



GLADSTONE
REGIONAL COUNCIL

**GENERAL MEETING NOTICE
AND AGENDA**

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

On Tuesday 6 December 2022

Commencing at 9.00am

**Leisa Dowling
CHIEF EXECUTIVE OFFICER**

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G/1. MAYORAL STATEMENT OF CURRENT ISSUES

G/2. CONFIRMATION OF MINUTES

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

Responsible Officer: Chief Executive Officer

Council Meeting Date: 6 December 2022

File Ref: CM7.2

Purpose:

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

Officer's Recommendation:

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

Attachments:

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

Tabled Items:

Nil

Report Prepared by: Executive Secretary

G/3. DEPUTATIONS

G/3.1. NBN LOCAL

Responsible Officer: Chief Executive Officer

Council Meeting Date: 6 December 2022

File Ref: CM7.6

Purpose:

To introduce Council to nbn™ Local.

Officer's Recommendation:

That the deputation from nbn™ Local be received.

Background:

Deputation details are as follows:

Time of Presentation	9:10am
Duration of Presentation plus question time	15 minutes
Speakers to present	Scott Rowe, Community Engagement Manager, nbn™ Local RDE
Is the matter currently or has previously been subject to legal proceedings?	No
Matter for information only	Yes

Attachments:

1. nbn™ Local Presentation

Tabled Items:

Nil

Reported Prepared by: Executive Secretary

G/4. OFFICERS' REPORTS

G/4.1. COMMERCIAL LEASE PROPOSAL FOR PRIVATE AQUATIC CENTRE DEVELOPMENT, BOYNE ISLAND

Responsible Officer: General Manager Strategy and Transformation

Council General Meeting Date: 6 December 2022

File Ref: PRJ279/D, ED6.1

Purpose:

For Council's consideration of the ZenDev Pty Ltd proposal to enter into a commercial lease agreement for the private aquatic centre development at Boyne Island.

Officer's Recommendation:

That Council decline to proceed with the ZenDev Pty Ltd proposal to enter a commercial lease for the private aquatic centre development at Boyne Island.

Background:

In November 2020, Council received a deputation from ZenDev Pty Ltd (ZenDev) on a proposal to enter a Memorandum of Understanding (MOU) to develop a public aquatic recreation facility within a private master plan development of a community precinct at Boyne Island. The proposal was declined on the basis that the opportunity did not improve Council's current strategic position.

ZenDev proceeded with the project as a private development, lodging a development application (DA/24/2021) in May 2021. On 1 March 2022, DA approval was granted with conditions. A subsequent appeal was lodged resulting in a Negotiated Notice of Decision outcome on 5 July 2022.

The Investment Opportunity

On 15 August 2022, ZenDev submitted a new proposal (operating model and business case) to Council for the commercial lease (with an option to buy) of their aquatic centre facility as an alternative pathway to delivery of an aquatic recreation centre. A comparison of the benefits and constraints between leasehold and freehold property ownership is attached.

The key terms and conditions of the lease are summarised below. The proposal (operating model and business case) and relevant appendices to the assessment are attached as well as a consolidated investment opportunity comparison table for reference.

Commerical Lease Management Proposal	
Construction	<ul style="list-style-type: none"> No capital contribution required from Council
Aquisition of Asset	<ul style="list-style-type: none"> 'Lease Hold' for a Term of 20 years. \$1.5M annual lease fee (rent increase of 4% annually) Council responsible for repairs/maintenance and asset replacement of certain fixtures and plant included in the build. Potential Body Corporate Fees (Pending Precinct 2 development).
Incentives	<ul style="list-style-type: none"> 12 months Rent (\$1.5M) Free 6 months Rent/Operating Cost Free

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	<ul style="list-style-type: none"> Facility operated by ZenDev partner, MSK Management Group, to establish baseline operating data to assist with determining long term management options.
Option to Purchase	<ul style="list-style-type: none"> \$25M est. Sale Price (Pending market valuation) Option to purchase at pre-determined intervals at: <ul style="list-style-type: none"> project completion end of the first lease year end of the second lease year Right to First Refusal.

Options, Risk and Opportunity Analysis:

A key objective of assessing the proposal is to determine a value for money outcome for the community. Long Term Financial Forecast (LTFF) modelling has been undertaken to compare the cost of acquiring the ZenDev facility to that of Council’s own aquatic centre development. Six (6) options were modelled (tabled below) over the 10-year period of Council’s adopted 2022-23 LTFF (S/22/4792) to identify the general rates impact on the community.

	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
	<i>Council Lease ZenDev Facility.</i>	<i>Council Lease ZenDev Facility.</i>	<i>Council Purchase ZenDev Facility</i>	<i>Council builds own Facility</i>	<i>Council builds own Facility</i>	<i>Council builds own Facility</i>
	<i>Council responsible for full asset renewals</i>	<i>ZenDev responsible for full asset renewals</i>	<i>Full capex secured through QTC loan</i>	<i>\$15M Federal Grant Secured Balance funded through QTC loan</i>	<i>Full capex secured through QTC loan</i>	<i>\$15M Federal Grant Secured Balance funded other government grants</i>
Annual Operating	\$0.605M	\$0.605M	\$0.605M	\$0.650M	\$0.650M	\$0.650M
Annual Lease Fee	\$1.5M	\$1.5M	-	-	-	-
Purchase/ Construction	-	-	\$25M	\$23.534M	\$23.534M	\$23.534M
Capital Renewal	\$0.260M		\$0.260M	\$0.260M	\$0.260M	\$0.260M
Capital Funding				(\$15M)		(\$23.534M)
Loan Amount			(\$25M)	(\$8.534M)	(\$23.34M)	
Avg annual loan repayment (principal + Interest)			\$0.875M	\$0.300M	\$0.823M	

Modelling has been completed with the following assumptions:

- Council’s final investment decision, to proceed to construct is yet to be determined.
- All options assume aquatic centre facilities are operated under external management.
- 3% increase applied to Year on Year (YoY) operating expenditure.
- 12 month Rent Free incentive applied to all lease options.

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- 4% increase applied to the Lease Fee (per Agreement to Lease – Schedule of Terms)
- The lease term is over a 20-year period.
- Construction capex includes Life of Project (LoP) cost.
- Council build options include capitalised employee costs.
- Capital renewal expenditure applied in year 6 and 9 of the modelling period.
- ZenDev capital renewal cost assumed equivalent to Council’s own level of development.
- The purpose of borrowing is aligned with Council’s current Debt Policy for major items of physical infrastructure with an asset life exceeding the term of the loan.
- The current borrowing rate applied is 4.89% (as of October 2022).
- The loan term is over a 20-year period.
- The borrowing rate is fixed with principal and interest payments paid quarterly.
- Total number of assessments is 35,584 (residential + industrial).
- All calculations are based on cash impact. Does not include potential impacts from Australian accounting standards – operating position may be impacted by *AASB16 Leases*.
- Projected increases to the average general rates is additional to the base general rates increase and are applied equally across all assessments (residential and industrial) that incur general rates.
- Rate increase does not include the impact on properties currently at a minimum rate and capped at 10%.

The outcomes of the financial modelling are summarised in the table below, parameters of the modelling attached.

	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
	<i>Council Lease ZenDev Facility.</i>	<i>Council Lease ZenDev Facility.</i>	<i>Council Purchase ZenDev Facility</i>	<i>Council builds own Facility</i>	<i>Council builds own Facility</i>	<i>Council builds own Facility</i>
	<i>Council responsible for full asset renewals</i>	<i>ZenDev responsible for full asset renewals</i>	<i>Full capex secured through loan</i>	<i>\$15M Federal Grant Secured Balance funded through loan</i>	<i>Full capex secured through loan</i>	<i>\$15M Federal Grant Secured Balance funded through other government grants</i>
Avg. General Rates % Increase	0.59%	0.58%	0.47%	0.38%	0.45%	0.25%
General rates increase per assessment	\$105.29	\$104.27	\$85.84	\$44.98	\$82.22	\$24.10

Key findings:

- Of the options considered, options 1 and 2 (Leasing) will result in the highest general rates increase (between \$104 - \$105).
- Option 3 (purchasing the ZenDev facility) and Option 5 (Council building its own aquatic centre) as funded through borrowing are comparable. Option 5 has slightly less impact on the general rates increase required.
- Option 4 (Council building its own aquatic centre) with construction partly funded by the Australian Labor Government commitment of \$15M and the balance funded by borrowing offers an impact at \$44.98.

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- Option 6 (Council building its own aquatic centre) with construction fully funded through external government funding represents the least impact (at \$24.10) to the community.

Financial Capacity to Purchase

ZenDev has included provisions for Council to purchase their aquatic centre development at an estimated price of \$25M (subject to valuation and negotiations). Opportunities to seek external funding for this investment have been explored and are currently unavailable given the:

- Ineligibility to repurpose the Australian Labor Government 2022 election commitment (\$15M) towards the purchase of the private development.
- Ineligibility to secure State Government funding for the purchase of a private development.

Based on the outcomes of the financial modelling and limited funding avenues to support the purchase of the development, the options to lease or purchase the ZenDev facility represent the least value for money outcome for the community in comparison to Council's own development.

Final Investment Decision

A final investment decision is yet to be determined on whether Council will proceed to construct an aquatic recreation centre. Should Council resolve to enter into a lease agreement or purchase the ZenDev facility, Council in effect will have made the final investment decision to proceed to deliver an aquatic recreation centre. Council's own development would be paused for a negotiated period to allow ZenDev to undertake construction and handover an operational facility to Council.

Should ZenDev not fulfil its development obligation having exhausted all reasonable efforts to rectify noncompliance, Council could terminate its contractual agreement and resume work to deliver its own public aquatic centre development.

Risks associated with pausing work on Council's development may lead to the requirement on Council to relinquish the election commitment funding (\$15M) as well as eliminate opportunities to pursue Queensland Government investment.

Should the ZenDev facility be handed over within a negotiated timeframe, Council's own aquatic centre development would no longer be required, work to progress the BTARC project would cease indefinitely.

Other Risks and Opportunities

Whilst this report has placed an emphasis on the financial and investment attraction/retention risks to Council, other notable risks and opportunities have been considered during the assessment process, these include:

- Risks
 - The development is proposed as a Design and Construct (D&C) project. This procurement model offers Council no control over construction budget, design, quality and outcomes that could lead to acquiring a facility that does not meet Council's specifications quality and material standards and expectations.
 - The cost to Lease is not a contribution towards Council owning the asset outright.
 - Council enters a defined period of ownership (leasehold) during which at any time, the facility could be sold. There would likely be a community expectation for Council to purchase the facility which may not be financially achievable. Council could therefore be liable to new Owner terms and conditions which could negatively impact Council's sustainability to maintain operating an aquatic facility for the Boyne Tannum community.

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- Opportunities
 - In terms of construction cost and development risks, ZenDev are proposing to take full accountability which includes all risks associated with a D&C procurement approach.
 - Council can return the asset to ZenDev should it no longer wish to operate at the end of the lease term, eliminating ongoing operating, repair and maintenance costs.

Alternative Consideration

Council may wish to explore the opportunity to invite the submission of revised commercial terms to lease or purchase the development to determine whether ZenDev can offer an improved financial outcome for the community. Consideration could be given to the following alternative:

THAT:

- Council defers a decision on the ZenDev Pty Ltd proposal to enter a commercial lease agreement for the private aquatic centre development at Boyne Island for a period of three (3) months and invite ZenDev Pty Ltd to submit revised commercial terms for further consideration.

Should the alternative consideration be adopted, it may take up to six (6) months for Council to receive and reassess an alternative proposal from ZenDev.

Pausing work on the BTARC project will generate risks in Council's ability to fulfil project funding conditions specifically, construction and operational timeframes expected to come with the \$15M Australian Labor Government election commitment. To mitigate this risk, Officers intend to continue to outwork Council's current resolution and complete detailed designs and obtain the relevant statutory approvals for the project.

Should Council reach an acceptable arrangement to acquire the ZenDev aquatic centre facility, there is a risk for Council to have unavoidably incurred costs associated with continuing to develop the BTARC project.

Communication and Consultation:

To properly evaluate the proposal, the following Subject Matter Experts (SMEs) have been consulted.

- Systems Modelling and Metrics Specialist
- Cost Analyst
- Reporting and Financial Analyst
- Manager, Rates Revenue
- Risk and Insurance Officer
- Community Development Specialist
- Legal Counsel
- Strategic Property Specialist
- Manager, Engineering Asset Solutions
- Manager, Works Planning and Scheduling
- Strategic Projects Business Partner

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Considering the strategic influence the proposal could have on the future of Council's own aquatic centre project, the IDF provided a pathway to consult the Investment Opportunity Committee (IOC) (membership listed below) for additional advice. The IOC's objective is to provide a peer review of investment opportunities to support effective and efficient decision making. The IOC has been consulted on this proposal and their advice noted.

- Economic Development Specialist
- Manager Events and Entertainment
- Manager Waste Program Delivery
- Manager Governance
- Governance Business Partner
- Cost Analyst

External Consultation

- The Department of Infrastructure, Transport, Regional Development and Communications.

Legal Strategy and Policy Implications:

Assessment of the ZenDev proposal has been undertaken in accordance with:

- Investment Decision Framework Policy and Corporate Standard;
- Risk Management Policy and Corporate Standard; and
- Debt Policy and Corporate Standard.

Financial and Resource Implications:

Clarification has been received from the Department of Infrastructure, Transport, Regional Development and Communications regarding the approved purpose and intent for the \$15M Australian Labor Government election commitment made in May 2022.

The Department has confirmed that redirecting the \$15M towards a proposal that would directly benefit a private for-profit organisation (other than contractors engaged during construction) would be an ineligible purpose for the funding.

Should Council enter into an agreement to acquire the private aquatic centre development, Council would be pursuing an ineligible purpose for the funding and losing the investment.

The recommendation of this report does not have an impact on Council's current 2022/23 budget.

Summary:

- On 15 August 2022, ZenDev submitted a proposal (operating model and business case) to Council to enter a commercial lease for an aquatic centre development (with an option to buy) at Boyne Island as an alternative pathway to fast-track an aquatic recreation centre facility.
- This report articulates the financial modelling undertaken and the risks and opportunities evaluated by Officers to support and inform Council in their consideration of the investment opportunity presented by a private proponent.

Anticipated Resolution Completion Date:

- December 2022.

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Attachments:

1. Freehold – Leasehold Property Ownership Comparison
2. Investment Opportunity Comparison Table
3. Financial Modelling Parameters
4. ZenDev Proposal Summary
5. ZenDev Proposal Operating Model and Business Case
6. CONFIDENTIAL - Appendix 2: Capital Partner LOI
7. Appendix 5: ZenDev Financial Model
8. Appendix 6: Agreement for Lease (AFL)
9. Appendix 6: Schedule 1 – Maintenance Responsibilities
10. Appendix 7: Project Timeline

Tabled Items:

Nil

Report Prepared by: Strategic Projects Specialist

G/4.2. HARVEY ROAD SPORTS AND EVENTS PRECINCT BUSINESS CASE AND FEASIBILITY ASSESSMENT

Responsible Officer: General Manager Strategy and Transformation

Council Meeting Date: 6 December 2022

File Ref: PRJ280, ED6.1

Purpose:

Present the Final Feasibility Assessment Report and Business Case for the Harvey Road Sports and Events Precinct.

Officer's Recommendation:

That Council:

1. Adopt the Harvey Road Sports and Events Precinct Final Feasibility Assessment Report and Business Case; and
2. Maintain Harvey Road Sports and Events Precinct as a Strategic Priority and continue to advocate for funding.

Background:

In April 2018, the Gladstone Coal Exporters Sports Complex (GCESC) successfully hosted the National Rugby League game between the Gold Coast Titans and Manly Sea Eagles, showcasing the Gladstone region's appetite and ability to host high-profile sporting fixtures. Additional high-profile games included the Brisbane Roar and Queensland Reds 2019, and 2020 pre-season matches as well as hosting a round of the 2019 National Rugby Championship.

Based on the demonstrated capability of the GCESC to host major sporting events, at the 17 July 2019 General Meeting, Council adopted the Operational Plan for 2019/2020 with the following strategic goal.

Strategic Goal 1 – Action 1.3f

- *Identify requirements for the Gladstone Coal Exporters Sports Complex to provide the community with a year-round multipurpose sports and event complex capable of hosting at national level.*
 - I. *Master Plan and preliminary costings completed*
 - II. *Develop a Business Case for the Gladstone Coal Exporters Sports Complex*

In August 2019, the GCESC Master Plan was presented and noted by Council however, not formally adopted. The master plan focused on the redevelopment of the GCESC grandstand and the reorientation of the Marley Brown Oval (MBO) to meet televised broadcasting requirements.

After securing funds under Round 5 of the Queensland Government *Building our Regions* program Council engaged CPR Group to develop the business case.

Engagement with key stakeholders (National Rugby League (NRL), ALH Group and the Rugby League Gladstone) highlighted competing needs and expectations for the project specifically noting:

- Lack of support to pursue a new stadium on a modified MBO site.
- Firm objection from ALH Holdings (owner Harvey Road Tavern) regarding the orientation of the proposed stadium.

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- The master plan did not present an option that had the least and/or manageable impact on the end user groups.
- External capital investment is more likely for the construction of a new fit for purpose facility as opposed to retrofitting/upgrading existing infrastructure.

Given the engagement result, broader consideration of redeveloping the Harvey Road Sports Precinct was supported by stakeholders and subsequently undertaken.

Three (3) alternative site configurations of the grandstand and premier field were developed in collaboration with the end user groups. Council engaged Cootes Burchills Engineering to undertake technical and engineering assessments necessary to determine the most feasible of these three options.

Following further investigation of these layout options and the preliminary findings, further engagement with the end user groups was undertaken. There was significant support and favorable sentiment for the centralised grandstand and premier field option within the overall Harvey Road precinct. After further evaluation with Council, this was selected for further development detailed below.

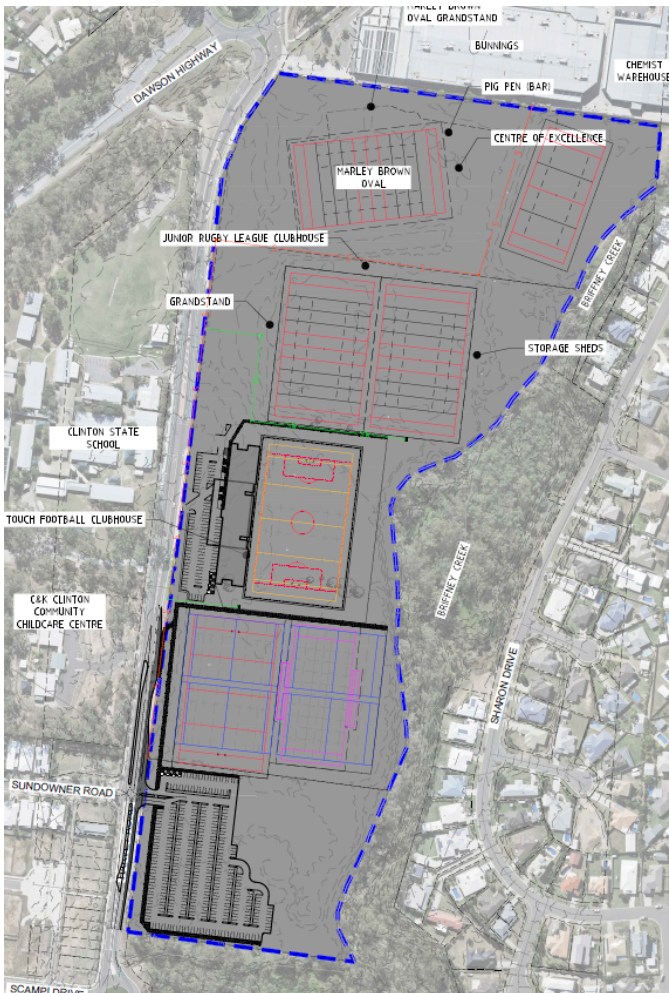


Figure One: Central Field Option

This project has been one of Council's strategic priorities since 2019 and this continues within the recently adopted 2022/23 Strategic Priorities publication.

Options, Risk and Opportunity Analysis:

Key findings detailed in the Feasibility Assessment Report and investment justification presented in the Business Case have been summarised for ease of review.

Final Feasibility Assessment Report

The report detailed the technical and planning feasibility for developing the broader Harvey Road precinct based on a centralised grandstand and premier field option. Assessments undertaken have concluded that:

- There are no severe risks that would compromise delivery of the project.
- MBO grandstand is currently substantially non-compliant to host televised and higher-level games.
- Environmental risks that exist on site (flooding/endangered regional ecosystem) can be mitigated through well considered design solutions.
- Flood modelling determined civil design does not have adverse impacts on private property or Briffney Creek.
- Traffic assessment concluded sufficient capacity exists within the Dawson Highway/Harvey Road corridors to accommodate traffic volumes generated by events.
- Noise Impact Assessment identified central design option would comply with relevant noise criteria with mitigation measures and strategies implemented.
- Central design option supported by end user groups.

The Feasibility Assessment Report and subsequent Quantity Surveyor cost estimates were utilised to form the infrastructure development basis for the Business Case.

Business Case - Harvey Road Sports and Events Precinct

The Business Case has strategically demonstrated the precinct development to be:

- One of only two rugby league facilities in regional Queensland and one of four facilities Queensland-wide with six full size fields available at one location.
- One-and-only precinct to claim all six full size fields serviced by change room facilities.
- Coordinated availability of facilities extremely attractive to regional, state, and national sports carnival organisers, including rugby league and other major rectangular field sports codes.
- Create significant sports tourism benefit for the Gladstone Region.



Figure Two: Render of proposed Precinct including Grandstand

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Current issues with the existing site and infrastructure provide a strong rationale for the project to be advanced to detailed design and seek development approval.

- Gladstone Region does not have a fit for purpose multi-use large outdoor event venue.
- Main field (Marley Brown Oval) and Gladstone Coal Exporters Sports Complex grandstand does not meet key requirements for NRL and showcase games (e.g., crowd capacity, field orientation, televised broadcasting, accessibility).
- High maintenance burden due to:
 - Ageing and non-complaint infrastructure.
 - High demand and heavy usage of rugby league fields.
- Broader Harvey Road sporting facilities not utilised/managed as one, limiting opportunities to attracting large sporting carnivals/events.
- Code specific allocation of access, facilities, and space constraining growth.

Realisation of the entire precinct development would unlock economic and social benefits from increased visitor expenditure in the region, increased employment, and destination promotion. Such opportunities have been summarised below but are not limited to:

- Live Music (Concerts), Festivals and Lifestyle Events
- Showcase premier and pre-season games (NRL, Roar, Reds).
- Develop a state recognised signature sporting carnival event for the Gladstone Region by enabling the growth and expansion of the Jason Hetherington Gary Larson Cup.
- Host major team sport events including:
 - Queensland School Sport (Regional and State championships)
 - Queensland Independent Secondary Schools (Confraternity Carnival - Rugby League)
 - Queensland Touch (Junior and Senior State Championships)
 - Central Queensland Rugby Union (Rep Teams)
 - Gladstone Rugby Union - Local team growth
- Potential to attract Pre 2032 Olympics training for participating countries.

Capital Investment

Capital investment required for construction is estimated at \$50.5M. A high-level summary of this cost is tabled below.

Construction Required	Capital Estimate
Marley Brown Oval (field upgrade)	\$1,705,215
Junior rugby league fields and north east field	\$3,619,357
Premier grandstand	\$18,715,220
Premier field	\$2,910,982
Central car park	\$682,060
Touch field	\$2,507,805
New car park - south	\$758,460
New traffic signals (south car park - Sundowner Road intersection)	\$816,285
Others	\$512,532
Margins and adjustments	\$18,272,458
TOTAL (excluding GST)	\$50,500,374

A breakdown of cost estimates is thoroughly documented on page 57 of the Business Case.

Cost Benefit Analysis

The table below represents a summary of the Cost Benefit Analysis undertaken. Considered along with the social benefits identified, the business case has demonstrated the viability of cash flows proposed for this project.

Costs	Totals	
Capital Cost	\$ 50,501,000.00	
Operating Expenses (Incl. Maintenance)	\$21,764,140.00	
Major event performance fees	\$9,112,500.00	
Asset Replacement Costs (Buildings)	3,759,177.97	
Fit out Costs (Incl. Replacement)	\$3,091,200.00	
Asset Replacement Costs (Fields)	\$3,250,000.00	
Undiscounted Costs	\$91,478,017.97	
Total Cost (Present Value)	\$64,721,691	
Quantifiable Benefits		
Construction (economic benefits)	\$35,005,000.00	
Tourism Impact	\$58,766,000.00	
Operating Revenue	\$19,724,875.00	
Operational Savings	\$2,520,000.00	
Additional employment economic benefit	\$23,408,000.00	
Residual/Depreciated Asset Value	\$27,879,157.29	
Residual/Depreciated Asset Value (fit out)	\$103,0400.00	
Undiscounted Benefit	\$167,406,072.26	
Total Benefit (Present Value)	\$79,054,871	
Cost Benefit Analysis (NPV and BCR)		
Discounted Rate	NPV	BCR
Undiscounted	\$75,928,054.29	1.83
Low (4%)	\$29,513,964.02	1.41
Base (7%)	\$14,333,179.58	1.22
High (10%)	\$5,335,870.71	1.09

A Benefit Cost Ratio (BCR) exceeding one (1) indicates that the project is expected to generate incremental value over the 30-year life of the asset. Detailed analysis and assumptions applied to calculate the benefits can be reviewed from page 68 of the Business Case.

The possible options for Councils next steps to progress the project through the IDF have been considered and are detailed below.

Option 1 – Adopt the Technical Feasibility Assessment Report and Business Case & advocate for funding for the project as a Strategic Council Priority

The finalisation of the Feasibility Assessment Report and Business Case brings this strategic project through Gate 3 of the Investment Decision Framework from the Select Phase and into the Define Phase. This is a natural holding point within the framework which allows for the adoption of the Business Case with general support for the project by Council. It positions the project where advocacy for capital funding can be prioritised, before continuing with more detailed development and planning elements.

It is essential to note that this project is complex and should funding become available, there is still considerable planning work to be undertaken before any construction could commence. Officers anticipate that at an accelerated pace, this work could take at least two years.

In light of broader consideration of current and future operational and capital investments and objectives of Council, it is recommended that the strategic priority of this project be maintained, adopt the Technical

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Feasibility Assessment Report and Business Case, and proceed no further with planning and development of the project at this time. This status would be reviewed annually as part of the typical budget and workplan cycle, or should appropriate funding opportunities arise.

This option anticipates no further operational or capital expenditure in the 22/23 budget.

Option 2 – Adopt the Technical Feasibility Assessment Report and Business Case and proceed through the Define Phase to Gate 4 of the Investment Decision Framework.

As discussed in Option 1, the completion of the Feasibility Assessment Report and Business Case brings this strategic project into the Define Phase. This phase includes further refining of designs, understanding the operating model, capital, and operating budgets, regulatory approvals, and wider community engagement are all required before making any final investment decision.

Specifically in context to this project, the next component to now consider and determine is the potential operating model for the precinct as well as the governance structure. This is an essential first step as it may result in changes to the design of the precinct, dependent on the outcomes. This work will require a planned approach to the engagement of the key stakeholders as well as the wider community.

After finalising the operating model, the project would then move into the preparation of the relevant statutory approvals such as the Land Management Plan, Vegetation Management Plan and the Development Application based on any design changes made. Given the complexity of these approvals, a two-year minimum timeframe to reach Gate 4 is anticipated. The workplan for each year to progress the project through this phase would be reviewed annually as part of the typical budget and workplan cycle.

Advocacy for external capital funding would continue concurrently with Option 2.

Undertaking this option includes a \$211,000 capital expenditure in the 2022/23 capital budget.

Communication and Consultation:

Engagement with directly impacted external stakeholders has been widely undertaken to understand the breadth of factors that have influenced the project planning, co-design, and business case development.

Throughout the development of the Feasibility and Business Case, the project working group and Council's internal Subject Matter Experts (SMEs) have been consulted at length and feedback received incorporated.

Final rounds of direct key stakeholder and end user group engagement have also been undertaken to share the findings of the Business Case and gauge sentiment towards the progress and broaden scope of the project. No resistance and overall positive feedback towards the revised approach and justification detailed in the Business Case was received throughout the development process.

Gladstone Ports Corporation has also been included within the project's progression, as a key landholder of the Gladstone Coal Exporters site. General support for this development has been indicated.

ALH Holdings are also a key stakeholder, being the landowner of Dan Murphys and the Harvey Road Tavern. Discussions based on the initial Master Plan highlighted their issues that concept and informed the consideration of an overall precinct redesign approach. Early discussions have indicated more positive sentiment towards the current central field layout.

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Council will utilise the 'Conversations' engagement platform along with social and published media to update the broader community after Council's determination on the business case and the proposed next phase of the project. These updates have been prepared in collaboration with the Brand and Communications team.

There will also be specific engagement with key stakeholders moving forward, to ensure that there is clear understanding on the current project life cycle, Councils intent and the next steps based on the resolution reached.

Branding of the Strategic Project.

Given the planning direction to redevelop the broader Harvey Road Sports Precinct was undertaken, moving forward, it is considered prudent to propose that the project be referred to as the 'Harvey Road Sports and Events Precinct.'

The GCESC and Marley Brown Oval branding remains unchanged (and would remain as such through any redevelopment) for the facilities located on Gladstone Ports Corporation (GPC) land and remains compliant with the lease agreement between the GPC and Council for the site (Lot 2 SP218092).

Advocacy

Council has adopted the Harvey Road Sports and Events Precinct as a strategic priority for 2022/2023. The current Strategic Priorities publication is available on Council's website. The project was also part of the previous year's priorities. Officers will continue advocacy and investigate funding opportunities for this project.

Legal Strategy and Policy Implications:

The project is currently in the Select Phase of the Investment Decision Framework (IDF). The completion of the Concept Designs and Business Case moves this project through Decision Gate 3 to the Define Phase. This phase includes the preparation work such as refining of designs, understanding the operating model, capital, and operating budgets, regulatory approvals, and wider community engagement all required before making any final investment decision – Gate 4.

Financial and Resource Implications:

Council successfully sought \$54,000 (90% anticipated project cost) funding through the Department of State Development, Infrastructure, Local Government and Plannings' Building our Regions Program in late 2019. Council has received the full \$54,000 in funding at completion of the Business Case in July 2022.

The total expenditure for the Business Case and Feasibility Assessment to date is \$402,550.

A capital budget of \$211,000 has been allocated to this project for the 2022/2023 financial year to progress with the operational and governance models and any design amendments.

Summary:

The Harvey Road Sports and Events Precinct Redevelopment Project aims to provide the greater Gladstone Region with a major sport and event stadium suitable for national sporting games, regional level carnivals and large outdoor events, while meeting the needs of local day-to-day use. An extensive options analysis, feasibility and risk assessment, and planning process have been completed, along with extensive user and stakeholder consultation.

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Costed at \$50,500,374 to construct, the Harvey Road Sports and Events Precinct redevelopment demonstrates substantial economic benefits for community infrastructure. The 30-year discounted cash flow included within this Business Case results in a net present value (NPV) of \$14,333,180 and a benefit to cost ratio (BCR) of 1.22. The costed benefits from this project are generated through construction, growth in service delivery, an increase in carnivals, events and participation, sports tourism, and post-construction employment.

Social benefits are delivered by increased and aspirational participation in sport and events, inflated by Gladstone's position as a rugby league centric town, where the additional visibility and value of rugby league is strongly recognised by the wider community.

It is recognised that the project is a significant and complex capital investment and adopting the Business Case and continuing advocacy for the project does not represent a final investment decision.

This report recommends that Council adopt the Business Case and continue to advocate for funding for this strategic project.

Anticipated Resolution Completion Date:

The recommended resolution can be completed by 23 December 2022 to update the Conversations Page to include the Business Case and Feasibility Assessment and project status.

Attachments:

1. CPR Harvey Road Sports and Events Precinct Business Case June 2022
2. Burchills Harvey Road Sports and Events Precinct - Final Feasibility Assessment April 2022

Tabled Items:

Nil

Report Prepared by: Strategic Projects Business Partner

G/4.3. REQUEST FOR NEGOTIATED DECISION NOTICE FOR DA/28/2022 MATERIAL CHANGE OF USE OF PREMISES FOR AN EDUCATIONAL ESTABLISHMENT (3 STAGES) AT 2774 ROUND HILL ROAD, AGNES WATER

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 6 December 2022

File Ref: DA/28/2022

Development Application:

Application Number: DA/28/2022
Applicant: Goora Gan Steiner School Incorporated
C/- Angelo Oliaro Town Planning
Owner: Goora Gan Steiner School Incorporated
Confirmation Notice: 29 April 2022
Location: 2744 Round Hill Road, AGNES WATER QLD 4677
RPD: Lot 36 RP 619982
Area: 1.9 hectares
Current Use of Land: Vacant Lot
Zoning: Rural Residential – Bicentennial Drive Enterprise Precinct
Proposal: Educational Establishment (3 Stages)
Planning Scheme: Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2
Public Notification Period: 22 June 2022 to 13 July 2022
Number of Submissions: One (1) Not Properly Made Submission

Purpose:

The Purpose of this report is to consider the applicants representations in regard to the Decision Notice dated 2 September 2022. Specifically in relation to Conditions 4, 15, 16, 20, 22, 23, 24 and 25 of the Notice of Decision.

Executive Summary:

A Development Application for a Material Change of Use of Premises for an Educational Establishment (3 stages) at 2774 Round Hill Road, Agnes Waters, was lodged on 28 April 2022. The Development Application was lodged under *Gladstone Regional Council Planning Scheme 2015, Version 2* (the Planning Scheme) and triggered Impact Assessment.

Based on the information accompanying the application, referral was not required to the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) or any other agencies. The Applicant advised that Public Notification requirements were undertaken between 22 June 2022 to 13 July 2022 with one not properly made submissions received.

After assessment of the proposal against the Planning Scheme, it was considered that the proposal was generally consistent. It was therefore recommended that the Development Application for a Material Change of Use of Premises for an Educational Establishment (3 stages) at 2744 Round Hill Road, Agnes

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Water, be approved subject to reasonable and relevant conditions. A Notice of Decision was issued on 2 September 2022.

Upon receipt of the Notice of Decision dated 2 September 2022, the Applicant suspended the Appeal Period and lodged an initial Change Representation on 12 September 2022 against Conditions 4, 15, 16, 20, 22, 23, 24 and 25 of the Notice of Decision. On 22 September 2022, the Applicant lodged further Change Representations against Condition 15 and 16. A meeting was held on 13 October 2022 between Council Officers and the applicant and consultant to discuss the representations and Council's initial considerations. The applicant then submitted final representations on 14 October 2022.

Council officers recommend the retention of all conditions of the Decision Notice, with the exception of Condition 25, which is to be amended.

Subject Site:

The subject site is located at 2774 Round Hill Road which is also known as Lot 36 RP 619982. The site is approximately 1.9 hectares with frontage to Round Hill Road. The current road layout and intersection has allowed a large road reserve within the proximity of the sites given the off-centre intersection to Bicentennial Drive. The site and surrounding road network can be viewed below in Figure One.

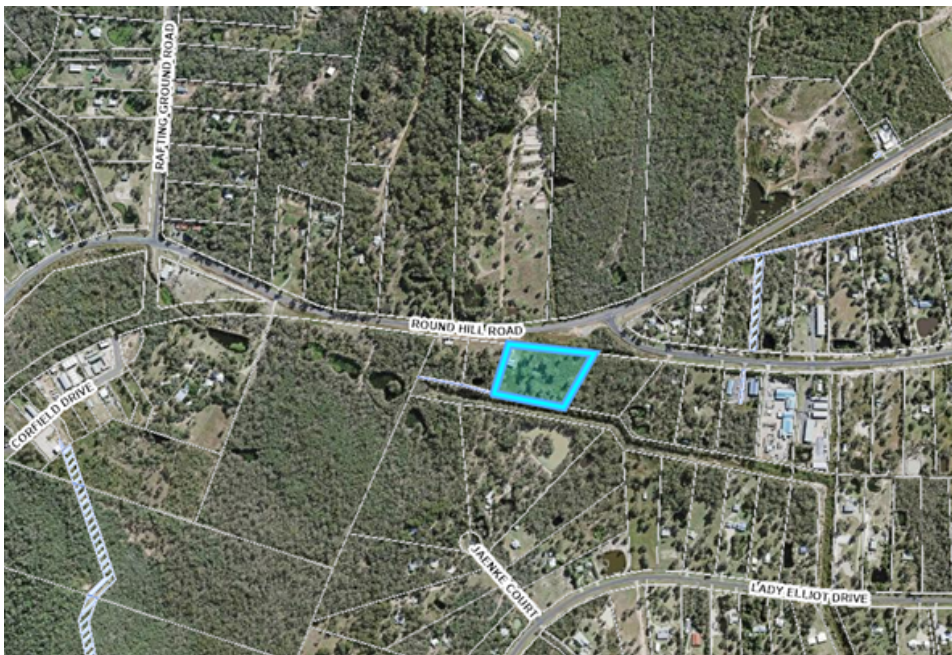


Figure One: Subject Site and surrounds

The site is located within the Rural Residential Zone within the Bicentennial Drive Enterprise Precinct. The sites that border the premises are also located within the precinct with an open space lot towards the rear of the subject site that has been constructed as an open drain. To the north-east sites transition to Emerging Community Zone given the proximity to the established town centre and existing services.

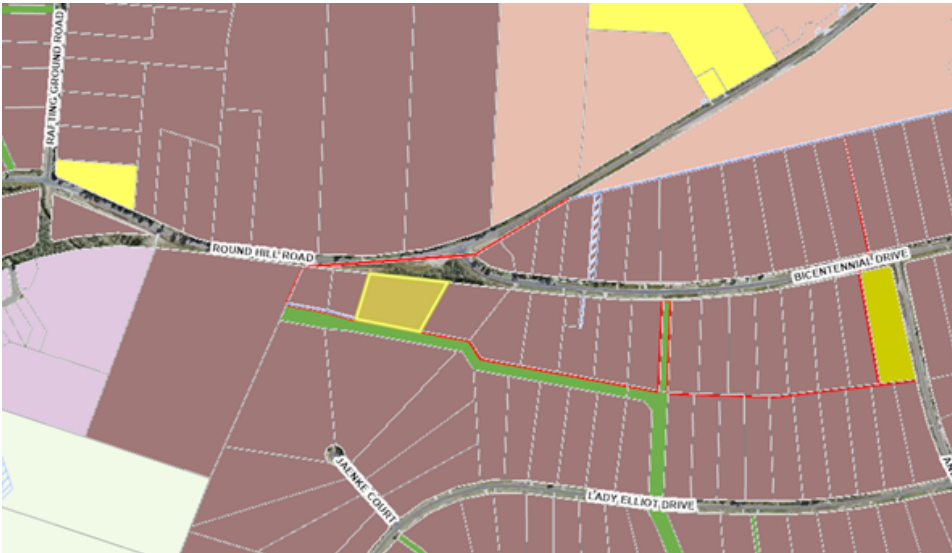


Figure Two: Zoning of Subject Site and surrounds

The site is currently located outside of the mapped service area for both water and sewer infrastructure. The existing water service currently terminates at 2873 Round Hill Road (the Discovery Christian College) with the approved development of the Shopping Centre and Service Station to occur north east of the site that will result in trunk water being extended to 2773 Round Hill Road. With reference to sewer, that same approved development will trigger the construction of a sewer pump station and mains at 2853 Round Hill Road (Lot 241 SP 262272). That approval also involves the land dedication of the second arterial road connection to Captain Cook Drive. The below figure illustrates the existing infrastructure.



Figure Three: Council Infrastructure location



Figure Four: LGIP Map including roads and sewer planned infrastructure

Background:

Goora Gan Steiner School history

Goora Gan Steiner School originally began operating at the Agnes Water Community Hall on an infrequent basis that required the staff to set up and pack-up on a regular basis given the community hall could be hired for other community activities. During their search for a property, the school moved to where they currently operate at 1 Surf Club Avenue (Lot 22 SP 178795) via a State Lease within the previous Surf Club. DA/33/2018 was categorised as Impact Assessable and received a submission regarding the operation at the site and traffic. Given the inconsistencies with the planning scheme, the application was restricted to a capacity number noting the state lease had an expiry date with a trigger to ensure the school was finding an alternative location to relocate to within the community.

The Applicant later lodged a Change Application (Minor) on 3 November 2020 to seek an amendment to the capacity numbers within DA/33/2018 approval which was recommended for refusal by officers. However, at the Council General Meeting 15 December 2020, the Council voted to approve the change request and increase the operation numbers. This was acknowledged via the Changed Decision Notice issued on 16 December 2020.

Pre-lodgement Meeting

Goora Gan Steiner School shortlisted three (3) potential sites within the Rural Residential Zone and Rural Zone. The Applicant requested a pre-lodgement meeting which was held on 29 June 2021 to discuss each site and the relevant planning and engineering considerations. From the meeting, the Applicant progressed due diligence for 2744 Round Hill Road and later acquired the site.

Most Current Application

The Development Application was received on 28 April 2022 and Confirmed on 13 May 2022. A No Information Request was issued on 27 May 2022. Upon receipt of the notice, the Applicant raised concerns with the application being sought which noted an Environmentally Relevant Activity 63 for the onsite sewer system. Upon review of the additional justification submitted, it was acknowledged that the ERA 63 did not form part of this application. As such, formal correspondence was issued agreeing to the removal of the element from the application assessment.

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Upon receipt of the acknowledgement of the application assessment, the Applicant submitted Public Notification Notice of Commencement which formally started on 22 June 2022. During the Notification period, the application received one (1) not properly made submission which was only an email stating an objection. No supporting commentary was included within the application which was followed up by Officers in June to confirm no attachment was submitted. As no response was received, Officers progressed confirmation from the Executive team to determine if the application could be assessed under Delegated Authority given the submission content; noting the current delegations state any Impact Assessable application that receives properly made submissions must be decided by Council. It was later confirmed that the application would be assessed and decided under officer delegation.

The Development Application was approved subject to reasonable and relevant conditions. A Notice of Decision was issued on 2 September 2022. Upon receipt of the Notice of Decision dated 2 September 2022, the Applicant suspended the Appeal Period and lodged initial Change Representations on 12 September 2022 against Condition 4, 15, 20, 22, 23, 24 and 25 of the Notice of Decision. The Applicant lodged further Change Representations against Condition 15 and 16. A meeting was held on 13 October 2022 between Council Officers and the applicant and consultant to discuss the representations and Councils initial considerations. The applicant then submitted final representations on 14 October 2022.

Current Approval:

The current approval is for a Development Permit for a Material Change of Use of Premises for an Educational Establishment (3 stages) at 2744 Round Hill Road, Agnes Water for 99 students that will operate as prep to grade six. The approved development includes lower and upper primary classrooms, administrative building, specialty classroom and workshop, library centre, maintenance shed and covered outdoor areas. Figure Five is the overall site plan of the approved school. The Decision Notice was issued under Delegated Authority on 2 September 2022.

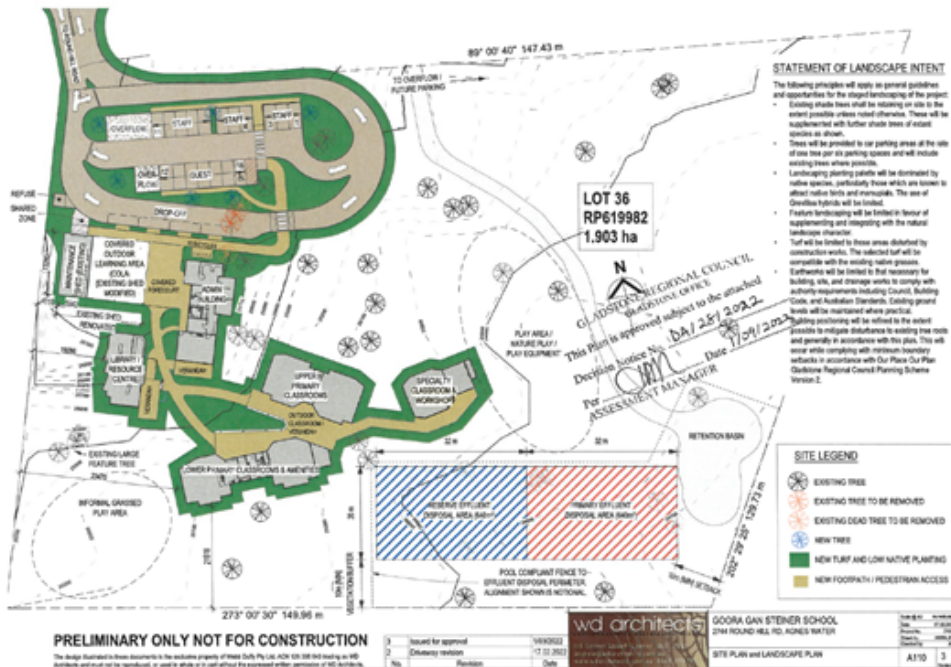


Figure Five: Approved Site Plan

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The development will be constructed over three (3) stages which has been reflected in the below table. These can also be viewed via Figures Six to 17.

Stage	Structure	GFA
Stage 1	Administrative Building	166m ² excluding 1m ² non-GFA
	Covered Outdoor Learning Area & Forecourt	310m ² non-GFA
	Maintenance Shed	82m ²
	Lower & Upper Primary Classroom & Amenities	417m ² excluding 179m ² non-GFA
	Parking, Overflow parking and Drop Off Zone	18 parking spaces, 4 drop off zones and 10 bicycle spots
Stage 2	Specialty Classroom & Workshop	112m ² (excluding non-GFA = 82m ²)
Stage 3	Library Resource Centre	113m ² (excluding non-GFA = 33m ²)

The AICN issued with the Decision Notice was for a total charge of \$22,250.

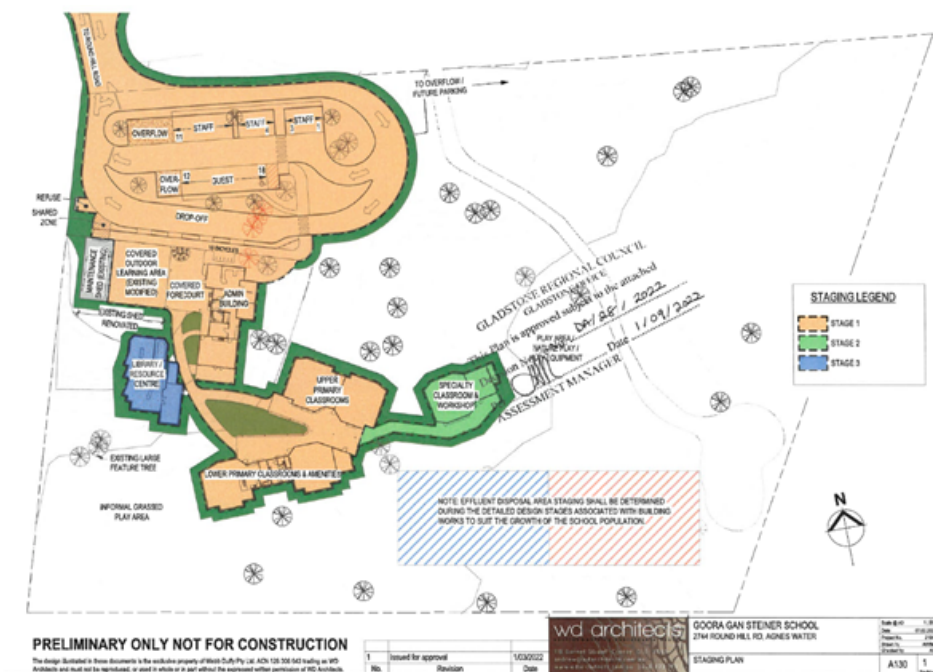


Figure Six: Approved Staging Plan

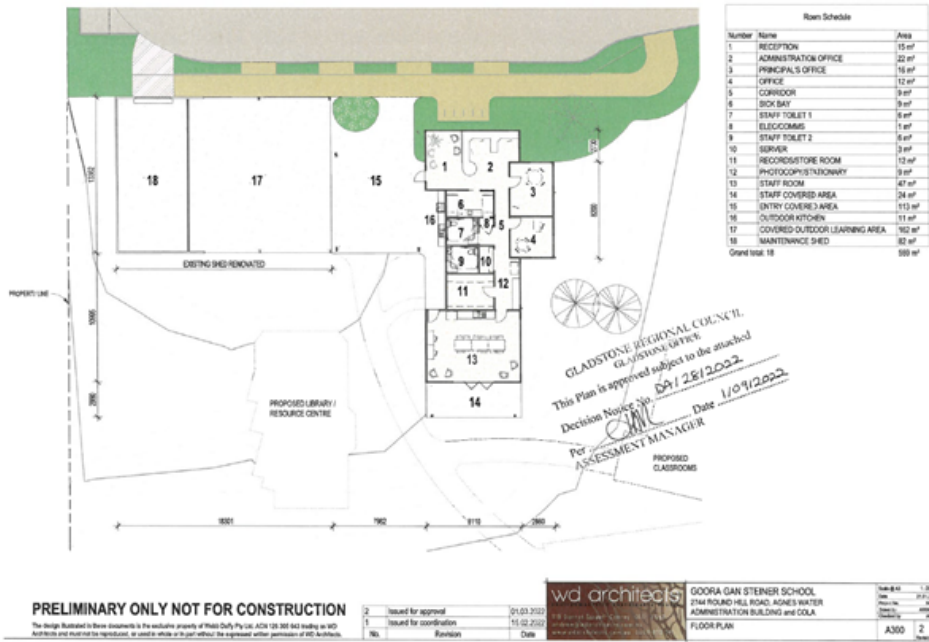


Figure Seven: Approved Administrative Building Floor Plan

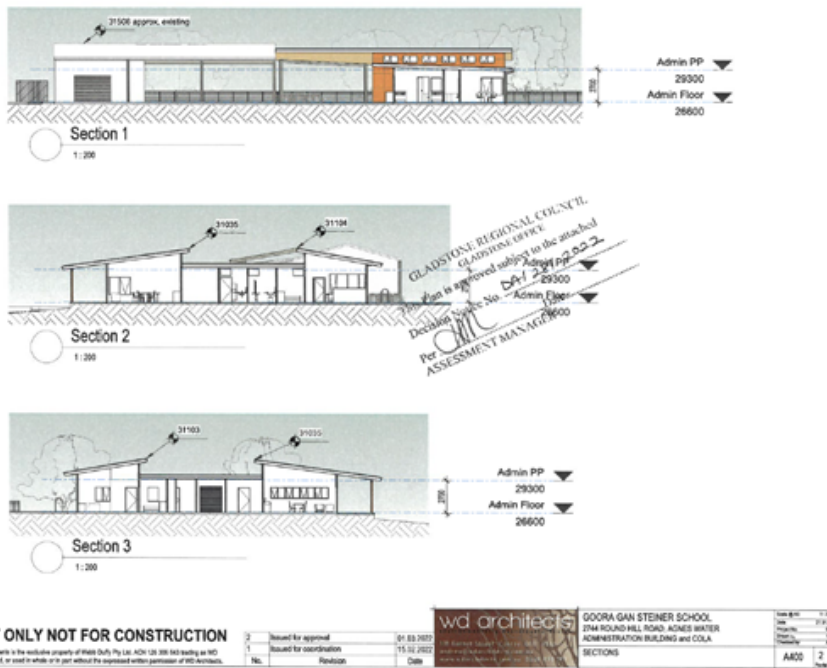


Figure Eight: Approved Administrative Building, Maintenance Shed and Covered Area Sections

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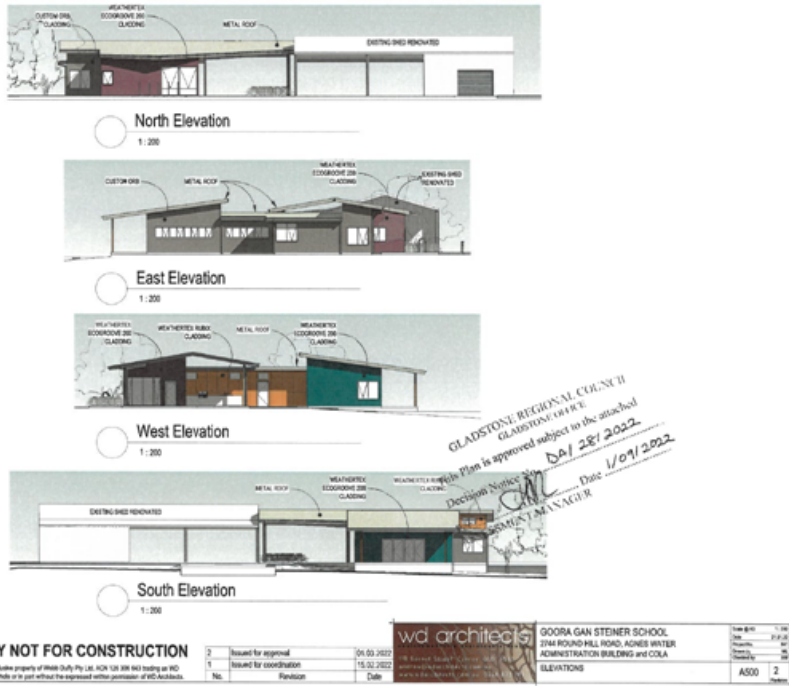


Figure Nine: Approved Administrative Building, Maintenance Shed and Covered Area Elevations

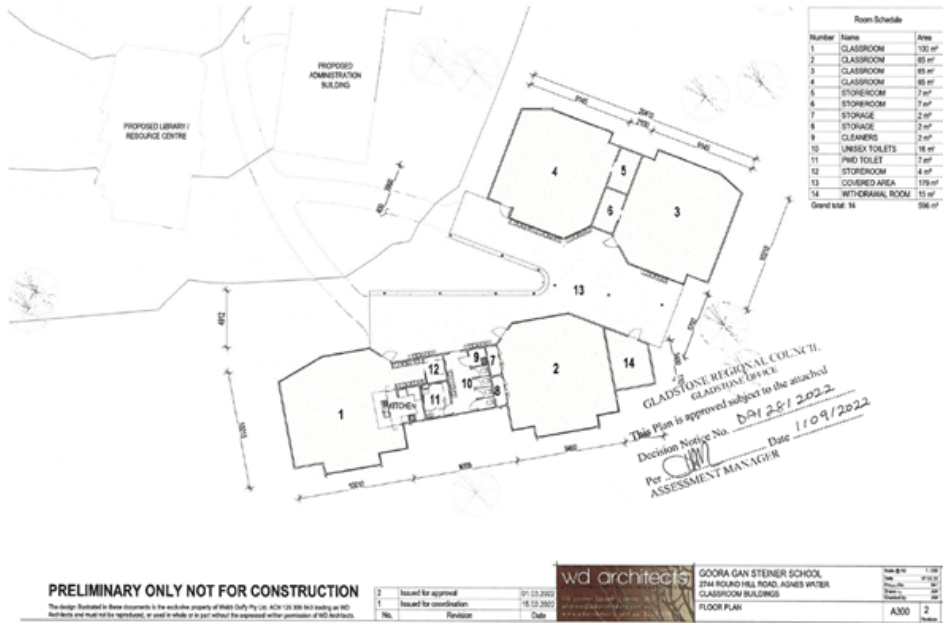


Figure Ten: Approved Lower and Upper Classroom Building Floor Plan

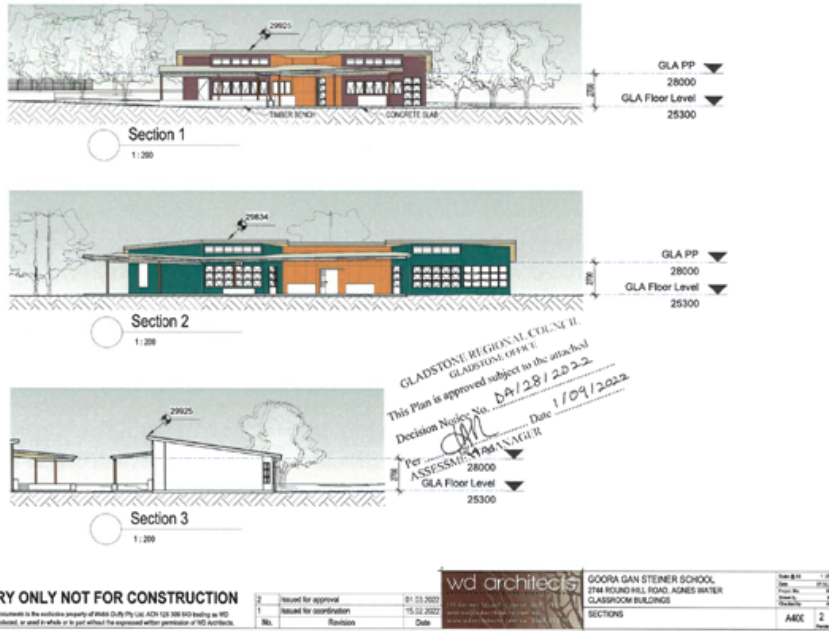


Figure Eleven: Approved Lower and Upper Classroom Building Sections

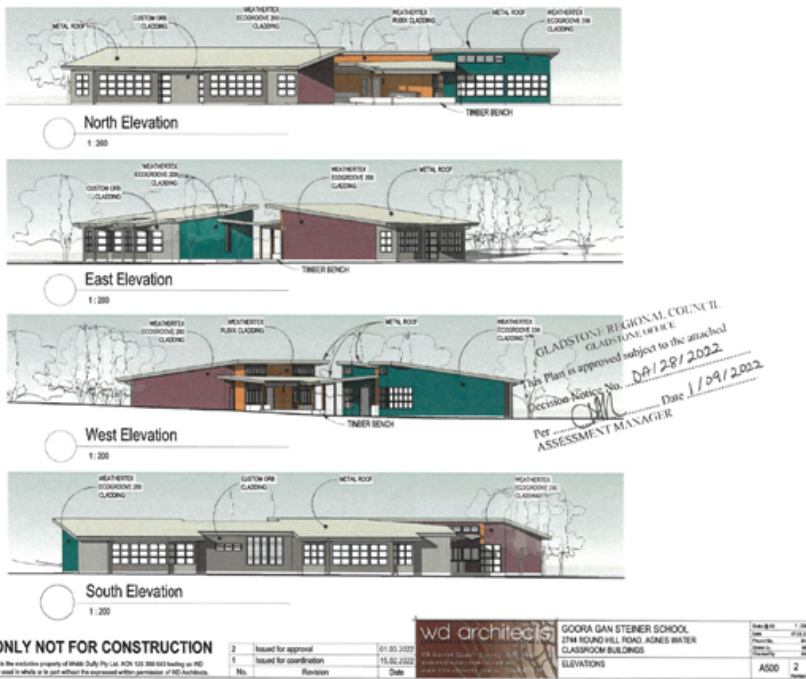


Figure Twelve: Approved Lower and Upper Classroom Building Elevations

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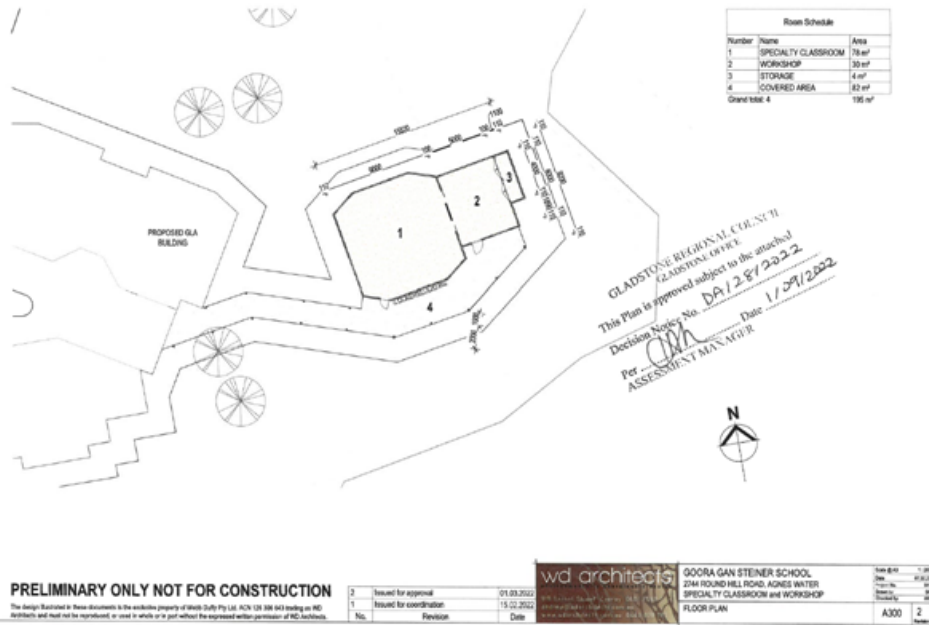


Figure Thirteen: Approved Specialty Classroom and Workshop Floor Plan

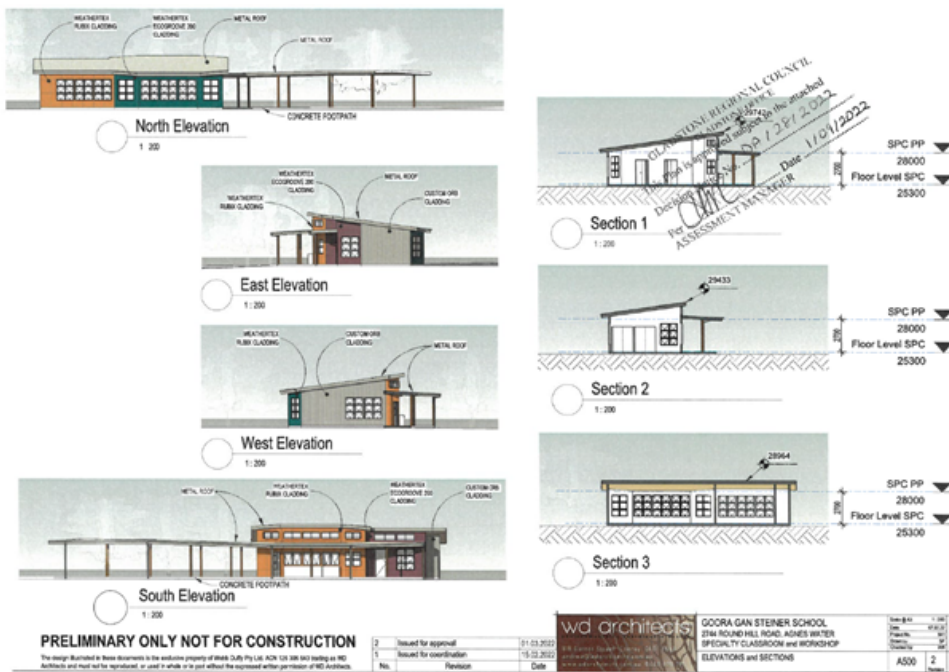


Figure Fourteen: Approved Specialty Classroom and Workshop Sections and Elevations

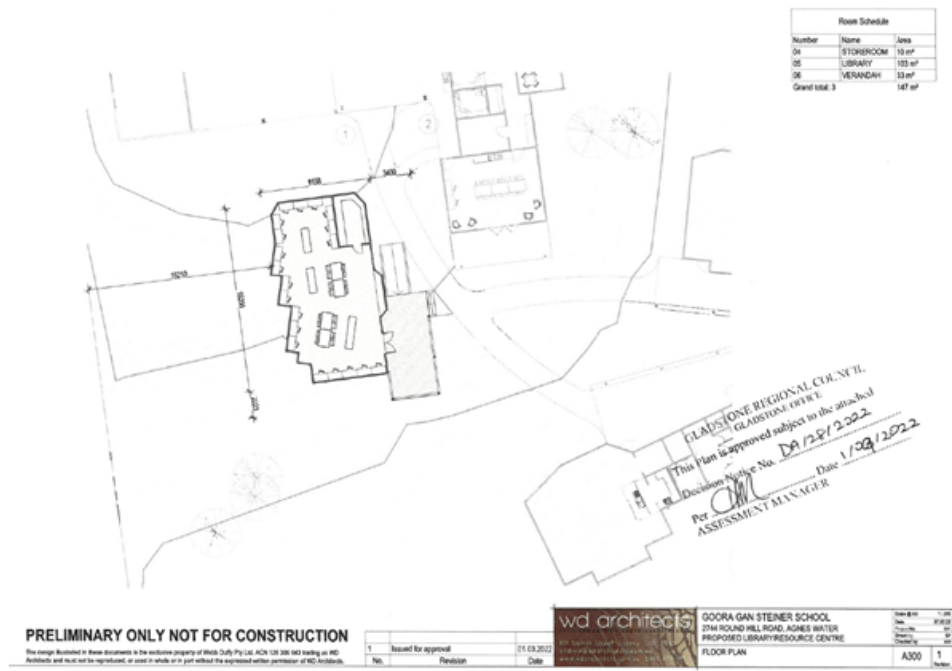


Figure Fifteen: Approved Library Resource Centre Floor Plan

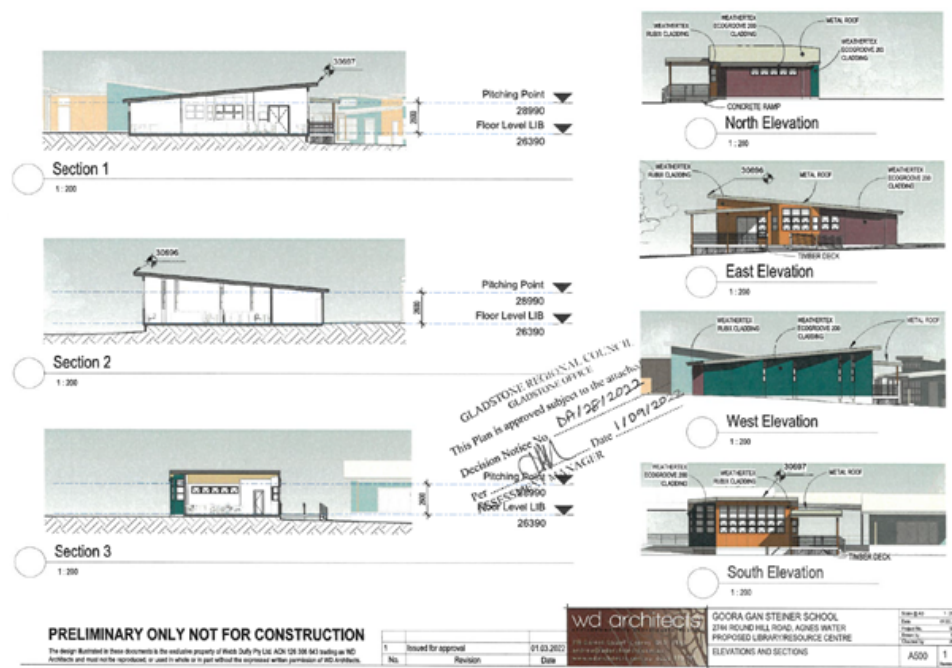


Figure Sixteen: Approved Library Resource Centre Sections and Elevations

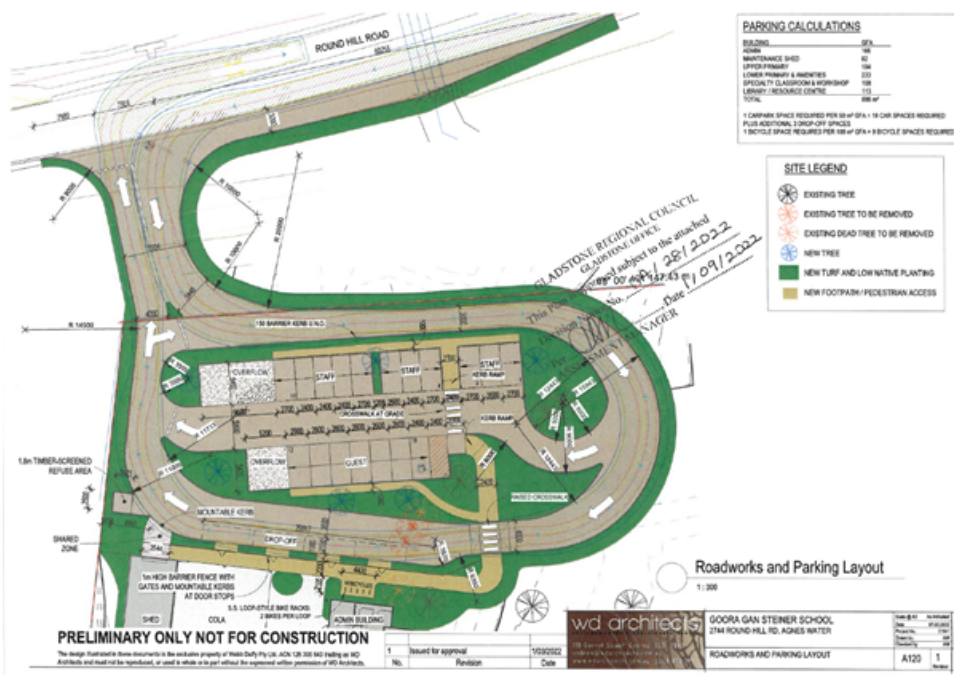


Figure Seventeen: Approved Parking Layout

Referral:

Referral was not required to the Department of State Development, Infrastructure, Local Government and Planning, or any other referral agencies.

Public Notification and Submissions:

As per the Table of Assessment for the Rural Residential Zone Code, the proposal for Educational Establishment (3 stages) was categorised as Impact Assessable. As such, Public Notification was warranted and was conducted from 22 June 2022 to 13 July 2022. One (1) Not Properly Made Submission was received against the development proposal.

This submission was actually blank and included no specific objection material. This was not provided after officers requested further detail.

Assessment:

The Applicant made Change Representations against Conditions 4, 15, 16, 20, 22, 23, 24 and 25 of the Decision Notice dated 2 September 2022. Please note, the original approval condition is in **bold**, the applicant's representations are in *italics* and Council's comments are in regular text. The full representations have been attached to this report.

Condition 4

The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Planning Act 2016* for each stage. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.

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Applicant's Representations

Clarification is sought that 'Development Permit' referred to in this approval is limited to 'Building Works, Plumbing and Drainage Works' only.

Officer's Comment

The Applicant met with Council officers on 13 October 2022 to discuss the submitted Change Representations. Council provided the required clarification stating that 'Development Permit' as highlighted in the relevant condition relates to Building, Plumbing and Drainage Works. It is recommended that Condition 4 be maintained as is.

Condition 15

As part of the first application for Operational Works, the Applicant is to submit a Pedestrian/Cycle Network Plan demonstrating provision of a concrete footpath with a minimum width of 2.5 metres to be located within the road reserve and to be constructed: -

- along the frontage of the subject site;
- inclusive of a delineated road crossing of Round Hill Road;
- continue along the northern side of Round Hill Road; and
- connect into the footpath network at the frontage of 2853 Round Hill Road (Lot 214 on SP262272) required as a Condition of DA/18/2017 for the Shopping Centre.

The design of which shall comply with Austroads Standards and Council's Standard Drawing Concrete Pathway/Bikeway Details and is to be certified by an RPEQ experienced in that type of work. The footpath is to be constructed and on maintenance prior to the commencement of use of the first stage.

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>.

Condition 16

An Operational Plan to address Pedestrian & Cycle safety of patrons of the facility shall be submitted to Council prior to commencement of the use.

Applicant's Representations against Condition 15 and 16 – 22 September 2022

Recent approvals in the local area

DA 9/2020 for Nature Based Tourism at 2741 Round Hill Road Agnes Water was issued on 22/9/2020. This approval did not condition the applicant to construct a footpath along its frontage and to extend it to the existing footpath network. This site is located opposite the subject land. Presumably, Council considered this to be an unreasonable imposition and did not consider any footpath infrastructure extensions as being reasonably required as a consequence of the development.

DA 83/2017 for ROL (1 into 24 lots) was issued on 5 June 2018. Despite Condition 18 requiring extensive road infrastructure works to occur, Council did not require any extension of footpath infrastructure either external or internal to this development.

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During the prelodgement advice (minutes dated 29/6/2021) Council advice required a Traffic Impact Assessment (TIA) to take into account DA 83/2017. The lodged TIA addressed DA 83/2017 noting that there was no requirement for any footpath infrastructure extension to occur. Again, presumably, Council considered this to be an unreasonable imposition and did not consider any footpath infrastructure extensions as being reasonably required as a consequence of the development for DA 83/2017.

It therefore must logically follow, particularly when considering the AT submission based on limited footpath usage by primary school students, safety issues, access management issues for participating students and onerous imposition on our approval that the impugned conditions are an unreasonable imposition and not reasonably required as a consequence of the development.

Council has not adopted a consistent approach to the extension of the Round Hill Road trunk footpath infrastructure based on the above approvals. It is therefore unreasonable to require the applicant to now construct what is essentially trunk footpath infrastructure in this locality.

Onerous cost of footpath trunk infrastructure extension

The distance from the future Shopping Centre to the subject land is 500m. Advice received from our consultant engineer are that construction costs for 1 m² of footpath are between \$120.00 and \$140.00. This does not take into account consultant fees (engineer, surveyor, road safety officers etc) or landform issues such as contours, table drains, imbedded rock etc, which would add to the cost of construction of footpath infrastructure.

Based on the above costs, preliminary estimate of trunk footpath costs would range from \$120.00 x 2.5m x 500m = \$150,300.00 exclusive of gst to \$140.00 x 2.5m x 500 m = \$175,350.00 exclusive of gst. These costs are onerous and unreasonable based on the anticipated usage of the footpath by primary school students where no other travel management measures are put in place.

The existing school has approximately 60 enrolled primary school students and seeking to expand, in the future to 99 primary school students. Based on the Access Traffic submission that walk/bicycle trips account for 2.75% and 2.41% of primary school students travel trips, this would equate to approximately 2 children walking/cycling to school based on current enrolment and 3 children walking/cycling to school when 99 children are enrolled.

The exorbitant cost to provide trunk footpath infrastructure for a distance of 500m for only 2 primary school students usage with current enrolment and 3 primary school students for future enrolment is an onerous imposition on the applicant. It represents an unreasonable imposition and is not reasonably required as a consequence of this development. It fails to meet the tests of S 65 of the PA.

School catchment area

Adopting a central point for the average catchment area for primary school students in Agnes Water, please see attached map, there is a distance of 3.54 km for children to travel to the subject land. This central average catchment area does not take into consideration student travel distances from the Town of Seventeen Seventy and outlying rural residential areas.

Based on the AT submission the median student walking and cycling travel was 0.69km and 1.58km. The central point average catchment area for primary school students far exceeds the walking/cycling distances which further acts as a disincentive for primary school students walking/cycling trips to occur to the proposed school.

Based on the above, the impugned conditions represent an unreasonable imposition and is not reasonably required as a consequence of this development. It fails to meet the tests of S65 of the PA

Safety issues for trunk footpath extension (CPTED)

Despite the current zoning map, Round Hill Road is essentially a rural environment with limited dwellings and opportunities for casual surveillance. Council is requiring the applicant to construct trunk footpath infrastructure to act as an incentive for walking/cycling trips for primary school students to occur which is in direct conflict with the principles of CPTED, Chapter 3, as outlined below:

– Surveillance principle

Buildings adjoining a public space should maximise the potential for passive surveillance into that public space.

There are limited indirect and direct surveillance along Round Hill Road, this is a rural environment, this is a high speed road environment and there is lack of buildings along the footpath extension to provide the level and degree of surveillance within a public space - footpath- to satisfy this principle.

– Vulnerability principles

- i. 7A -The built environment should be designed and managed to reduce or limit the risk or perceived risk to users by incorporating relevant CPTED principles such as minimising areas of concealment or entrapment. Issues in existing space may be addressed with alternative methods of observation for users (mirrors, lighting, maintenance).
- ii. 7B - Pedestrian/cyclist travel routes in the public space should be designed to support the intended purpose of the place.
- iii. 7C - The design and management of places should provide a variety of routes to the destination and ways to avoid potential or actual problems. Consideration should be given to limiting the use of those corridors and paths that would allow an offender to predict the route a person may take.
- iv. 7D - Safety should be delivered in ways that are consistent with the purpose of the place.

An isolated footpath along a rural environment will increase the risk of vulnerability for primary school students using this footpath. The footpath adjoins a high speed road environment reducing casual surveillance by drivers. The lack of dwelling houses in this environment reduces casual surveillance of future footpath users. The existing rural environment (vegetation) creates places of concealment and/or entrapment for footpath users. The requirement for a footpath conflict with principle 7A.

A single isolated footpath along Road Hill Road enhances the opportunities for crime along a 'predicted route'. This is in conflict with principle 7C.

A single isolated footpath along Road Hill Road through a rural environment with potential concealment and entrapment, devoid of any practical casual surveillance does not enhance the safety and use of this footpath by primary school students. It is in direct conflict with principle 7D.

Round Hill Road

This road is clearly identified as an existing Trunk Road under Map 19 of PFTI. A footpath is a requirement for this road type. The applicant should not be expected to construct trunk infrastructure in the form of a footpath as a consequence of this development, particularly when Council has not required this footpath infrastructure to be provided by two recent adjoining developments mentioned in this letter.

The requirement to construct trunk infrastructure represent an unreasonable imposition and is not reasonably required as a consequence of this development. It fails to meet the tests of S 65 of the PA.

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Access to the site

Both the planning report and TIA lodged with the application referenced the use of buses, cars to drop off students and management measures for intending primary school students to use these forms of transport rather than walking and cycling to school. The applicant was aware of the issues of safety for young primary school students, cost to construct the footpath extension and proposed an alternative management measure for all primary school students enrolled to agree to travel by car or bus. In light of the issues presented to Council in the original documentation and subsequent more detailed submission forming part of the S 75 change representations it is unreasonable to require the construction of trunk footpath to service the school.

I trust that Council can better understand the reasoning behind the unreasonableness to require a 500 m trunk footpath to be constructed which will service the local community rather than service the proposed school.

Conclusion

The impugned conditions are an unreasonable imposition and not reasonably required for the future use of the school. It is our view that from a traffic engineering perspective as well as town planning perspective that these impugned conditions should be deleted altogether as they represent an unreasonable imposition as well as not being reasonably required as a consequence of the development, based on the grounds presented in the S 75 change representations to Council and conflict with the Planning Act.

Final Representations 14 October 2022

Safety of vulnerable students

*The applicant acknowledged that the subject land is located in a Non-Urban area which is somewhat isolated from the urban area, lacks casual surveillance along Round Hill Road and presents **a significant** safety concern for the movement of vulnerable children by foot or bicycle to the school. At the outset both the expert advice from AT and our planning report advised that we would introduce travel management measures to overcome this travel safety issue by requiring enrolled students to travel to the school by private vehicle or bus. This management measure overcomes the need for a footpath and resolves a significant safety issue for the school.*

Council can replace condition 15 with the following condition:

"The applicant is to implement travel management measures to ensure that all enrolled students agree to only travel to/from the school via private vehicle or the proposed bus service, except as otherwise agreed in writing by council."

The applicant has also amended its formal Enrolment Contract and Offer of Enrolment Form for parents who intend to place their child at the school and they must sign and accept these conditions for enrolment of students. Copies of both contracts are appended with this letter. They read as follows:

"Fundamental to the safety of Goora Gan students travelling safely to and from Goora Gan Steiner School - 2744 Round Hill Road1 it is a condition of enrolment that all students must travel to school by bus or parent transport. By accepting an Offer Of Enrolment for your child, you agree that your child/children will only travel to/from the school via private vehicle or the proposed bus service."

*These management measures clearly restrict attendance of students by private vehicle or bus and overcomes Council concern for the provision of the footpath as a form of travel as well as overcome the **school's** significant safety concerns of movement by young vulnerable students raised by the applicant. The*

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school has a dear 'Duty of Care' for all enrolled students and the proposed travel measurement measures address this. However, Council's condition for the construction of an isolated footpath does not.

*Conditions 15 and 16 are an unreasonable imposition and not reasonably required for the future use of the school. It is our view that from a traffic engineering perspective as well as town planning perspective that conditions 15 and 16 should be deleted altogether as they represent a **significant** safety concern for vulnerable young students and conflict with the school's duty of care to both parents and students. The proposed new condition, together with the contracts of enrolment overcome any issues raised by Council and remove significant safety concerns for the operation of the school.*

Officer's Comment

The current conditions require the construction of a 2.5m pedestrian footpath from the subject site, across Round Hill Road and extending to 2853 Round Hill Road (ie. Future Stockwell Shopping Centre and Service Station site), which is where the footpath network currently will finish.

The Planning Scheme sets a clear expectation of the provision of safe and accessible pedestrian and bicycle access. As detailed below, Acceptable Outcome 13 (AO13) of the Development Design Code requires that footpaths are:

- (a) provided to the full road frontage and designed in accordance with the Engineering Design Planning Scheme Policy;
- (b) connected to the existing footpath network; and
- (c) certified by a Registered Professional Engineer of Queensland.

Where this cannot be met, the Performance Outcome (PO13) requires:

Footpaths provide pedestrian and bicycle access to site which is designed to:

- (a) Provide safe movement;
- (b) Avoid unnecessary conflict between pedestrians and motor vehicles;
- (c) Include durable and stable materials; and
- (d) Match any adjacent footpath

The Purpose and Overall Outcomes of the Development Design Code also reference 2.1 'Provision of safe and non-discriminatory public and pedestrian access is provided.' Providing no active transport access to the site is directly in conflict with these requirements.

The applicant has noted their safety concerns of encouraging children to walk or cycle to the school in the current speed environment of Round Hill Road and the mitigation measure of prohibiting students from accessing the school in this way by way of an enrollment contract.

It is considered unreasonable to expect that no students or parents would be interested and able to access the school using active transport at all. Furthermore, it is directly in conflict with the Planning Scheme, to specifically condition the absolute restriction of pedestrian and cycle movements to and from the site. The proposed use is an Educational Establishment, the encouragement of active and healthy children accessing this use either by walking or cycling is a reasonable and relevant consideration, which the current conditions require.

The proposed footpath, as conditioned, will specifically address the safety issues presented with children accessing their school through a high speed environment in an urban context. This is an issue that was present when the nearby Discovery Christian College became operational and one that had to be addressed by extended then then footpath network from further east up Round Hill Road.

It is noted that the established pathway along Round Hill Road currently terminates at the Discovery Christian College. The approved Shopping Centre (DA/18/2017) and Service Station (DA/17/2017) are conditioned to extend the existing pedestrian footpath from the Discovery Christian College to 2853 Round Hill Road. The current conditions of this approval are for the applicant to extend the pathway from their development to that point. The following image demonstrates the pathway extent as part of DA/18/2017 & DA/17/2017 and the pathway extent depicted in the conditions of this subject approval.



Figure Eighteen: Approved Stockwell Shopping Centre Footpath (yellow) and conditioned Educational Establishment footpath (blue)

The Applicant has noted that travel to/from the facility should be conditioned to be undertaken by private vehicle (i.e. not by active transport modes) and has also indicated that a proposal will be made to augment the existing school bus service to extend the route to incorporate pickup / drop off movements at the proposed School. However, it remains to be considered reasonable and relevant to anticipate that students and staff may still wish (and should have the ability) to safely access the site as a pedestrian or cyclist given the proximity to residential areas along Bicentennial Drive and Round Hill Road and the main Agnes Water township.

As such it is recommended that conditions 15 and 16 remain in their current form.

Condition 20

Prior to the commencement of Stage 1, shade street trees are to be constructed within the designated vehicle parking area at a rate of 1 tree per 6 vehicle parking spaces 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.

Applicant's Representations

Clarification is sought that any existing trees that will be retained in the carpark will form part of the rate of shade trees to be provided by this condition.

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Officer's Comment

The Applicant met with Council officers on 13 October 2022 to discuss the submitted Change Representations. Council provided the required clarification stating that any existing trees could form part of required shade tree provision, as demonstrated via the landscaping plan referenced in Condition 22. It is recommended that Condition 20 be maintained as is.

Condition 22

As part of the Development Application for Operational Works for Stage 1, 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 Landscaping Plan must include all recommendations outlined in the supporting approved reports, approved plans and conditioned within this package. The full Landscaping Plan is to be certified by a Landscape Architect.

Applicant's Representations

Clarification is sought that any existing trees that will be retained in the carpark will form part of the rate of shade trees to be provided by this condition.

Officer's Comment

The Applicant met with Council officers on 13 October 2022 to discuss the submitted Change Representations. Council provided the required clarification stating that any existing trees could form part of required landscaping plan provision. It is recommended that Condition 22 be maintained as is.

Condition 23

As part of the first Development Application for Operational Works for Stage 1, 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.

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

Applicant's Representations

Clarification is sought that any existing trees that will be retained do not require to be on an irrigation system.

Officer's Comment

The Applicant met with Council officers on 13 October 2022 to discuss the submitted Change Representations. Council provided the required clarification stating that the existing wording does not require irrigation for all landscaping, only where required/appropriate. These details would be considered as part of the Landscaping Plan when submitted. It is recommended that Condition 23 be maintained as is.

Condition 24

As part of the Development Application for Operational Works for Stage 1, street trees are to be constructed along the Round Hill Road frontage, at a rate of 1 tree per 10m 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.

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 Representations

Clarification is sought that any existing trees that will be retained will form part of the rate of street trees to be provided by this condition.

Officer's Comment

The Applicant met with Council officers on 13 October 2022 to discuss the submitted Change Representations. Council provided the required clarification stating that any existing street trees would form part of required street tree provision as demonstrated in the required landscaping plan. It is recommended that Condition 24 be maintained as is.

Condition 25

Prior to the commencement of Stage 1, construction of a minimum 1.8m high screen fence to side and rear boundaries must be submitted with any Development Application for Building Works.

Applicant's Representations

Clarification is sought as to why a 1.8m high screen fence is to be provided to side and rear boundaries. The applicant prefers to use low set 1.2m post and wire fence which allows for movement of fauna throughout the site and functions to restrict movement of children off the site. Additionally, the side boundaries are heavily vegetated to provide a 'screening' effect in any case.

Officer's Comment

The Applicant met with Council officers on 13 October 2022 to discuss the submitted Change Representations. Given the specific site characteristics, this is considered appropriate to the rear (south) and side (eastern) boundary treatment. The site backs on to an open drainage reserve and the proposed development is setback quite some way from the eastern side boundary, therefore there are unlikely to be any particular amenity issues in the proposed 1.2m post and wire fence on those boundaries.

However, the western side boundary does still require the screen fence for amenity and screening purposes, given the proximity of the development, particularly the car parking and refuse area to that boundary. It is noted that the site to the west is currently vacant however is zoned Rural Residential.

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As such the condition is proposed to be amended as follows:

- 25. Prior to the commencement of use of Stage 1, construction of a minimum 1.8m high screen fence for the full extent of the development footprint to the western side boundary and a 1.2m high post and wire fence for the remaining western boundary and the full extent of the eastern and rear boundaries must be completed. Details of which are to be included within any Development Application for Building Works.**

Anticipated Completion Date:

The associated Negotiated Decision Notice will be issued within 5 business days of the General Council Meeting decision.

Officer's Recommendation:

That the request for a Negotiated Decision Notice for Development Application 28/2022 for a Material Change of Use for an Educational Establishment (3 stages) located at 2744 Round Hill Road, Agnes Water, be approved in part subject to the following conditions.

Notice of Reasons:

The following provides the Notice of Reasons under section 63(5) of the *Planning Act 2016*:

Description of the development:

The approved development is for a Material Change of Use of Premises for an Educational Establishment (3 Stages).

Assessment Benchmarks:

Benchmarks applying to the development	Benchmark reference
<i>State Planning Policy July 2017</i>	<ul style="list-style-type: none">• <i>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>Bushfire Hazard Overlay Code</i>• <i>Emerging Community Zone Code;</i>• <i>Development Design Code;</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 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
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.1 and 2.1.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.1 and 2.1 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 8.1.	Compliance with Development Design Code – Table 9.3.2.3.1 – Performance Outcome 8 via a condition.
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 a condition.
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 a condition.
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 – Performance Outcome 6.	Compliance with Landscaping Code – Table 9.3.5.3.1 – Performance Outcome 6 via a condition.
Landscaping Code – Table 9.3.5.3.1 – Acceptable Outcome 7.1 and 7.2.	Compliance with Landscaping Code – Table 9.3.5.3.1 – Acceptable Outcome 7.1 and 7.2 via a condition.

Relevant Matters under Section 45(5)(b) of the Act that the Development was Assessed Against:

N/A

Matters raised in Submissions and Councils response in dealing with these matters:

N/A

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*:

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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
A110	3	Site Plan and Landscape Plan	WD Architects	01/03/2022
A120	1	Roadworks and Parking Layout	WD Architects	01/03/2022
A130	1	Staging Plan	WD Architects	01/03/2022
A300	2	Administration Building Floor Plan	WD Architects	01/03/2022
A400	2	Administration Building Sections	WD Architects	01/03/2022
A500	2	Administration Building Elevations	WD Architects	01/03/2022
A900	2	Administration Building Perspectives	WD Architects	01/03/2022
A300	2	Classroom Building Floor Plan	WD Architects	01/03/2022
A400	2	Classroom Building Sections	WD Architects	01/03/2022
A500	2	Classroom Building Elevations	WD Architects	01/03/2022
A900	2	Classroom Building Perspectives	WD Architects	01/03/2022
A300	1	Proposed Library/Resource Centre Floor Plan	WD Architects	01/03/2022
A500	1	Proposed Library/Resource Centre Elevations and Sections	WD Architects	01/03/2022
A900	1	Proposed Library/Resource Centre Perspectives	WD Architects	01/03/2022
A300	2	Specialty Classroom and Workshop Floor Plan	WD Architects	01/03/2022
A500	2	Specialty Classroom and Workshop Elevations and Sections	WD Architects	01/03/2022
A900	2	Specialty Classroom and Workshop Perspectives	WD Architects	01/03/2022

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And supporting documents

Document Number	Revision	Description	Author	Date
21562	-	Effluent Disposal Report	Engineers Plus	April 2022
21562		Site Specific Stormwater Management Report	Engineers Plus	April 2022
-	-	Traffic Impact Assessment	Access Traffic Consulting	March 2022
21110	-	Noise Impact Assessment	SoundBase Consulting Engineers	21 April 2022

Operational Works

2. A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction for Stage 1. The Development Application for Operational Works is to include the following:
 - a. Earthworks (including retaining walls);
 - b. Road works (including signage);
 - c. Pedestrian / Cycle Footpath works;
 - d. Stormwater Management (quantity, quality, flood and drainage control);
 - e. Street lighting, electrical and telecommunications; and
 - f. Landscaping, environmental protection and associated works.
3. 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.cmdq.com.au/index.htm>.

Building, Plumbing and Drainage Works

4. The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Planning Act 2016* for each stage. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.
5. 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* for each stage. Construction is to comply with the *Plumbing and Drainage Act 2018* and the requirements of other relevant authorities.
6. Prior to the commencement of the use for each stage, 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 other uses in the surrounding area.

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7. Prior to the commencement of the use for each stage, 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.

Water Infrastructure

8. Prior to the lodgement of any Operational Works application, the Applicant must submit for approval to Council, an Engineering Services Report prepared by a Registered Professional Engineer of Queensland (RPEQ) that assess and recommends the necessary onsite water requirements for the entire proposed development, noting the relevant water standard qualities that must be adhered to.
9. Prior to the commencement of the use for each stage, the Applicant must install and construct the necessary water facilities as per Condition 8 approved Engineering Services Report for onsite Water.

Sewerage Infrastructure

10. As part of any Development Application for Plumbing and Drainage Works, the Applicant must design and construct the onsite effluent disposal system as recommended in the approved Effluent Disposal Report.
11. As part of the Development Application for Plumbing and Drainage Works for Stage 1, the Applicant must install the recommended fencing and planting as outlined in the approved Effluent Disposal Report.
12. Any future request to connect into Council Sewerage Infrastructure once available shall be at the expense of the owner.

Stormwater Infrastructure

13. As part of the Development Application for Operational Works for Stage 1, the Applicant is to submit for approval by Council an amended Site Based Stormwater Management Plan. The Site Based Stormwater Management Plan must address both stormwater quantity and quality and be in accordance with the Engineering Design Planning Scheme Policy under the *Our Place Our Plan 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

Transportation Services

14. As part of the Development Application for Operational Works for Stage 1, the Applicant must construct the channelised right turn treatment lane as per the approved Traffic Impact Assessment Report.
15. As part of the first application for Operational Works, the Applicant is to submit a Pedestrian/Cycle Network Plan demonstrating provision of a concrete footpath with a minimum width of 2.5 metres to be located within the road reserve and to be constructed:-
 - along the frontage of the subject site;
 - inclusive of a delineated road crossing of Round Hill Road;
 - continue along the northern side of Round Hill Road; and
 - connect into the footpath network at the frontage of 2853 Round Hill Road (Lot 214 on SP262272) required as a Condition of DA/18/2017 for the Shopping Centre.

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The design of which shall comply with Austroads Standards and Council's Standard Drawing Concrete Pathway/Bikeway Details and is to be certified by an RPEQ experienced in that type of work. The footpath is to be constructed and on maintenance prior to the commencement of use of the first stage.

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>.

16. An Operational Plan to address Pedestrian & Cycle safety of patrons of the facility shall be submitted to Council prior to commencement of the use.
17. Prior to the commencement of Stage 1, a minimum of 18 car parking spaces 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.
18. Prior to the commencement of Stage 1, a minimum of 10 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.
19. As part of the Development Application for Operational Works for Stage 1, a Commercial Driveway is to be constructed in accordance with 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>.

20. Prior to the commencement of Stage 1, shade street trees are to be constructed within the designated vehicle parking area at a rate of 1 tree per 6 vehicle parking spaces 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.

Landscaping

21. As part of the Development Application for Operational Works for Stage 1, all grassed footpath areas disturbed by the development are to be top dressed and turfed following completion of construction activity.
22. As part of the Development Application for Operational Works for Stage 1, 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 Landscaping Plan must include all recommendations outlined in the supporting approved reports, approved plans and conditioned within this package. The full Landscaping Plan is to be certified by a Landscape Architect.
23. As part of the first Development Application for Operational Works for Stage 1, 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.

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

24. As part of the Development Application for Operational Works for Stage 1, street trees are to be constructed along the Round Hill Road frontage, at a rate of 1 tree per 10m 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.

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>.

- 25. Prior to the commencement of use of Stage 1, construction of a minimum 1.8m high screen fence for the full extent of the development footprint to the western side boundary and a 1.2m high post and wire fence for the remaining western boundary and the full extent of the eastern and rear boundaries must be completed. Details of which are to be included within any Development Application for Building Works.**

Waste Management

26. As part of any Development Application for Operational Works for Stage 1, a Waste Management Plan is to be submitted and approved by Council. The Waste Management Plan is to be in accordance with the Waste Management Planning Scheme Policy of the Gladstone Regional Planning Scheme.
27. Prior to the commencement of the use for Stage 1, refuse bins are to be provided in accordance with the Waste Management Plan.
28. Prior to the commencement of the use for Stage 1, 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.
29. Prior to the commencement of the use for Stage 1, 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:
- g. Outdoor storage areas are situated in locations not visible from the street; and
 - h. A 1.8m solid screen fence is located around storage areas.

Environmental Health

30. At all times, the development must achieve the noise generation levels set out in the *Environmental Protection (Noise) Policy 2019*, as amended.
31. At all times, the development must achieve the air quality design objectives set out in the *Environmental Protection (Air) Policy 2019*, as amended.

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32. Upon commencement of the use, should service deliveries occur outside the timeframes of 7am-7pm, an Environmental Management Plan is to be submitted to Council for approval which outlines the management strategies to minimise noise impacts to the adjacent residential uses. The Environmental Management Plan is to be in accordance with the maximum limits as per the *Environmental Protection (Noise Policy) 2008* under the *Environmental Protection Act 1994*.

Lawful Commencement

33. Prior to the commencement of this use, the Applicant is to request that a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
34. 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.

END OF CONDITIONS

Advice to Applicant:

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

Attachments:

1. 2 September 2022 Decision Notice and Plans
2. 2 September 2022 Adopted Infrastructure Charge Notice
3. Applicants Representations #1 and #2 and #3

Tabled Items:

Nil

Report Prepared by: A/Manager Development Services

G/4.4. ANIMAL INSPECTION PROGRAM 2023

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 6 December 2022

File Ref: LE2.1

Purpose:

The purpose of this report is to seek Council approval to implement a Systematic Approved Inspection Program under the *Animal Management (Cats & Dogs) Act 2008* (the Act) for dogs.

The objectives of the program are to carry out house to house inspections to identify if dogs are being kept and if the animals are registered in accordance with requirements of the Act and Councils *Local Law No. 2 (Animal Management) 2011*.

Officer's Recommendation:

That Council adopt the Approved Systematic Inspection Program - Animal Inspection Program for Registration and Renewal of Animals 2023 for the period 01 February 2023 to 30 July 2023.

Background:

Pursuant to section 113 of the *Animal Management (Cats and Dogs) Act 2008* (the Act), Council may by resolution approve a program (an approved inspection program) under which an authorised person may enter a place to monitor compliance with the Act or an aspect of the Act.

In this application, it is proposed to undertake a systematic inspection program with Authorised Officers who will be pursuing enquiries with owners that had dogs registered in 2021/2022 and have not renewed registration for the current registration period 2022/2023. This will be conducted by Authorised Officers visiting, and if necessary, entering yards of premises to determine if dogs are being kept and if the dogs are registered.

Council issues two Annual Animal Registration Renewal Notices to animal owners that had previously registered an animal in 2021/2022 reminding them to renew their animal's registration for 2022/2023. Additionally, Council undertakes an Annual Communication Plan which involves Social Media posts, Media Releases, Public Notices and use of Council's Website promotional banner to remind animal owner's that Council's Annual Registration Renewal is in effect and that it is the responsibility of the animal owner to notify Council of any change of address.

The Overdue Reminder Notices for the Annual Animal Renewal Registration Period also includes a reminder that Council undertakes an Annual Animal Inspection Program each year and that animal owners may receive on the spot fines and further legal action if their animal registration is not paid.

Provisions relating to registration and renewal of registration of dogs are found pursuant to sections 46 and 56 of the Act.

Notice is required to be given of the proposed inspection program at least 14 days, but no more than 28 days before an inspection program commences. Notice of the program must be published in a newspaper circulating generally in the local government's area and must be placed on Council's website.

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The duration of the program will be six months commencing on 01 February 2023 and concluding on 30 July 2023. The program will extend to all areas of the Gladstone region and a copy of the program is attached.

The programs seek to meet Councils obligation of enforcement of registration and renewal of registration and microchipping of dogs.

Options, Risk and Opportunity Analysis:

Council has a responsibility to enforce animal registration which contributes to an effective animal management program. Accurate records reveal ownership details so that animals may be re-united with owners and also the type and number of dogs at premises which assists with control measures.

Animal registration figures for consecutive registration period shown below:

	Cat	Dog	Total
2008-2009	1778	6065	7843
2009-2010	2230	7922	10152
2010-2011	2365	9469	11834
2011-2012	2457	10051	12508
2012-2013	2271	9788	12059
2013-2014	2030	9839	11869
2014-2015	2006	8732	10738
2015-2016	2265	10757	13022
2016-2017	1815	8203	10018
2017-2018	2019	11461	13480
2018-2019 (November 2018)	2526	6919	9445 (Registered) 14426 (Renewals Issued) 4981 (Outstanding)
2019-2020 (November 2019)	1901	8817	10718(Registered) 15058(Renewals issued) 4183 (Outstanding) 157 (Left Council/Deceased)
2020-2021 (November 2020)	1657	6299	10619(Registered) 15305 (Renewals Issued) 4403 (Outstanding) 283 (Left Council/Deceased)
2021-2022 (December 2021)	2135	9403	11538 (Registered) 14904 (Renewals Issued) 3080 (Outstanding) 286 (Left Council/Deceased)
2022-2023 (November 2022)	2351	11888	14239 (Registered) 15301 (Renewals Issued) 523 (Outstanding) 169 (Left Council/Deceased)

The target areas of this program are based on a rationale schedule each year. The first areas to be targeted will be the Gladstone suburbs.

Communication and Consultation:

The program will be advertised in the 12 January 2023 edition of Gladstone Today, subject to resolution by Council. It will also be advertised on Council's website for the duration of the program.

Prior to program, the public will be advised via Media Release and Social Media platforms that persons who have failed to register previously registered animals will be issued fines for failing to register if found to be in possession of an unregistered animal.

Legal Strategy and Policy Implications:

Council has an obligation to enforce sections 46 and 56 of the *Animal Management (Cats and Dogs) Act 2008*. An approved inspection program provides the necessary powers of entry enabling collection of evidence for enforcing animal registration requirements.

Enforcement action is considered appropriate given the high numbers of people still failing to register animals, even after reminders have been sent, and upon inspection of those persons who have previously registered animals and cannot provide a lawful reason for failing to do so. Enforcement will also extend to those who have failed to microchip thus no registration accepted, as both are State mandated requirements under the Animal Management, Cats and Dogs Act.

Financial and Resource Implications:

The program is funded within the Local Law Enforcement / Animal Control operational budget.

Summary:

Registration records provide necessary information to contact owners of roaming dogs. Enforcement provisions for wandering dogs at large are pursuant to the *Local Law No. 2 (Animal Management) 2011*.

Anticipated Resolution Completion Date:

Systematic Inspection Program - Animal Inspection Program for Registration and Renewal of Animals 2023 be completed 30 July 2023

Attachments:

1. Animal Inspection Program 2023

Tabled Items:

Nil

Report Prepared by: Manager Local Laws

G/4.5. REGIONAL ARTS DEVELOPMENT FUND COMMITTEE - ANNUAL GENERAL MEETING OUTCOME REPORT AND INCOMING COMMITTEE

Responsible Officer: General Manager Community Development and Events

Council Meeting Date: 6 December 2022

File Ref: CC7.16

Purpose:

The purpose of this report is to seek endorsement of the 2023 Regional Arts Development Fund (RADF) Committee.

Officer's Recommendation:

That Council note the acceptance of eight (8) nominations, received during the 2022 Regional Arts Development Fund (RADF) Annual General Meeting (AGM);

1. Melissa Peacock – Visual arts, Craft, Community Cultural Development
2. Wezley Pitt – New media, film & TV, Music, Festivals, Community Cultural Development
3. Norma Tanna – Theatre & Music, Community Cultural Development
4. Lorna McGrath – Visual Arts, Theatre, Dance, Festivals, Writing & Music
5. Mark McLachlan – Heritage, New media, film & TV and Community Cultural Development
6. Wendy Barker – Dance
7. Wesley Walker – Drama, Theatre, Visual Arts
8. Jack Viljoen – Music, Festivals

Council appointed: Cr Glenn Churchill (Chair), Kim Marxsen (ex-officio), Claire Robinson (ex-officio), Felicity Barker (ex-officio) and Lisa Davies (RLO-Acting).

And that the nominated members, including current sitting and new members, are endorsed as a group of informed representatives who reflect the diverse arts, culture and geography of the Council area, to form the 2023 RADF Committee.

Background:

The Regional Arts Development Fund (RADF) is a Queensland Government and Gladstone Regional Council partnership designed to support local arts and culture in regional Queensland. Each year, a public invitation is advertised seeking committee members to become involved in the administration of RADF.

Council appoints the chair of the RADF committee, and also provides a secretariat service to the committee through the Gladstone Regional Art Gallery & Museum.

At the 2022 AGM, eight (8) applications were received, and representatives were selected representing a large geographical area across the region and bringing a wealth of cultural experience and knowledge to the Committee.

The RADF Terms of Reference state that;

- 2.1 Local artists, arts and cultural workers, members of cultural groups, local organisations or associations and people active within the arts community are eligible to be members of the RADF Committee.

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- 2.2 Nominations to serve on the Committee will be received via a nomination process. Voting on nominations received will be at the Committee's Annual General Meeting held in September of each year, with a recommendation on member appointment put forward to Council.
- 2.3 Members can also be invited onto the Committee by Gladstone Regional Council.
- 2.4 Membership on the Committee will be decided by Gladstone Regional Council.
- 2.5 Members may serve for a maximum term of 4 years, with an expected commitment of a minimum term of two years. Committee members who have served for a continuous four-year-term are required to 'rest' for a period of 12 months before being eligible for re-election.

At the AGM, it was also noted that sitting member, Bindi Waugh would be resting from the committee. A special thank you was also noted to Di Paddick, Cultural Projects Specialist, for her involvement in RADF over the last 16 years.

Options, Risk and Opportunity Analysis:

Council could resolve not to accept the received nominations. There is no minimum number of representatives required for the Committee.

Communication and Consultation:

A Public invitation to nominate for the RADF Committee was distributed in August and September 2022.

At the AGM on 14 September 2022, seven nominations were received and unanimously voted to accept.

Following the AGM, an additional nomination was received and distributed to the current committee for consideration, via email. The majority agreed to accept the additional nomination.

Legal Strategy and Policy Implications:

The Committee has no legislative standing under the Local Government Act 2019 or Local Government Regulation 2012.

RADF is a financial partnership between the Queensland Government (Arts Queensland) and Gladstone Regional Council to support local arts and culture in regional Queensland. RADF is informed by Council's Arts & Culture Policy and bound by the Regional Arts Development Fund Terms of Reference.

Financial and Resource Implications:

Nil financial or resource implications.

Summary:

Eight nominations were received for the Regional Arts Development Fund Committee, 2023. The current RADF Committee recommends acceptance of all nominations.

The 2023 committee will be inducted in January 2023.

Anticipated Resolution Completion Date:

6 December 2022

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Attachments:

1. Gladstone Regional Council Regional Arts Development Fund Annual General Meeting Minutes 2022

Tabled Items:

Nil

Report Prepared by: Manager Arts and Entertainment

G/4.6. COMMUNITY INVESTMENT PROGRAM - ELEVATOR FUND APPLICATIONS

Responsible Officer: General Manager Community Development and Events

Council Meeting Date: 6 December 2022

File Ref: GS 3.1

Purpose:

To consider the recommendation of the Community Investment Panel on an application 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 categories of funding tabled below:

Application ID	Applicant	Project	Recommendation Amount
ELVTR001	Gladstone Chamber of Commerce & Industry	Buy Local 2023/24 campaign	\$18,000
ELVTR002	Gladstone Athletics Club	Elite discus cage	\$0
ELVTR003	Calliope Garden Club	Install safe and presentable flooring	\$10,030
ELVTR006	RSL Gladstone Sub Branch	Veteran's drop-in centre fit out	\$13,600
Total Funding Requested			\$ 41,630

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 Elevator Fund intended for higher cost proposals of over \$10,000, which involve 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. 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.

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The following four applications were received for consideration:

Application ID	Applicant	Project	Requested Amount
ELVTR001	Gladstone Chamber of Commerce & Industry	Buy Local 2023/24 campaign	\$18,000
ELVTR002	Gladstone Athletics Club	Elite discus cage	\$20,000
ELVTR003	Calliope Garden Club	Install safe and presentable flooring	\$11,800
ELVTR006	RSL Gladstone Sub Branch	Veteran's drop-in centre fit out	\$16,000
Total Funding Requested			\$65,800

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 Key Selection Criteria (KSC) to determine an order of merit. The overall score (ranking) is used to inform the recommendation. The table below defines the KSC, weighting and definition of score applied in the assessment matrix:

ELEVATOR FUND - KEY SELECTION CRITERIA (KSC)	Weighting
KSC 1: Demonstrable need	20
KSC 2: Fund Objective and Aims	60
KSC 3: Provides opportunity for collaboration	15
KSC 4: Capacity to deliver	5

Options, Risk and Opportunity Analysis:

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

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RATING MATRIX
<p>GREEN = Score 75% and above Full Funding The application has <u>met or exceeded</u> all assessment criteria Applicants are offered 100% of funding requested</p>
<p>ORANGE = Score 65%-74% Partial Funding The application has <u>met most</u> assessment criteria Applicants are offered 85% of funding requested</p>
<p>YELLOW = Score 55%-64% Partial Funding The application <u>meets some</u> of all assessment criteria Applicants are offered 75% of funding requested</p>
<p>RED = Score 55% and below No Funding The application <u>does not meet</u> any assessment criteria No funding offered</p>

The Community Investment Panel recommendation is summarised within this table:

Applicant	Project	Project Location	Applicant Request	Panel Score	Recommendation
			Cash		Cash
Gladstone Chamber of Commerce & Industry	Buy Local 2023/24 campaign	Gladstone Region	\$18,000	75%	\$18,000
Gladstone Athletics Club	Elite discus cage	Gladstone	\$20,000	55%	\$0
Calliope Garden Club	Install safe and presentable flooring	Calliope	\$11,800	73%	\$10,030
RSL Gladstone Sub Branch	Veteran's drop-in centre fit out	Gladstone	\$16,000	68%	\$13,600
Total Funding			\$68,500		\$ 41,630

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Panel commentary that supports the Panel recommendation is included below:

BUY LOCAL 2023/24 CAMPAIGN	
Project Dates	01/04/2023 to 01/04/2024
Organisation Name	Gladstone Chamber of Commerce & Industry
Objective Alignment	Connect
Brief Project Description	Gladstone Chamber of Commerce & Industry's Buy Local Campaign encourages not only individual consumers, but businesses to buy local, and support those who make the Gladstone Region a vibrant community within which to live, work and play. It aims to assist Gladstone Region businesses in promoting their products and services and encourages local residents to support small to medium businesses in our community by shopping locally.
Project Beneficiaries	Small business owners and operators, but also the entire Gladstone Region community - local residents aged 18 years and older.
Total Amount Requested	\$18,000
Total Project Cost	\$46,925
Panel Score	3.02 = 75%
Panel Commentary	<p>Demonstrated capacity to deliver, clearly explained with references to delivery of previous successful projects to strengthen this response.</p> <p>Strong evidence provided outlining those involved but also past achievements.</p> <p>Demonstrated support from GCCI members. Lacks information around the audience and impact for them - will they be better connected with Local Business through this type of campaign? Is a lack of awareness what prevents them from buying local?</p> <p>Applicant demonstrates the benefits of connecting local people to local business but also taking a region wide approach.</p> <p>The application could have benefited by highlighting how the project collaborated as the response relates to the purchase of services and not collaboration.</p> <p>Fantastic to see the campaign expanded across the entire Gladstone region. Clear alignment to the funding objective is demonstrated within this response.</p>
Panel Recommendation	Based on the application and scoring matrix, the panel would recommend full funding of \$18,000.

ELITE DISCUS CAGE	
Project Dates	10/12/2022 to 17/12/2022
Organisation Name	Gladstone Athletics Club
Objective Alignment	Connect
Brief Project Description	The club is seeking funds for the purchase of an Elite Discus Cage. Gladstone Athletics club has been operating for over 50 years, hosting 150+ competing members each Saturday for meets and Wednesday afternoons for training. The club also supports most of our local schools by hosting their athletic carnivals and Port Curtis trials with 1000+ young people using the facilities. Annually we host regional carnivals which bring

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	approximately 600+ athletes to our region to compete. The installation of a new Discus Cage would support maintaining safety standards required to continue with this athletic event.
Project Beneficiaries	All members can utilise the project. This ranges from our youngest members from 6 years old to our training and competing members - age is no limit in our club. We service our local primary and high schools and are looking at creating partnerships with our local special school to increase our inclusivity within the community. Our Club allows community members with disabilities to participate in sport. The facilities are also utilised by the Inter-school athletics and Port Curtis competition and training.
Total Amount Requested	\$20,000
Total Project Cost	\$23,888
Panel Score	2.20 – 55%
Panel Commentary	<p>The application would better align to the Place objective.</p> <p>The application has made a statement around the need to replace the cage, to strengthen the application the applicant could have described and used images to demonstrate that the cage is in need of repair.</p> <p>Marginal evidence of community need/ interest - evidence such as local participation levels in discus would strengthen the application. It is clear that the club is committed to maintaining safety standards for the participants and that this project is a priority for the club.</p> <p>Clear demonstrable need as the current discus cage is not up to standard. However, this is the only reasoning provided. What is the number of participants that use the facility? How will the improvement increase use/participation?</p> <p>The applicant would have benefited from outlining and providing evidence of how replacing the cage enables the development and delivery of initiatives and projects that foster well connected communities through the provision of community led programs and activities.</p> <p>The club has multi-skilled volunteers, in-kind machinery contributions and has undertaken other installation works recently with success. There is good evidence to support that the club can confidently install the discuss cage.</p> <p>The applicant could have strengthened their application by being specific who they would collaborate with on this project and provide detail of how why and the outcome of any collaborations.</p>
Panel Recommendation	<p>Based on the application and scoring matrix, the panel would not recommend funding at this time.</p> <p>The applicant would benefit from working with NFP House with grant writing support as well as operational management advice to support the club’s business plan.</p>

INSTALL SAFE & PRESENTABLE FLOORING	
Project Dates	1/12/2022 to 1/07/2023
Organisation Name	Calliope Garden Club
Objective Alignment	Place
Brief Project Description	As a well-respected and perfectly situated club building, Calliope Garden Club headquarters is in dire need of some safe and attractive floor coverings. We have been gradually renovating the interior of the solid but neglected building since 2013. As a group we work hard to maintain community connections and often have open days which are both educational and inclusive. The Club runs regular fund raising ventures and we regularly invite people from the community to speak at workshops. To hold these with dilapidated facilities has long been an embarrassment. Our aim in 2023 is to entice more members of the community to take part in our fellowship or make use of the facility.
Project Beneficiaries	Families, seniors, people of an energetic age. Local or visiting people looking for an inclusive, mental and physical health-promoting environment. There are several community groups using the venue periodically, but we would like to expand this if the building was suitable.
Total Amount Requested	\$11,800
Total Project Cost	\$11,800
Panel Score	2.93 - 73%
Panel Commentary	<p>Community support evidenced in letters, and potential increase community usage identified.</p> <p>The section regarding collaboration touches on the possibility to collaborate as a group rather than with others from outside the organisation, hence the partial score.</p> <p>The application could have been strengthened further by providing details of the previous work completed and some images to support.</p> <p>A sound application that addresses key criteria and clearly demonstrates the project need.</p> <p>While a brief application, it covers the salient points to demonstrate need and benefit a new floor will bring about.</p>
Panel Recommendation	Based on the application and scoring matrix, the panel would recommend partial funding of 85% = \$10,030.

VETERAN DROP IN CENTRE FIT OUT	
Project Dates	From 1/11/2022
Organisation Name	RSL Gladstone Sub Branch
Objective Alignment	Place
Brief Project Description	The Gladstone RSL is currently undertaking renovations to the subleased premises at the Gladstone Bowls Club to expand our facilities to enable a Veteran Drop In Centre to be created. This space is to allow Veterans and their families a safe place to meet and socialise as well as provide the necessary assistance and support from such people as our RSL advocates, social workers and volunteers. The project is to procure the necessary electrical appliances and furnishings to make a safe and inviting yet functional space for our members and visiting veterans.

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Project Beneficiaries	Veteran community of the region and their families. members of the local RSL sub-branches - Gladstone, Boyne-Tannum, Calliope
Total Amount Requested	\$16,000
Total Project Cost	\$23,900
Panel Score	2.72 = 68%
Panel Commentary	<p>This score could be strengthened by providing evidence of support being provided by other organisations as mentioned in the application.</p> <p>This response does not provide details of 'how' the organisation will collaborate with others to assist with the project delivery. There are existing suitable spaces where these activities could be held.</p> <p>Limited evidence of collaboration opportunities. There is also a host of existing venues where these activities could be held such as the Philip Street Communities & Families Precinct.</p> <p>Some elements of the application were strong, while some questions lacked evidence to support statements.</p>
Panel Recommendation	Based on the application and scoring matrix, the panel would recommend partial funding of 85% = \$13,600.

Communication and Consultation:

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

- General Manager Community Development and Events
- Manager Community Partnerships
- Manager Arts and Entertainment
- Community Development Specialist
- Community Development Officer

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 Signature Event 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:

In 2022/23, Council budgeted \$240,000 to fund recommended applications received through the Elevator Fund.

Upon endorsement of the officer's recommendation within this report the Elevator fund will remain within budget.

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The table below summarises the overall budget position of the Community Investment Program:

Project Code	Description	Actual	Commitments	Actual + Commitments	Budget	Balance	% of Budget Allocated
COM0003	Community Celebration Fund	36,409.89	80,776.11	117,186.00	294,500.00	177,314.00	40%
COM0005	In Kind	3,936.36	500.00	4,436.36	130,000.00	125,563.64	3%
COM0029	Grassroots up to \$10,000	27,432.27	14,914.50	42,346.77	145,000.00	102,653.23	29%
COM0030	Elevator up to \$25,000	63,818.50	48,804.10	112,622.60	240,000.00	127,377.40	47%
COM0031	Community Halls Donations	19,000.00	0.00	19,000.00	36,000.00	17,000.00	53%
COM0032	Charity Waste Waiver	5,748.69	0.00	5,748.69	18,000.00	12,251.31	32%
COM0033	Bursary & Scholarships	13,500.00	0.00	13,500.00	31,000.00	17,500.00	44%
COM0034	Participatory Budget Pilot	0.00	0.00	0.00	27,000.00	27,000.00	0%
COM0035	Strategic Projects	0.00	73,216.00	73,216.00	100,000.00	26,784.00	73%
COM0036	Together Gladstone Initiative	0.00	68,500.00	68,500.00	120,964.00	52,464.00	57%
COM0039	Community Donations Fund	0.00	0.00	0.00	50,000.00	50,000.00	0%
		169,845.71	286,710.71	456,556.42	1,192,464.00	735,907.58	38%

Summary:

Nil

Anticipated Resolution Completion Date:

6 December 2022

Attachments:

1. CONFIDENTIAL – Elevator Fund Assessment Matrix
2. CONFIDENTIAL – Scoring Report – Gladstone Chamber of Commerce and Industry
3. CONFIDENTIAL – Scoring Report – Gladstone Athletics Club
4. CONFIDENTIAL – Scoring Report – Calliope Garden Club Inc.
5. CONFIDENTIAL – Scoring Report – RSL Gladstone Sub Branch

Tabled Items:

Nil

Report Prepared by: Community Investment Officer

G/4.7. PROPOSED PUBLIC ART INSTALLATION - TARAGOOLA TREES

Responsible Officer: General Manager Community Development and Events

Council Meeting Date: 6 December 2022

File Ref: CC2.1

Purpose:

The purpose of this report is to present Council with a public art proposal received from local artist, Katrina Elliott seeking approval to install a public art installation on the trees on Taragoola Road, Calliope throughout December 2022 and January 2023.

Officer's Recommendation:

That Council support the public art proposal received by artist Katrina Elliott and approve the use of the trees along Taragoola Road, Calliope for the proposed short-term art installation.

Background:

In November 2022, a public art proposal, namely 'Taragoola Trees' was received from local artist Katrina Elliott. Katrina is seeking approval from Council to install temporary art installations on approximately 10 trees along the walkway at Taragoola Road Calliope.

The installation will commence in December 2022 and will be removed in January 2023.

The artist is not seeking funding or resources from Council.

The installations will be in the form of 'wraps' around the tree trunks. Each wrap will have a wire casing to protect the trees and ensure the artwork is secure. The artist has given consideration to safety and driver distraction and as such, the chosen trees will be those that are furthest from the road.

The aim of the project is to foster Community Christmas spirit in Calliope, promote tourism and have health benefits by encouraging exercise. The project will also create brand awareness for the newly launched 'Arts and Culture Trails' and will provide a basis for community consultation for future projects.

Internal stakeholders have been consulted and the project has been shared with the Regional Arts Development Fund Committee for feedback. The feedback received has been in support of the project.

The project will be a great test for community response to this location and public art in Calliope. QR codes on the artwork signs will provide data and statistics as well as an opportunity to gather community & tourist feedback.

Options, Risk and Opportunity Analysis:

Council could choose to decline the use of the requested space on Taragoola Road. Council could choose to suggest and/or approve an alternative location for the project.

Communication and Consultation:

Manager Parks Program Delivery
Strategic Property Specialist
Manager Roads Program Delivery
Specialist Arborist
General Manager Community Development and Events
Regional Arts Development Fund Committee

Legal Strategy and Policy Implications:

The proposal and approach are in line with Councils Public Art Policy.

Financial and Resource Implications:

Nil Financial or Resource requirements anticipated. Nil implications.

Summary:

Council is seeking to increase Public Art across the Region. This proposal aligns with Councils Public Art Policy and has been supported by Officers and the Regional Arts Development Fund Committee.

Anticipated Resolution Completion Date:

6 December 2022

Attachments:

1. Taragoola Trees Project Proposal

Tabled Items:

Nil

Report Prepared by: Manager Arts and Entertainment

G/4.8. REALF'S DIVING AND SALVAGE SOLE SUPPLIER

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 6 December 2022

File Ref: PE1.1

Purpose:

This report seeks resolution from Council to make use of the provisions in s235 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 the South Trees Waste Water Treatment Plant Effluent outfall structure remedial works.

Officer's Recommendation:

That Council resolves, in accordance with Section 235(a) of the Local Government Regulation 2012, that it is satisfied that Realf's Diving & Salvage is the only supplier reasonably available to Council to perform remedial works to the South Trees Waste Water Treatment Plant Effluent outfall structure.

Background:

The existing outfall structure, on coastal water, is in very poor condition. Steel piles, supporting the concrete structure are identified with severe corrosion. Temporary scaffolds to temporary support this structure also deteriorated and not functioning as expected which means a catastrophic failure can happen at any time.

QuakeWrap's proprietary product PileMedic[®], is currently being used by DTMR and other local industries for pile strengthening applications. It is a patented Fiber Reinforced Polymer (FRP) system for repair and strengthening of worn and corroded structures. The sheets that are as thin as 0.66mm. are extremely strong (tensile strength up to 150,000 psi) but flexible. PileMedic[®] rolls can be cut to desired length and wrapped around piles, columns or poles to create a solid seamless shell of desired shape that is stronger than steel. The annular space between the pile and the shell is then filled with concrete or grout to create a 360 (degree symbol) monolithic structure.



Source: <https://quakewrap.com.au/pilemedic>

Options, Risk and Opportunity Analysis:

Option 1 – Approve Realf’s Diving & Salvage as Sole Supplier – Preferred

The use of PileMedic® presents a cost effective and efficient solution for corroded structures. It is the only product of its nature that is available in Australia. Similar products are available in China and the US.

The installation of PileMedic® must be completed by installers that are certified by QuakeWrap. The only supplier’s within proximity to Gladstone is Realf’s Diving & Salvage and RoadTek (Rockhampton). Realf’s Diving & Salvage is the only Gladstone based certified installer and has been engaged for preliminary discussions with Council regarding PileMedic® product compatibility for the structure.

If approved, Realf’s Diving & Salvage, having completed initial assessments, is ready to commence the repair as soon as practicable. The repair can be completed within 14 days and can be operational within 24 hours after installation. It is anticipated that these works would be completed in December 2022.

Option 2 – Competitive Quoting Process

The time required to prepare, release and award a competitive quoting process would result in these works not commencing until early 2023, extending the risk of catastrophic failure particularly during cyclone season.

Communication and Consultation:

Nil.

Legal Strategy and Policy Implications:

It is a requirement of the Local Government Regulation 2012 section 225 to invite written quotation or tenders where the supply of goods or services costs greater than \$15,000 ex GST. Section 235 of the regulation provides several exceptions to the requirement and relevant to this request is clause a) which states:

The local government resolves it is satisfied that there is only 1 supplier who is reasonably available.

Financial and Resource Implications:

The contract value is estimated to be \$143,598.00 ex GST which is contained within the approved budget.

Summary:

Nil

Anticipated Resolution Completion Date:

The contract will be awarded in December 2022.

Attachments:

Nil

Tabled Items:

Nil

Report Prepared by: Manager Contract and Procurement

G/4.9. AMENDMENT TO 2022/2023 FEES AND CHARGES

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 6 December 2022

File Ref: FM7.1

Purpose:

The purpose of this report is to seek Council's endorsement of the proposed amendments to the 2022/2023 Register of Fees and Charges.

Officer's Recommendation:

That Council endorse the amendment of the 2022/2023 Register of Fees and Charges to reflect the following charges as below:

1. Introduction of New Fee - Tree Replacement Fee (*as part of driveway application assessment only*) of \$494.00 per tree, Excluding GST
2. Re-introduction of Camping Fees at the Island Campgrounds, namely:
 - a. Camping Fees – Island Grounds – Family (2 Adults and 2 Children under 17 years) from \$Nil to \$20.50 per day, Including GST
 - b. Camping Fees – Island Grounds – Per Person from \$Nil to \$6.80 per day, Including GST
 - c. School Groups – attending an approved school excursion from \$Nil to \$3.20 per day, Including GST
3. Introduction of New Fees - Memorial Plaques on Council removable assets and park furniture:
 - a. Administration Cost \$110.00 per application Including GST
 - b. Cost of Plaque \$60.00 per each, Including GST
 - c. Installation \$250.00 per each, Including GST
4. Amend - Maxine Brushe Community Meeting Place Room Hire, namely:
 - a. Room Hire (*Not-for-profit Volunteer Organisation with no paid employees, up to 12 hours per week*) \$Nil (No Charge) per room per hour
 - b. Room Hire (*Not-for-profit Volunteer Organisation with no paid employees, over 12 hours per week*) \$10.00 per room per hour, Including GST

Background:

1. Tree Replacement Fee

Council receives driveway applications from time to time that has the proposed driveway in the same alignment as the existing street tree asset.

Officers spend time processing these applications and may approve the application on the basis that the applicant removes the tree and replants a new tree in a new location after completion of the driveway. However historically, this has not been occurring. In most cases the applicant removes the tree entirely or relocates the existing tree and replants it, however without maintenance the tree often dies.

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This proposed fee will apply as part of the driveway application assessment, where the street tree is immature in age and the replacement planting will result in no loss of tree canopy coverage in the urban forest.

Tree Replacement fee (*as approved as part of Driveway Application only*) of \$494.00 excluding GST per tree.

2. Camping Fees

Due to the COVID-19 pandemic, the operation of Campgrounds was a restricted activity in 2020, and throughout subsequent years.

Council as part of the implementation of the Public Health Direction issued by the Chief Health Officer on 10 July 2020 ("the Direction") made an operational decision to temporarily close all Council managed campgrounds whilst the direction with respect to campground operations was fully outworked.

Council received a determination from Queensland Health through the State Disaster Co-Ordination Centre on 21 August 2020 that advised that "free campgrounds that do not have shared amenities (other than toilets) are not required to operate under an Approved COVID Safe Plan due to the nature of these sites. However, Councils should have in place measures to encourage physical distancing, occupant density limits, hand and respiratory hygiene and regular cleaning."

On 1 September 2020 Council endorsed that:

1. Council confirm and endorse the action of the Chief Executive Officer to reopen campgrounds from 28 August 2020 with the following amendments to fees and charges required to facilitate the reopening of Island Campgrounds:
 - a. Camping Fees – Island Grounds – Family (2 Adults and 2 Children under 17 years) - \$ Nil
 - b. Camping Fees – Island Grounds – Per Person - \$Nil
 - c. School Groups – attending an approved school excursion - \$Nil
2. Delegate to the Chief Executive Officer the negotiation of a booking management fee to be paid to Gladstone Area Promotion and Development Limited (GAPDL) for the 2020/2021 financial year, with this service to be incorporated into the agreed GAPDL work plan from 1 July 2021.

With the restrictions on activities now being relaxed, this report seeks endorsement to re-introduce the Island Campground fees, at the same rate as the time they were waived, in 2020.

Upon consultation with Gladstone Area Promotion & Development Limited (GAPDL), it has been determined that the lack of a fee on Island camping is negatively impacting local tourism operators due to no shows and last-minute cancellations.

3. Memorial Plaques on Council Replaceable Assets Fees

At the General Council Meeting on 2 February 2021, Council resolved to allow for the naming of removable assets and park furniture for the purpose of memorialisation by an appropriate administrative process. This was further discussed at a Councilor Information Session on 10 May 2022 where the application, purchase and installation of the memorial plaques were outlined. The introduction of these fees is consistent with the resolution and the administrative process detailed in the reports.

The below fees that were outlined in the report were:

Administration Cost: \$110.00

Cost of Plaque: \$60.00

Installation: \$250.00

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The process excludes the naming of parks, roads, bridges, or community facilities, roadside fatality memorials and plaques. It also does not cover requests for memorials on private land or for military service plaques on recognised war or defence service memorials. Memorials commemorating the death of domestic pets and animals are not permitted on public land.

4. Maxine Brushe Community Meeting Place Room Hire

The Philip Street Advisory Committee recently voted to make a change to their Fair Use Policy for the Maxine Brushe Meeting Room. The recommendation was endorsed by the Advisory Committee at a meeting held on the 10th of November 2022 to amend the policy as follows;

Not for profit organisations with no paid staff (free bookings);

- Maxine Brushe Community meeting place have a Maximum of 12 hours per week of room hire at a free of charge rate per room per hour
- Any bookings that go over 12 hours per week will incur a charge of \$10.00 per room per hour, which is the same as a NFP group with paid staff

Options, Risk and Opportunity Analysis:

N/A

Communication and Consultation:

The proposed new fees and charges have been developed in consultation with subject matter experts. Endorsement of the fees and charges will allow for the publishing and promotion of these services and facilities, effective immediately.

Legal Strategy and Policy Implications:

Fees and Charges Register are adopted by Council at the annual budget meeting and any changes or amendments will require a Council resolution.

Financial and Resource Implications:

Tree Replacement Fee

Currently this fee will be set at cost recovery. Planting a 45-litre tree currently costs the Council \$494.00. This cost includes the purchase, planting, tree coach (staking the tree right the first time is key for long-term tree health), along with the establishment requirements for a 12-month period.

Camping Fees

Increase of income to Gladstone Regional Council of approximately \$7,500 per annum.

Memorial Plaques on Council Removable Assets Fee

The financial implication of the process is to follow a cost recovery approach for the administration process, cost of the plaque and cost of installation. This will be reviewed each year.

Maxine Brushe Community Meeting Place Room Hire

Increase of income to Gladstone Regional Council of approximately \$4,000 per annum, approximately \$80 per week.

Summary:

N/A

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Anticipated Resolution Completion Date:

Fees and charges will be effective immediately, however anticipated full completion within two weeks of resolution to allow for updating fees and charges register, booklets, systems and processes.

Attachments:

Nil

Tabled Items:

Nil

Report Prepared by: Senior Revenue Officer

G/4.10. QUEENSLAND AUDIT OFFICE FINAL MANAGEMENT REPORT

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 6 December 2022

File Ref: FM4.4

Purpose:

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

Officer's Recommendation:

That Council note the Final 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 letter and report at the next ordinary meeting of the local government.

The final report is provided to detail the results of the audit work performed over the previous financial year. 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 final report for 2021-2022 reported no new significant control deficiencies or financial reporting issues. There is however one new current year control deficiency and two prior year unresolved internal control deficiencies 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 final report has been communicated to the Mayor and has also been presented to the Audit Risk and Improvement Committee on 24 October 2022.

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 Final Management Letter and Report

Tabled Items:

Nil

Report Prepared by: Team Leader Financial Operations

G/4.11. COUNCILLOR APPOINTMENT TO CAPRICORN PEST MANAGEMENT GROUP

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 6 December 2022

File Ref: CM7.2

Purpose:

To allow the Council the opportunity to appoint a councillor representative to Capricorn Pest Management Group.

Officer's Recommendation:

That Council nominate Cr _____ as a voting representative for Gladstone Regional Council's membership to Capricorn Pest Management Group Inc.

Background:

Capricorn Pest Management Group Inc (CPMG) is a not-for-profit association established in 1999. Primarily funded by local government, its purpose is to deliver a coordinated approach to pest management in the Central Queensland Region. CPMG, in collaboration with natural resource management bodies, aims to reduce the impacts of weeds and pest animals using contemporary methods and innovative strategies wherever possible.

Gladstone Regional Council is an ordinary member of CPMG and is permitted two voting member representatives.

By resolution at its General Meeting of 28 April 2020 (vide resolution G/20/4151), Council appointed Cr Cameron and Cr Goodluck as member representatives. Cr Cameron is the current Vice President. Council's Manager of Biosecurity and Environmental Health participates in CPMG as a non-voting member representative.

Due to other commitments, Cr Goodluck is unable to continue as one of Council's member representatives and Council is asked to nominate another member representative.

Options, Risk and Opportunity Analysis:

The options available to Council are:

1. Appoint another councillor to replace Cr Goodluck as Council's member representative;
2. Delegate authority to the Chief Executive Officer to nominate a Council employee to be a voting member representative of Council; or
3. To not appoint another voting member representative.

Option 1 – Appoint another Councillor

By proceeding with Option 1, Council would be retaining the status quo.

Option 2 – Delegate authority to the Chief Executive Officer to nominate a Council employee

If Council were of a mind to proceed with Option 2, Council would retain two votes on CPMG. CPMG's constitution does not require a voting member representative to be a Councillor though traditionally, Local Government members of CPMG have been represented by Councillors.

GENERAL MEETING AGENDA 6 DECEMBER 2022

Option 3 – Not appoint another voting member representative

If Council were to adopt Option 3, Council would only have one voting member representative and would have less influence on the operation of CPMG.

Communication and Consultation:

Following resolution by Council, notification of the appointment will be provided to CPMG.

Legal Strategy and Policy Implications:

Council is entitled to be represented on boards and committees by virtue of constitutions, policies, funding arrangements and other agreements.

The appointed member representative will be obliged to comply with Council's policies in particular, the *Councillor Code of Conduct Policy*, as well as CPMG's constitution and any other governing documents.

The *Associations Incorporation Act 1981* is the governing legislation for Incorporated Associations in Queensland.

Financial and Resource Implications:

As this is a council appointment, the nominated member representative will be entitled to reimbursement and facilities in accordance with Council's *Councillor Reimbursement and Provision of Facilities Policy*. It is not anticipated that there will be any significant finance or resource implications associated with the appointment.

Summary:

N/A

Anticipated Resolution Completion Date:

Formal notification to CPMG will occur by 16 December 2022.

Attachments:

Nil

Tabled Items:

Nil

Report Prepared by: Manager Governance and Risk

G/4.12. CANCELLATION OF GENERAL MEETING 3 JANUARY 2023

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 6 December 2022

File Ref: CM7.2

Purpose:

To allow Council to consider the cancellation of the 3 January 2023 General Meeting.

Officer's Recommendation:

That the General Meeting for 3 January 2023 be cancelled.

Background:

Council has previously resolved that General Meetings are to be held on the first and third Tuesday of each month. The first General Meeting of 2023 is scheduled for 3 January 2023.

Council's administration offices will be closed for the Christmas and New Year Period from Friday 23 December 2022, re-opening Tuesday 3 January 2023.

Due to the Christmas Closure and the impact on officer's ability to prepare and publish an Agenda for the 3 January 2023 General Meeting it is proposed that the meeting be cancelled.

Options, Risk and Opportunity Analysis:

Council may elect to either:

1. Cancel the 3 January 2023 General Meeting; or
2. Proceed with the 3 January 2023 meeting as scheduled.

There are no risks associated with the cancellation of the 3 January 2023 meeting. The last General Meeting of 2022 is scheduled for 20 December 2022. Should any urgent decisions be required from Council between 3 January 2023 and the next General meeting of 17 January 2023 a Special Meeting of Council can be called.

Communication and Consultation:

The Executive Leadership Team were consulted and indicated that the business does not require a General Meeting on 3 January 2023.

Legal Strategy and Policy Implications:

Section 256 of the *Local Government Regulation 2012* ("LGR") provides that Council must set its General Meeting schedule at the Post Election Meeting. Once resolved, the schedule is required to be published on Council's website and display the schedule in a conspicuous place in Council's public office (s 254B of the LGR).

Section 254B(4) of the LGR provides that Council is required as soon as practicable, to notify any change to the days and times of the General Meeting schedule.

Financial and Resource Implications:

There are no financial or resource implications associated with the officer's recommendation.

Summary:

NA

Anticipated Resolution Completion Date:

The 2023 General Meeting schedule will be published by Friday 9 December 2022.

Attachments:

Nil

Tabled Items:

Nil

Report Prepared by: Manager Governance and Risk

G/5. COUNCILLORS REPORT

G/6. URGENT BUSINESS

G/7. NOTICE OF MOTION

G/8. CONFIDENTIAL ITEMS