reviews for the level 3 positions (including specialists). McArthur (QLD) PTY LTD ('McArthur') scored the highest overall demonstrating a solid understanding of the requirements due to being able to provide council with benchmarks nationally, against other states and relative to similar size councils and private industry. McArthur were subsequently awarded the small-sized contract.

Remuneration surveys and benchmarking is required to be completed every two (2) years.

#### **Options, Risk and Opportunity Analysis:**

##### Option 1 – Resolution that McArthur is a specialised supplier

For more than 20 years McArthur has published national remuneration surveys for Local governments using data from 230 Councils, 11,400 positions and over 95 disciplines. The Officer's Recommendation will enable Council to continue benchmarking through a remuneration survey with consistent comparative analysis and parameters.

This resolution will remain in effect until such time as Council no longer requires access to remuneration reviews and surveys or until such time as an alternative provider with comparable or better benchmarking access becomes available.

##### Option 2 – Request for Quote Process

It is possible to obtain remuneration survey and benchmarking services from other providers via a request for quote process. However, should Council elect not to resolve in accordance with the Officer's recommendation, the result of a request for quote process may result in benchmarking being based on the



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different comparative analysis and parameters which could result in unfavorable budgetary consequences and misalignment in remuneration offered by the council.

Option 1 therefore presents the best value to Council for the delivery of these objectives.

### **Communication and Consultation:**

Nil

### **Legal Strategy and Policy Implications:**

Local Governments are required to invite written quotations or tenders where the supply of goods or services with a cost greater than \$15,000 ex GST pursuant to s225 of the *Local Government Regulation* (LGR).

Section 235 of the LGR provides some exceptions, relevant to this report is section 235(b) which provides an exception where:

*“The local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders...”*

### **Financial and Resource Implications:**

The estimated cost for remuneration survey and benchmarking for all Contract Staff (Levels 1, 2 and 3) is anticipated to be approximately \$60,000 ex GST every two (2) years.

### **Summary:**

Nil

### **Anticipated Resolution Completion Date:**

McArthur Qld Pty Ltd will be added to the long-term contracts register in July 2022.

### **Attachments:**

N/A

### **Tabled Items:**

Nil

**Report Prepared by:** Manager Contracts and Procurement

**G/4. DEPUTATIONS**

**G/5. COUNCILLORS REPORT**

**G/6. URGENT BUSINESS**

**G/7. NOTICE OF MOTION**

**G/8. CONFIDENTIAL ITEMS**

**G/8.1. WRITE OFF REPORT 2021/2022**

**Responsible Officer:** General Manager Finance Governance and Risk

**Council Meeting Date:** 5 July 2022

**File Ref:** RV9.1

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**Reason for Confidentiality:**

This report is **CONFIDENTIAL** in accordance with Section 254J of the Local Government Regulation 2012, the meeting is to be closed to the public to discuss business relating to the following: -

- (d) rating concessions.