



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING MINUTES

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

On Tuesday 5 July 2022

Commencing at 9.00am

Mark Francis
CHIEF EXECUTIVE OFFICER, Acting

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Elected Members

Councillor - Mayor M J Burnett
Councillor G G Churchill (via teams)
Councillor K Goodluck
Councillor R A Hansen
Councillor D V O'Grady
Councillor C A Trevor
Councillor N Muszkat (via teams)
Councillor C Cameron

Officers

Mr M Francis (Chief Executive Officer, Acting)
Mrs R Millett (Executive Secretary)
Mrs T Whalley (Manager Governance and Risk)
Ms S Hunter (General Manager Strategy and Transformation, Acting)
Ms T Brown (General Manager Strategic Asset Performance, Acting)
Mr J Tumbers (General Manager Operations)
Ms K Wockner (General Manager Finance Governance and Risk, Acting)
Ms K Lee (General Manager Community Development and Events)
Mr M Harris (Media Advisor)
Ms H Robertson (Manager Development Services)
Ms E Landman (Manager Revenue Services)

G/0.3.2. APOLOGIES AND LEAVE OF ABSENCE

Councillor Darryl Branthwaite was apology as he was attending the LGAQ Waste Forum in Brisbane.

G/0.3.3. MESSAGES OF CONDOLENCE

Nil

G/0.3.4. DECLARATION OF INTERESTS

Mayor Burnett

Mayor Matthew Burnett advised that in agenda item G/3.1 NEGOTIATED DECISION TO DEVELOPMENT APPLICATION 24/2021 FOR RECONFIGURING A LOT AND A MATERIAL CHANGE OF USE OF PREMISES FOR AN AQUATIC CENTRE LOCATED AT LOT 1 & 5 WYNDHAM AVENUE, BOYNE ISLAND he has a declarable conflict of interest as it may be perceived as a conflict of interest as during his role as a Federal Labor Candidate for Flynn, the labor party made an election commitment to financially contribute to a Council funded aquatic facility.

Mayor Burnett elected to leave the meeting room while the matter was considered and voted on.

G/1. MAYORAL STATEMENT OF CURRENT ISSUES

We just had a Special Meeting on the 28 June 2022, so I won't go into too much more except, I'd like to mention the Beast Tradie Wars, which was held on the weekend, raising funds and awareness for not only young veterans, but also suicide prevention. And our Deputy Mayor, Kahn Goodluck, who gallantly got in the ring with his good mate Mathew Clark, helped raise awareness. Well done Kahn and I think you and everyone involved certainly raised awareness on the weekend, congratulations. It was a little bit muddy and boggy at the Gladstone Show Grounds with the rain around, well done to Jason and Jo Hoad and the team, they really put on a great event, weather considering.

Back at the Gladstone Show Grounds this weekend for the Gladstone Annual Show, which is on this Saturday 9 July 2022 and gates open at 10:00am.

The following day we have the Calliope River Historical Markets on the Sunday and Conversations with Council will take place at that event as well with a couple of Councillors attending.

The following weekend we have Luminous at the Botanic Gardens which is the Thursday, Friday and Saturday nights (14 July - 16 July 2022). If you would like tickets, for an early event on the Thursday night, I encourage you to get online as tickets are limited for that event. Otherwise on the Friday and Saturday nights it is open to everyone to attend for a gold coin donation entry.

They're the big events happening around the town at the moment.

It is also NAIDOC week and there are lots of events scheduled for this week which are also shared on my social media. It is appropriate to acknowledge our traditional owners here in the Gladstone Region, the Gurang, Gooreng Gooreng, Bailai and Taribelang Bunda people. There are a number of activities planned throughout the week, including a march on Friday, and I encourage everyone to check out the NAIDOC week information on Council's website.

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: 5 July 2022

File Ref: CM7.2

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.

GM/22/4765 Council Resolution:

Moved Cr Goodluck
Seconded Cr Muszkat

That the Officer's Recommendation be adopted.

CARRIED

G/2.2. CONFIRMATION OF SPECIAL MEETING MINUTES FOR 28 JUNE 2022

Responsible Officer: Chief Executive Officer

Council Meeting Date: 5 July 2022

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the Special Meeting held on 28 June 2022.

Officer's Recommendation:

That the minutes of the Special Meeting of Council held on 28 June 2022 be confirmed.

GM/22/4766 Council Resolution:

Moved Cr Hansen
Seconded Cr Cameron

That the Officer's Recommendation be adopted.

CARRIED

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

Mayor Burnett (declared Conflict of Interest) left the room for Agenda Item G/3.1 Negotiated Decision to Development Application 24/2021 for Reconfiguring a Lot and a Material Change of Use of Premises for an Aquatic Centre Located at Lot 1 & 5 Wyndham Avenue, Boyne Island consideration and did not participate in the decision.
(refer G/0.3.4. Disclosure of Interest section of the minutes - page 3)

Deputy Mayor Kahn Goodluck chaired the meeting for Agenda Item G/3.1.

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.

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

Reasons for the assessment managers decision:

1. The Application was properly made in accordance with the *Planning Act 2016* and the Development Assessment Rules; and
2. The proposed development aligns with the strategic vision outlined in the planning scheme via the six Strategic Framework themes
3. The identified synergies with commercial development and recreational development to activate the Boyne Island Town Centre and create a vibrant community and social hub.
4. Acknowledging community support for an Aquatic Centre and achieving additional lifestyle choices in a key urban area.
5. The Application is deemed compliant with the relevant benchmarks of the *State Planning Policy July 2017* and the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2*.

Reasons for approval despite any non-compliance with certain benchmarks:

Benchmark reference	Reasons for the approval despite non-compliance with benchmark
Acid Sulfate Soils Overlay Code – Table 8.2.1.3.1 – Acceptable Outcome 1.1	Compliance with Acid Sulfate Soils Overlay Code – Table 8.2.1.3.1 – Acceptable Outcome 1.1 via a condition
Centre Zone Code – Table 6.2.5.3.1 - Acceptable Outcome 1	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 1 via condition
Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 7	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Purpose statement
Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 9 to 12	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 9 to 12 via conditions
Centre Zone Code – Table 6.2.5.3.1 – Performance Outcome 13	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 13 via condition
Centre Zone Code – Table 6.2.5.3.1 – Performance Outcome 14 to 18	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 14 to 18 via conditions
Centre Zone Code – Table 6.2.5.3.1 – Performance Outcome 19	Compliance with Centre Zone Code – Table 6.2.5.3.1 - Performance Outcome 19 via condition
Centre Zone Code – Table 6.2.5.3.1 – Acceptable Outcome 22.2	Compliance with Centre Zone Code – Table 6.2.5.3.1 – Acceptable Outcome 22.2 via conditions
Centre Zone Code – Table 6.2.5.3.1 – Acceptable outcome 25.1	Compliance with Centre Zone Code – Table 6.2.5.3.1 – Acceptable Outcome 25.1 via conditions
Centre Zone Code – Table 6.2.5.3.1 – Acceptable Outcome 26	Compliance with Centre Zone Code – Table 6.2.5.3.1 – Acceptable Outcome 26 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.1 to 3.1	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.1 to 3.1 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 4.2	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 4.2 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 5.1 to 6	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 5.1 to 6 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 7	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 7 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 8.1 to 8.3	Compliance with Development Design Code – Table 9.3.2.3.1 – Performance Outcome 8 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 9	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 9 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 10	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 10 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 11.1	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 11.1 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 13	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 13 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 18	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 18 via conditions
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 and 22.1	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 and 22.1 via a condition
Landscaping Code – Table 9.3.5.3.1	Compliance with Landscaping Code – Table 9.3.5.3.1 – via conditions

Relevant matters for impact assessable development:

Nil

Matters raised in submissions for impact assessable development:

Submissions with concerns	Officer's Response
Master Plan impacts	
<p>We believe this proposal is not in the long term interests of the community or the environment. Particularly the second stage which we believe will have lasting impact on the health of the river system and associated marine environment. We have at no stage seen any documentation about the environmental impact of the proposal, nor have the residents been considered with regard to the access to the river in that section.</p>	<p>The proposed development entails the Aquatic Centre, Gym and Café only. The Applicant has submitted various draft plans for the entire site (draft Master Plan) to assist in responding to Council and State's relevant Information requests. Furthermore, the elements outline in the draft Master Plan would be subject to future development applications that will require detailed assessment at the time of lodgement from both Council and State agencies.</p> <p>Nonetheless, the proposed development footprint has been located landward of all coastal and flood impacts, with the supporting technical documents to ensure all waste water and stormwater are captured and conveyed to the lawful discharge locations. This will reduce any impact on the Boyne River.</p>
Council project	
<p>We are also concerned that this project if it is successful, will negate Council's plans for a publicly owned Aquatic Centre.</p>	<p>The current development application has been progressing simultaneously with Council's strategic project for an Aquatic Centre.</p>
Dust and Noise Construction Maintenance	
<p>The proposed development will require substantial earthworks which will result in dust nuisance and inconvenience for adjoining residential uses.</p>	<p>As part of the subsequent Operational Works applications, the Applicant is required to submit for approval a Construction Management Plan and comply with the relevant Environmental Protection Act requirements regarding noise and dust. This is supervised and certified by a Registered Professional Engineer of Queensland.</p>
<p>The associated civil works will occur over a lengthy period of time and will cause vibration and noise nuisance during construction.</p>	
Noise Nuisance	
<p>The proposed barriers are unlikely to reduce the traffic noise from the carpark located between the facility and adjoining residents.</p>	<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>The proposed grandstand and likelihood of events will create ongoing noise concerns.</p>	
<p>The proposed filtration system will have a 24/7 operation with unknown noise impacts</p>	

	<p>generated from the site.</p> <p>An amended Noise Report has been requested to include the proposed mechanical and equipment systems to analyse the associated impacts.</p> <p>The combined requirements will ensure the acceptable noise levels outlined in the Environmental Protection Act are maintained throughout the operating hours of the facility.</p>
Privacy	
<p>The proposed development will likely result in significant loss of privacy during and post construction (i.e. operation of the facility).</p> <p>Potential overlooking opportunities from the proposed grandstand and water slide tower to adjacent properties</p>	<p>The proposed development has been positioned towards the rear of the subject site to assist in reducing noise, amenity and privacy impacts. The installation of fencing and dense landscaping further assists in separating the proposed development from the residential uses.</p> <p>The proposed grandstand is orientated towards the north to allow for casual surveillance of the facility and is 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>
Lighting	
<p>Lack of details regarding proposed lighting in particular within the proposed parking areas noting the proposed hours of operation. Request a certified expert conduct the report and plan.</p>	<p>Outdoor lighting is regulated by an Australian Standard which seeks all lights to be downward facing with treatments (hoods) to reduce the light span being emitted. This forms part of the subsequent Operational Works permits at detailed design stage that is certified by a RPEQ.</p>
Overshadowing	
<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>
Traffic	

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<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>Submissions of support</p>	<p>Officer's Response</p>
<p>Benefits from the pool</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>Build it and them will come</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>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>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>As such, the proposed Aquatic Centre, Gym and Café have been recommended for approval, subject to conditions.</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 in the region</p>	
<p>Development will have health and community benefits</p>	
<p>A couple of private dwellings are monopolising what should be a public resource of use and access to all at the proposed site.</p>	
<p>Improved market value for the area</p>	
<p>Much better location than the proposed site for the Council project</p>	
<p>Adjoining Shopping Centre</p>	
<p>Potential to diversify potential retail income by putting an aquatic centre adjacent to the Boyne River.</p>	<p>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</p>
<p>The adjoining shopping centre complex requires dire refurbishment and patron boost.</p>	

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<p>This proposal may assist in the revitalisation of the centre.</p>	<p>the adjoining Shopping Centre and abutting Boyne River.</p> <p>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.</p>
<p>Pedestrian linkage</p>	
<p>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.</p>	<p>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.</p>
<p>Benefit for local schools</p>	
<p>Proximity to the local schools to reduce cost of swimming lessons and events that require travel</p>	<p>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.</p> <p>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.</p>
<p>Great opportunity to introduce swimming curriculum and events to the local schools</p>	
<p>Master Plan</p>	
<p>The area does not have any decent accommodation for visitors. It will assist ion bringing more people to the area</p>	<p>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.</p> <p>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.</p>
<p>Access to a marina without industry pollution</p>	

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.
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:

Drawing Number	Revision	Description	Author	Date
SD-1-000-02	K	Overall Site Plan	Keamey Architecture	15/09/2021
SD-1-000-03	K	Detailed Site Plan	Keamey Architecture	15/09/2021
SD-1-100-10	A	Movement and Views	Keamey Architecture	15/09/2021

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SD-1-120-01	D	Overall Site Sections	Keamey Architecture	15/09/2021
SD-1-120-02	K	Detailed Site Sections	Keamey Architecture	15/09/2021
SD-1-200-01	K	Floor Plans – Ground Level	Keamey Architecture	15/09/2021
SD-1-200-10	C	Water Slide Tower	Keamey Architecture	15/09/2021
SD-1-300-01	K	Elevations – Sheet 1	Keamey Architecture	15/09/2021
SD-1-300-02	E	Elevations – Sheet 2	Keamey Architecture	15/09/2021
SD-1-400-01	K	Sections – Sheet 1	Keamey Architecture	15/09/2021

And supporting documents

Document Number	Revision	Description	Author	Date
21.067	F	Landscape Intent Statement	Andrew Gold Landscape Architecture	-
21032-1	D	Engineering Report & Stormwater Management Plan	VT Consulting Engineers	September 2021
210135	D	Acoustic Report – Stage 1	JHA Services	27/08/2021
MRA21-156	1	Waste Management Plan	MRA Environmental	31/08/2021
-	-	Proposed Outdoor Aquatic Centre, Boyne Island, Draft Traffic & Transport development application conditions review	Bitzios Consulting	31 March 2022

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.
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.

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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 the sites.
26. As part of the first Development Application for Building Works, the Applicant is to submit for approval by Council End of trip facilities for both female and male users. The End of trip facilities should include, but not be limited to the following:
 - a. Lockers;
 - b. Change rooms; and
 - c. Showers and sanitary compartment

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

Water Infrastructure

27. Prior to the commencement of the use, a water service connection is to be provided from Council's water supply infrastructure to the front property boundary. The location and size of the water service (and any associated fire service) is to be determined in consultation with Council.
28. Prior to the commencement of the use, connections to Council's live water reticulation network must be carried out by Council. The cost of these works is to be borne by the Applicant.

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

Sewerage Infrastructure

29. Prior to the commencement of the use, all sanitary drainage is to drain into a new 1050mm diameter privately owned maintenance hole within the development site, before connection to Council's sewerage infrastructure. The location and size of the sewer service is to be determined in consultation with Council.
30. Prior to the commencement of the use, connections to Council's live sewerage network must be carried out by Council. The cost of these works is to be borne by the Applicant.

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

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

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

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

Stormwater Infrastructure

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

Transportation Services

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

GM/22/4767 Council Resolution:

Moved Cr Hansen
Seconded Cr Cameron

That the Officer's Recommendation be adopted.

CARRIED

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

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*.

GM/22/4768 Council Resolution:

Moved Cr O'Grady
Seconded Cr Churchill

That the Officer's Recommendation be adopted.

CARRIED

G/3.2. COMMUNITY INVESTMENT PROGRAM - ELEVATOR FUND

Responsible Officer: General Manager Community Development & Events

Council Meeting Date: 5 July 2022

File Ref: GS3.1

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
Total Funding Recommendation			\$73,000

and

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

GM/22/4769 Council Resolution:

Moved Cr Muszkat
Seconded Cr Trevor

That the Officer's Recommendation be adopted.

CARRIED

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

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.

GM/22/4770 Council Resolution:

Moved Cr Churchill

Seconded Cr Goodluck

That the Officer's Recommendation be adopted.

CARRIED

G/4. DEPUTATIONS

Nil

G/5. COUNCILLORS REPORT

Councillor Desley O'Grady wished everyone happy NAIDOC week and mentioned that she attended the church service on Sunday night which was the launch of NAIDOC week which was fantastic. Cr O'Grady mentioned that the flag raising will be held on Friday 8 July 2022 during the march.

Councillor Glenn Churchill mentioned that he is attending the Developing Northern Australia Conference in Mackay with Council's Economic Development Specialist. Cr Churchill mentioned that they will be ensuring the Gladstone Region will remain relevant to the focus of developing Northern Australia with a report to be provided to Council following the conference.

G/6. URGENT BUSINESS

Nil

G/7. NOTICE OF MOTION

Nil

GM/22/4771 Procedural Motion:

Moved Cr Goodluck
Seconded Cr O'Grady

That in accordance with the *Local Government Regulation 2012*, section 254J, Council close the meeting to discuss item G/8.1 - Write Off Report 2021/2022.

Item G/8.1 - Write Off Report 2021/2022 will be closed under section 254J (d) *Rating Concessions* as this item will discuss business relating to rating concessions, namely the write off of non-recoverable outstanding rates and debtors effective 30 June 2022.

CARRIED

The item was discussed and considered including the presentation of different options to consider and the opportunities and risks associated with the item.

GM/22/4772 Procedural Motion:

Moved Cr Hansen
Seconded Cr Cameron

That Council re-open the meeting to the public.

CARRIED

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

GM/22/4773 Council Resolution:

Moved Cr Goodluck

Seconded Cr O'Grady

That the outstanding rates and debtors identified below to be written off:

1. The outstanding rates amount \$5,964.26 for Assessment #25993-7
2. The outstanding rates amount \$12,962.08 for Assessment #25966-3
3. The outstanding rates amount \$983.67 for Assessment #24803-9
4. The outstanding debtor amount \$18,256.99 for Debtor #51601-3
5. The outstanding debtor amount \$2,249.64 for Debtor #51941-3

CARRIED

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There being no further business the Mayor formally closed the meeting.

THE MEETING CLOSED AT 9:30am.