



**GLADSTONE**  
REGIONAL COUNCIL

## **GENERAL MEETING AGENDA**

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

**On 22 January 2019**

**Commencing at 9.00am**

**Mark Holmes  
ACTING CHIEF EXECUTIVE OFFICER**

## Table of Contents

ITEM	PAGE
<b>G/1. MAYORAL STATEMENT OF CURRENT ISSUES.....</b>	<b>4</b>
<b>G/2. CONFIRMATION OF MINUTES .....</b>	<b>5</b>
G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 18 DECEMBER 2018 .....	5
<b>G/3. DEPUTATIONS .....</b>	<b>6</b>
<b>G/4. OFFICERS' REPORTS.....</b>	<b>7</b>
<b>G/4.1. OFFICE OF THE CEO .....</b>	<b>7</b>
G/4.1.1. DECISION DELEGATED TO THE MAYOR - ITEM G/3.5.1. ASSESSMENT OF SPORT AND RECREATION 2018/19 CLUB DEVELOPMENT GRANT (ROUND 1) AND 2018/19 FACILITY ASSISTANCE GRANT (COMMUNITY PROJECTS) .....	7
G/4.1.2. LEAVE OF ABSENCE REPORT AS AT JANUARY 2019 .....	10
<b>G/4.2. STRATEGY AND TRANSFORMATION.....</b>	<b>12</b>
G/4.2.1. BOYNE TANNUM AQUATIC RECREATION CENTRE FEASIBILITY STUDY - FINALISED .....	12
<b>G/4.3. STRATEGIC ASSET PERFORMANCE .....</b>	<b>17</b>
<b>G/4.4. OPERATIONS .....</b>	<b>18</b>
<b>G/4.5. COMMUNITY DEVELOPMENT AND EVENTS.....</b>	<b>19</b>
G/4.5.1. ASSESSMENT OF SPORT & RECREATION 2018/19 FACILITY ASSISTANCE GRANT (STRATEGIC PROJECTS) .....	19
<b>G/4.6. CUSTOMER EXPERIENCE.....</b>	<b>23</b>
G/4.6.1. DEVELOPMENT APPLICATION 33/2018 FOR A MATERIAL CHANGE OF USE OF PREMISES FOR AN EDUCATIONAL ESTABLISHMENT LOCATED AT LOT B SP 218087 IN LOT 22 SP 178795 CAPTAIN COOK DRIVE, SEVENTEEN SEVENTY QLD 4677 .....	23
G/4.6.2. DEVELOPMENT APPLICATION 237/2016 - REQUEST TO CHANGE NOTICE OF DECISION - MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT (6 STAGED EXTENSION TO EXISTING SCHOOL) AT 4 AND 6 ARCHER STREET, SUN VALLEY QLD 4680 .....	40
G/4.6.3. DEVELOPMENT APPLICATION 288/2011 REQUEST FOR CHANGE MATERIAL CHANGE OF USE FOR A RETIREMENT VILLAGE AT 75 & 105 TANNUM SANDS ROAD, TANNUM SANDS QLD 4680.....	62
<b>G/4.7. PEOPLE CULTURE AND SAFETY.....</b>	<b>77</b>
<b>G/4.8. FINANCE GOVERNANCE AND RISK .....</b>	<b>78</b>

G/4.8.1. BUSINESS IMPROVEMENT COMMITTEE - REPORT TO COUNCIL ON MEETING HELD 12 DECEMBER 2018 .....	79
G/4.8.2. NAMING OF INFRASTRUCTURE ASSETS POLICY .....	84
G/4.8.3. AMENDMENT OF DELEGATIONS FROM COUNCIL TO CHIEF EXECUTIVE OFFICER - PLANNING ACT 2016 AND LAND ACT 1994 .....	88
G/4.8.4. FEDERAL ASSISTANCE GRANT .....	92
G/4.8.5. MONTHLY FINANCIAL REPORTS FOR PERIOD ENDING 31 DECEMBER 2018 .....	96
<b>G/5. COUNCILLORS REPORT .....</b>	<b>104</b>
<b>G/6. URGENT BUSINESS.....</b>	<b>105</b>
<b>G/7. NOTICE OF MOTION .....</b>	<b>106</b>
<b>G/8. CONFIDENTIAL ITEMS .....</b>	<b>107</b>

**G/1. MAYORAL STATEMENT OF CURRENT ISSUES**

Nil.

## **G/2. CONFIRMATION OF MINUTES**

### **G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 18 DECEMBER 2018**

**Responsible Officer:** Chief Executive Officer

**Council Meeting Date:** 22 January 2018

**File Ref:** CM7.2

---

#### **Purpose:**

Confirmation of the minutes of the General Meeting held on 18 December 2018.

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

That the minutes of the General Meeting of Council held on 18 December 2018 be confirmed.

#### **Attachments:**

1. Minutes of the General Meeting of Council held on 18 December 2018.

#### **Tabled Items:**

Nil.

**Report Prepared by:** Executive Assistant

## **G/3. DEPUTATIONS**

### **G/3.1. DEPUTATIONS**

**Responsible Officer: Chief Executive Officer**

**Council Meeting Date: 22 January 2019**

**File Ref: CM7.6**

---

#### **Purpose:**

The following Deputations will be held on 22 January 2019:-

1. Gladstone Observer to provide information on a possible sponsorship for the Gladstone Observer's Town Proud promotion.

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

That -

The Deputation from the Gladstone Observer be received with the Chief Executive Officer to investigate further in regards to sponsorship.

#### **Background:**

Council will receive a Deputation from the Gladstone Observer to seek Council's sponsorship for the Town Proud promotion for 2019. It is noted that Council was a Foundation Sponsor in 2018. The promotion is conducted in April – May 2019.

#### **Attachments:**

Nil.

#### **Tabled Items:**

Nil.

**Reported Prepared by:** Executive Assistant to the Chief Executive Officer

## G/4. OFFICERS' REPORTS

### G/4.1. OFFICE OF THE CEO

#### G/4.1.1. DECISION DELEGATED TO THE MAYOR - ITEM G/3.5.1. ASSESSMENT OF SPORT AND RECREATION 2018/19 CLUB DEVELOPMENT GRANT (ROUND 1) AND 2018/19 FACILITY ASSISTANCE GRANT (COMMUNITY PROJECTS)

**Responsible Officer:** Chief Executive Officer

**Council Meeting Date:** 22 January 2019

**File Ref:** CM7.2

#### Purpose:

Confirmation of decision made by the Mayor where Council delegated the decision making power for part of Item G/3.5.1. of the General Meeting of 18 December 2018 in accordance with section 175E(6) and 257(1)(b) of the *Local Government Act 2009*.

#### Officer's Recommendation:

That Council note the following decision delegated to the Mayor at the General Meeting of 18 December 2018:

#### G/3.5.1. ASSESSMENT OF SPORT AND RECREATION 2018/19 CLUB DEVELOPMENT GRANT (ROUND 1) AND 2018/19 FACILITY ASSISTANCE GRANT (COMMUNITY PROJECTS)

#### PART Officer's Recommendation:

That Council fund the below applicants, subject to funding conditions being applied where necessary:

<b>2018/19 CLUB DEVELOPMENT GRANT – ROUND 1</b>		
<b>Sporting Organisation</b>	<b>Project</b>	<b>Recommended Funding</b>
Baffle Creek Boat Club	Purchase of Equipment	\$893
Discovery Coast Sport and Recreation Association	Purchase of Equipment	\$655.20
Gladstone Amateur Basketball Association	Purchase of Equipment	\$1200
Gladstone Junior Golf Club	Professional Development	\$1200
Gladstone Martial Arts Academy	Purchase of Equipment	\$1200
Gladstone Swimming Club	Purchase of Equipment	\$944
Past Brothers Junior Rugby League Football Club (Gladstone)	Volunteer Training	\$1200

Port Curtis Sailing Club	Strategic Plan Development	\$1200
Scout Association of Australia Qld Branch (Port Curtis District Scouts)	Purchase of Marketing Equipment	\$1200
<b>TOTAL</b>		<b>\$9,692.20</b>

### Mayor's Decision

Approved on 24 December 2018 as per the above PART Officer's Recommendation.

### Background:

Item **G/3.5.1. Assessment of Sport and Recreation 2018/19 Club Development Grant (Round 1) and 2018/19 Facility Assistance Grant (community projects)** was presented to the General Meeting of Council on 18 December 2018. Council resolved that part of the Officer's Recommendation be adopted, viz:-

That Council fund the below applicants, subject to funding conditions being applied where necessary:

<b>2018/19 FACILITY ASSISTANCE GRANT PROGRAM – Community Projects</b>		
<b>Sporting Organisation</b>	<b>Project</b>	<b>Recommended Funding</b>
Captain Creek Community Sport and Recreation Association Inc	Purchase of Plant	\$20,400
Gladstone Harbour City BMX Club Inc	Construction of Asphalt Berm (corner)	\$19,307.20
Meteors Sports Club	Purchase of Plant	\$16,000
Scout Association of Australia Qld Branch (Awoonga Scout Campsite)	Purchase of Solar and Flail Mower	\$9,722.40
<b>TOTAL</b>		<b>\$65,429.60</b>

A number of Material Personal Interests and Conflicts of Interest were declared at the meeting including a Conflict of Interest for the Chief Executive Officer. It was resolved that the Mayor be delegated the decision as follows:-

That Council fund the below applicants, subject to funding conditions being applied where necessary:

<b>2018/19 CLUB DEVELOPMENT GRANT – ROUND 1</b>		
<b>Sporting Organisation</b>	<b>Project</b>	<b>Recommended Funding</b>
Baffle Creek Boat Club	Purchase of Equipment	\$893
Discovery Coast Sport and Recreation Association	Purchase of Equipment	\$655.20
Gladstone Amateur Basketball Association	Purchase of Equipment	\$1200
Gladstone Junior Golf Club	Professional Development	\$1200
Gladstone Martial Arts Academy	Purchase of Equipment	\$1200



Gladstone Swimming Club	Purchase of Equipment	\$944
Past Brothers Junior Rugby League Football Club (Gladstone)	Volunteer Training	\$1200
Port Curtis Sailing Club	Strategic Plan Development	\$1200
Scout Association of Australia Qld Branch (Port Curtis District Scouts)	Purchase of Marketing Equipment	\$1200
<b>TOTAL</b>		<b>\$9,692.20</b>

The report and decision was presented to the Mayor for consideration. The Mayor decided in favour of the Officer's Recommendation and this was communicated via email from the Mayor on 24 December 2018.

**Attachments:**

Nil.

**Tabled Items:**

Nil.

**Report Prepared by:** Executive Assistant to the Chief Executive Officer

## **G/4.1.2. LEAVE OF ABSENCE REPORT AS AT JANUARY 2019**

**Responsible Officer:** Chief Executive Officer

**Council Meeting Date:** 22 January 2019

**File Ref:** CM7.2

### **Purpose:**

Reporting on Councillors' leave of absences proposed as at January 2019 as required under section 6.1.1 of the Council Meetings Procedures Policy (P-2018-27).

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

That Council grant Cr Sobhanian a leave of absence from 7 to 15 August 2019 and Cr Goodluck a leave of absence on 4 to 10 February 2019.

### **Background:**

In accordance with Council's Council Meetings Procedures Policy (P-2018-27) a Councillor must seek a leave of absence from a General or Committee meeting where a Councillor cannot attend for a private reason. This applies to Council's General Meetings and Committee meetings such as the Business Improvement Committee meeting.

Leave from a meeting is granted to a Councillor at the discretion of Council via a resolution and can be applied for prior to the meeting or at the meeting itself. A leave of absence does not need to be requested by a Councillor in person.

The Policy notes that a leave of absence is automatically granted to a Councillor where the Council passes a formal resolution for a Councillor to attend a conference or represent Council at an event.

This report is the leave of absences proposed as at January 2019 that have been previously requested by Councillors.

### **Consideration:**

On 2 November 2018, Cr Sobhanian submitted a leave of absence request for the period of 7 to 15 August 2019. Cr Goodluck submitted a leave of absence for 4 to 10 February 2019 on 15 January 2019.

### **Communication and Consultation (Internal/External):**

Mayor, Chief Executive Officer and Manager Governance

### **Legal Environmental and Policy Implications:**

The Council Meetings Procedures Policy requires Councillors to seek a leave of absence from General or Committee meetings where the Councillor cannot attend for a private reason under section 6.1.1. An application for leave does not need to be made in person but must be granted by Council.

The *Local Government Act 2009 (section 162)* states that if a Councillor is absent, without the local government's leave, from two or more consecutive General meetings of the local government over at least 2 months, the Councillor's office becomes vacant.

**Financial and Resource Implications:**

Nil.

**Commentary:**

Nil.

**Summary:**

Nil.

**Anticipated Resolution Completion Date:**

5 February 2019

**Attachments:**

Nil.

**Tabled Items:**

Nil.

**Report Prepared by:** Executive Assistant to the Chief Executive Officer

## **G/4.2. STRATEGY AND TRANSFORMATION**

### **G/4.2.1. BOYNE TANNUM AQUATIC RECREATION CENTRE FEASIBILITY STUDY - FINALISED**

**Responsible Officer: General Manager Strategy and Transformation**

**Council Meeting Date: 22 January 2019**

**File Ref: SR5.2, PRJ-279**

#### **Purpose:**

The purpose of this report is to present the finalised Boyne Tannum Aquatic Recreation Centre Feasibility Study for adoption.

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

That Council:-

1. Adopts the Boyne Tannum Aquatic Centre Feasibility Study (December 2018).
2. Undertakes Community Engagement on the Aquatic Centre proposal as soon as practicable.
3. Following consideration of the community engagement outcomes, proceeds to Concept Design and Costings.
4. Utilises the balance of funds within Project GNC0105 within the 2018/19 financial year to undertake the concept design.

#### **Background:**

At Council's 20 March 2018 General Meeting, a Notice of Motion was put forward by Cr Goodluck on the matter of an Aquatic Recreational Centre in the Boyne Tannum area. At this meeting, Council resolved the following (Vide Item G/18/3353):-

That:

1. *Council calls expressions of interest to develop an initial cost analyses / business case / concept design to determine the costs of building an Aquatic Recreational Centre in the Boyne Tannum area with the following components subject to community consultation:*
  - a. *25 or 50 metres 8 lane swimming pool – This would enable the current swim club the opportunity to grow and provide swimming services to the community without impeding availability to the public.*
  - b. *Heater system for outdoor pool – to enable use all year round and promote competitive swimming capacity for youth.*
  - c. *Water slides – can be a visual backdrop to the facility and a point of difference not offered anywhere within the Gladstone region at this time – included to specifically attract teenage market.*
  - d. *Aquatic water play area – to enable a range of age groups from small babies to adults to enjoy water play regardless of swimming capability*
  - e. *Potential shop front / café facility / commercial space*
  - f. *Solar component to reduce running costs*
  - g. *Seating – Parents look for seating to enjoy a coffee and watch the kids play*
  - h. *Shade – it's hot, people need shade*
  - i. *Professional operators*

2. *Following the completion of the cost analyses / business case / concept design, that Council undertake formal community consultation with respect to the options and concept design.*
3. *Take into consideration the regions current aquatic facilities.*

In Council's 2018/19 adopted budget, \$250,000 was allocated to undertake a Feasibility Study/Concept Design.

Request for Quote (246-18) was released inviting quotations to engage a Consultant to provide a Feasibility Study for an Aquatic Recreation Centre in the Boyne Island/Tannum Sands area. Three offers were received and assessed with the successful Consultant being Plus Architecture (in joint partnership with MacroPlan Dimasi).

On Thursday 12 July 2018, an inception meeting was held with the Consultant, Staff and Councillors and a site visit undertaken.

On 26 September 2018, the draft Feasibility Study was received and subsequently presented to Staff and Councillors at a meeting on 23 October 2018. Amendments and additions were requested and a subsequent variation approved to the Consultancy.

On 21 December 2018, a consolidated final Feasibility Study (Attachment 1) was received which is the subject of this report.

### **Consideration:**

During discussions with Council Officers and as part of the initial site visit, eleven sites were identified as having potential for the development of an Aquatic Centre. Through a site selection process, which included assessment of flooding, environment, scale of land area, ownership, road access, public transport, proximity to education facilities, accessibility by residential population and potential land use conflict, the eleven sites were reduced to a top three. The Feasibility Study was then conducted on these three, being:

- 3 Hampton Drive, Tannum Sands (Freehold, Boyne Smelters Ltd)
- Coronation Drive, Tannum Sands (Freehold, GRC ownership)
- 10 Canoe Point Road, Tannum Sands (Reserve, DNRM, GRC trustee)

The Study considered four scenarios on each site based on Community Aquatic Centre (Scenario 1), Minor District Aquatic Centre (Scenario 2), Major District Aquatic Centre (Scenario 3) and Alternative (Scenario 4). The key components and indicative construction costs of each Scenario are presented below. Attached are layouts for each site indicating Scenario 3 as it has the largest footprint (Attachments 2-4).

#### Community Aquatic Centre - Scenario 1:

- 50m lap pool
- Amenity Block/Change Room (small)
- Kiosk
- Carparking up to 50
- Admin/Office/Entry

3 Hampton Drive	\$15,805,632
Coronation Drive	\$16,817,783
10 Canoe Point Road	\$20,896,685

#### Minor District Aquatic Centre - Scenario 2:

Stage 1

- 50m lap pool
- Amenity Block/Change Room (medium)
- Kiosk
- Learn to swim pool
- Carparking up to 50
- Admin/Office/Entry

Stage 2

- Gym
- Increase carparking up to 100

3 Hampton Drive	\$25,806,226
Coronation Drive	\$25,462,631
10 Canoe Point Road	\$29,076,168

Major District Aquatic Centre - Scenario 3:

Stage 1

- 50m lap pool
- Amenity Block/Change Room (large)
- Café (kiosk replaced by café)
- Indoor learn to swim pool
- Life Guards office/first aid room
- Carparking up to 100
- Admin/Office/Entry

Stage 2

- Gym (larger)
- Indoor Hydrotherapy
- Outdoor Water Playground
- Terraced seating
- BBQ area

3 Hampton Drive	\$37,584,341
Coronation Drive	\$36,759,575
10 Canoe Point Road	\$40,947,282

Alternative – Scenario 4:

- 25m lap pool
- Office
- Kiosk
- Amenities Block
- Children’s Splash Pool
- Waterslide
- Lifeguard and First Aid Office
- Swim Meet Club
- Bleachers
- Carparking

3 Hampton Drive	\$18,444,662
Coronation Drive	\$17,943,384
10 Canoe Point Road	\$22,362,868

A financial feasibility model has been provided for each Scenario. The model includes projected operational revenues and expenses over a 20-year time period. It presents the Net-Present-Value (NPV) and the Return-On-Investment results.

**Communication and Consultation (Internal/External):**

Community Engagement has not occurred at this stage.

Given 3 Hampton Drive is owned freehold by the Boyne Smelter, contact was made with representatives to discuss the project and to see if the Smelter is open to utilising their land (7 January 2019). The representatives advised that they would take the matter to the Board for discussion and would advise Council in due course.

On 19 December 2018, an email was sent to the President of the BITS Swim Club seeking a meeting to discuss the proposal. At the time of writing this report, a reply had not been received.

**Legal Environmental and Policy Implications:**

Nil

**Financial and Resource Implications:**

Feasibility Study

\$250,000 allocated - 2018/19 budget  
 \$68,200 spent/committed - Consultancy

\$181,800 Balance of funds should Council resolve to proceed to concept design

Construction

Council's LTFP has \$6 million allocated in 2021/22, however with a notation that the project to proceed only with 100% funding.

**Commentary:**

In order for the project to proceed, external funding will need to be sought.

It is suggested that Council engage with the community on their preferred location and preferred components of the Aquatic Centre, however, it needs to be clear that the ultimate decision will be Council's and based on capital and operating costs.

**Summary:**

Nil

**Anticipated Completion Date:**

Community Engagement to be undertaken as soon as practicable.  
 Concept Design to commence by end of June 2019.

**Attachments:**

1. Boyne Tannum Aquatic Recreation Centre Feasibility Study
2. Site Layout Sketch – 10 Canoe Point Road
3. Site Layout Sketch – 3 Hampton Drive
4. Site Layout Sketch – Coronation Drive

**Tabled Items:**

Nil.

**Report Prepared by:** Strategic Projects Specialist



**G/4.3. STRATEGIC ASSET PERFORMANCE**

Nil

**G/4.4. OPERATIONS**

Nil

## **G/4.5. COMMUNITY DEVELOPMENT AND EVENTS**

### **G/4.5.1. ASSESSMENT OF SPORT & RECREATION 2018/19 FACILITY ASSISTANCE GRANT (STRATEGIC PROJECTS)**

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

**Council Meeting Date: 22 January 2019**

**File Ref: SR3.1**

#### **Purpose:**

Council consider the recommendation of the Sport and Recreation Grants Assessment Panel for a project to receive funding under the 2018/19 Facility Assistance Grant - Strategic Projects.

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

THAT:

Council grant \$80,000 to the Gladstone Auto Club under the 2018/19 Facility Assistance Grant - Strategic Projects to undertake operational work and drainage project as part of construction of Gladstone Auto Club Speedway, Benaraby.

#### **Background:**

Council administers various sport and recreation grants to support the development of local sport clubs and active recreation organisations in the Gladstone Region.

The Facility Assistance Grant - Strategic Projects (the grant) opened Monday, 6 August 2018, and closed Sunday, 16 September 2018.

The purpose of the grant is to help fund new or upgrade of sporting facilities that meet an identified need and will deliver long term benefits to the Gladstone Region.

In 2018/19, Council allocated \$100,000 to be granted to one (1) applicant. The successful recipient is required to contribute a minimum of 20% towards the total project cost in accordance to the Assessment and Approval of Facility Assistance and Club Development Grants Policy (P-2014/37) (Attachment 1). The funded project is to be completed by 30 June 2020.

#### **Consideration:**

Two (2) eligible applications were received and assessed against the adopted policy, alignment with Council's Amalgamation of Open Space and Recreation Plan (Attachment 2) and associated guideline (Attachment 3).

<b>2018/19 FACILITY ASSISTANCE GRANT – Strategic Projects</b>		
<b>Sporting Organisation</b>	<b>Project</b>	<b>Funding Requested</b>
Gladstone Auto Club	Operation Works/Drainage Project	\$80,000
Gladstone Tennis and Squash Association	Upgrade 2 Tennis Courts	\$100,000

The combined total project cost for both projects is \$284,960. Total funding sought under this round is \$180,000.

In November 2018, the Sport and Recreation Grants Assessment Panel undertook assessment and followed with on-site meetings with each applicant to discuss the respective projects in detail. The information gathered was used by the panel to inform its final recommendation. Considering the level of funding sought by both applicants, the Panel deferred its final recommendation until the outcome of other sources of funding for sporting grants were known.

A summary of the panel's assessment is detailed below.

#### Gladstone Auto Club

- Currency period of Development Application (DA/997/2014) has been extended to 19 November 2022.
- Operational Works application (OPW/110/2018) is "properly made", an approval is expected to be granted end of January, early February 2019.
- The project ties in with the sport principles in Council's Amalgamation of Open Space and Recreation Plans.
- If Stage 1 of the project is completed (as per the grant application), Gladstone Auto Club have advised that the small inner track can be used for bikes, sidecars, quarter midgets and junior class (currently Gladstone Auto Club can account for 2 bikes and 4 sidecars). This would also be dependent on other necessary approvals/permits (e.g Speedway Australia, Motorcycling Australia).
- If events are held, there are no facilities as such on site and will have to be brought in as needed (i.e toilets, food vans etc).
- The membership is currently sitting around 50.
- The Club is open to hosting other events (not related to the speedway) such as concerts, driver education, swap meets etc.
- To fully complete the project it is estimated at \$3.6M, however, this is the "gold plated" version. Verbal information received is that a lot of in-kind support has been offered to the club to get this project over the line.
- The Club is hoping to raise the remainder of the money through fundraising and applying for grants.

Overall, the Sport and Recreation Grants Assessment Panel see merit in the Gladstone Auto Club project, and the benefit it would bring to the Gladstone community. Speedway events are no longer held at the Gladstone Showgrounds due to regulatory restrictions (noise and dust) and safety. That said, economic benefit that such events bring into the community has been lost. Should Council support this project, it is important to note that the operational works and drainage proposed (the project) does not deliver a fully constructed speedway but advance a critical stage of developing a new and purpose-built speedway facility in the Gladstone Region.

#### Gladstone Tennis and Squash Association

- The project ties in with the sport principles in Council's Amalgamation of Open Space and Recreation Plans.
- The membership is currently sitting around 230.
- The outcome of the project will be two (2) fully functional tennis courts.
- Gladstone Tennis and Squash Association are wanting to hold the Gold Level tournament which brings contestants from all over Australia.
- Have proven their ability to deliver successful projects funded by Council in the past.

Overall, the Sport and Recreation Grants Assessment Panel did not identify any risks to Council. However, the original application was for Courts 1 and 2, which has now been funded by the State Government. If Council supports this project, it will be on the understanding that the upgrade will

now be for Courts 3 and 4 (with no change required to the scope of works), and Courts 1 and 2 will be completed through the State Government grant.

The Sport and Recreation Grants Assessment Panel recommends to fund Gladstone Auto Club, subject to conditions being met (where applicable).

Should Council wish to consider a variation to the recommendation of this report, alternatives (presented below) were considered by the Panel but were not supported based on the assessment undertaken.

Option 1

Grant \$100,000 to Gladstone Tennis and Squash Association.

Option 2

Fund neither of these projects, and a decision will need to be made as to what Council would like to do with the \$100,000.

**Communication and Consultation (Internal/External):**

- Mayor Matt Burnett
- Cr Rick Hansen
- Cr Peter Masters
- Manager Engagement and Partnerships
- Community Investment Officer
- Community Development Officer – Sport and Recreation
- Community Engagement Specialist
- Senior Planning Specialist
- Representatives from Gladstone Auto Club
- Representatives from Gladstone Tennis and Squash Association

The Sport and Recreation Grants Assessment Panel initially met on 9 November 2018. Meetings with each applicant on-site were held 21 November 2018.

**Legal Environmental and Policy Implications:**

Assessment was undertaken in accordance with Council’s Assessment and Approval of Facility Assistance and Club Development Grants Policy (P-2014/37), Council’s Amalgamation of Open Space and Recreation Plans and associated guideline.

**Financial and Resource Implications:**

Council’s 2018/19 budget commitment for this grant is \$100,000.

**Commentary:**

Both applicants have previously applied under the Facility Assistance Grant Program - Strategic Projects, with the following outcomes:

<b>Sporting Organisation</b>	<b>Project</b>	<b>Funding Requested</b>	<b>Successful/ Unsuccessful</b>
Gladstone Auto Club	<b>2017/18</b> - Operation Works/Drainage Project	\$80,000	Unsuccessful
	<b>2014/15</b> - Tennis Court Upgrade	\$100,000	Successful – <b>\$100,000</b>

Gladstone Tennis and Squash Association	<b>2016/17 - Tennis Court Renovation and Refurbishment</b>	\$100,000	Successful – partial funding - <b>\$10,000</b>
	<b>2017/18 - Tennis Court resurfacing</b>	\$80,000	Unsuccessful

Additionally, the Gladstone Tennis and Squash Association received ex-gratia funding from Council of \$38,108 to secure conclusion of the tennis court upgrades funded in 2014/15.

The Gladstone Tennis and Squash Association has been successful in securing funds alternative to Council for strategic projects.

**Summary:**

Nil

**Anticipated Resolution Completion Date:**

Awarding of grant is anticipated to occur by end February 2019, subject to resolution.

**Attachments:**

1. Assessment and Approval of Facility Assistance and Club Development Grants Policy (P-2014/37)
2. Amalgamation of Open Space and Recreation Plans
3. Facility Assistance Grant – Strategic Guidelines

**Tabled Items:**

Nil.

**Report Prepared by:** Community Investment Officer

## **G/4.6. CUSTOMER EXPERIENCE**

### **G/4.6.1. DEVELOPMENT APPLICATION 33/2018 FOR A MATERIAL CHANGE OF USE OF PREMISES FOR AN EDUCATIONAL ESTABLISHMENT LOCATED AT LOT B SP 218087 IN LOT 22 SP 178795 CAPTAIN COOK DRIVE, SEVENTEEN SEVENTY QLD 4677**

**Responsible Officer: General Manager Customer Experience**

**Council Meeting Date: 22 January 2019**

**File Ref: DA/33/2018 and DB1.1**

#### **Development Application:**

**Application Number:** 33/2018  
**Applicant:** Goora Gan Stiener School Incorporated C/- Angelo Oliaro  
Town Planning  
**Owner:** State of Queensland  
**Confirmation Notice:** 27 September 2018  
**Location:** Lot B SP 218087 in Lot 22 SP 178795  
**RPD:** Lot B SP 218087 in Lot 22 SP 178795  
**Area:** 1.287 hectares (lease)  
**Current Use Of Land:** Club  
**Zoning:** Conservation Zone  
**Proposal:** Educational Establishment  
**Public Notification Period:** 1 November 2018 to 22 November 2018  
**Number Of Submissions:** One (1) Not Properly Made Submission

#### **Purpose:**

The purpose of this report is to assess Development Application 33/2018 for a Material Change of Use of premises for an Educational Establishment at Lot 22 SP 178795, Agnes Water against the *State Planning Policy July 2017* and the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2*.

#### **Executive Summary:**

The proposed Educational Establishment at Lot B SP 218087 in Lot 22 SP 178795, Agnes Water was received by Council on 21 September 2018 and considered Properly Made on 24 September 2018. The application was prepared by Angelo Oliaro Town Planning on behalf of Goora Gan Steiner School for the establishment of an Educational Establishment within the Conservation Zone.

As per the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* (the Planning Scheme), the Development Application required Impact Assessment. The application was assessed against the relevant provisions of the Planning Scheme, the *State Planning Policy – July 2017* (the SPP) and in accordance with the *Planning Act 2016* (the Act). As per the *Planning Regulation 2017* (the Regulation), the application did not trigger any referrals.

By virtue of the level of assessment, public notification was required. The public notification period occurred between 1 November 2018 to 22 November 2018 with one (1) Not Properly Made Submission.

After assessment of the application against the relevant provisions under the Planning Scheme and SPP, the proposal is identified to be generally consistent with the relevant benchmarks. Therefore, the application for a Material Change of Use of premises for an Educational Establishment is recommended for approval, subject to reasonable and relevant conditions.

**Subject Site:**

The proposed development has obtained a lease within Lot 22 SP 178795 to operate an Educational Establishment. The subject site and leased area can be viewed in Figure One and Two. The site currently has connections to Council's reticulated water and sewer services.



**Figure One: Aerial Image of Lot 22 SP 178795**





**Figure Two: Aerial Image of Leased area within Lot 22 SP 178795**



**Figure Three: Subject Site Zoning (Conservation Zone)**

**Background:**

*Goora Gan Steiner School*

The Goora Gan Steiner School is currently hiring the Agnes Water Meeting Room, Monday to Friday which is located at 71 Springs Road, Agnes Water. The Goora Gan Steiner School enquired in 2017 to progress obtaining a lease at 71 Springs Road, Agnes Water for a short-term lease until a suitable location was attained. However, the request was not supported by Council or Department of Natural Resources, Mines and Energy.

Upon review of other alternative short-term locations, the Goora Gan Steiner School identified the building located within Lot 22 SP 178795 (also known as the Agnes Water Surf Lifesaving Club). The Agnes Water Surf Lifesaving Club currently lease a portion of the land from Queensland Government. The Goora Gan Steiner School obtained a sub-lease at this site for six (6) years (i.e. lease terminates in 2024) for the operation of an Educational Establishment.

*Previous Approvals*

The building located at Lot 22 SP 178795 was constructed in 1998 as a Clubhouse (BP/46/1997). In 2009 and 2012, privately certified alterations were completed on the building (BP/107/2009 and BP/2376/2012).

**Current Application**

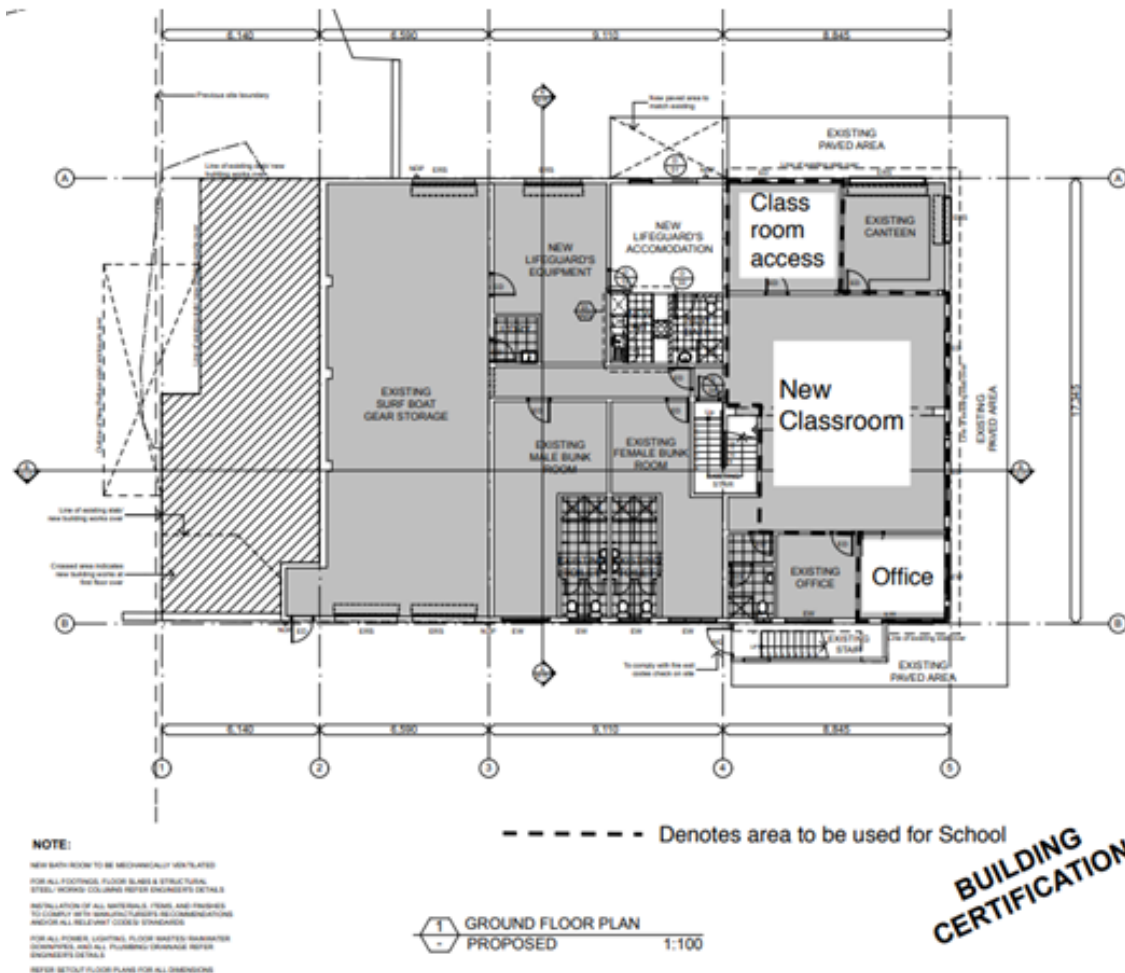
Development Application 33/2018 was lodged with Council on 21 September 2018 and considered properly made on 24 September 2018. On 11 October 2018, Council issued an Information Request pertaining to Bushfire Management practices, waste management and site access. The Applicant responded to the Information Request with amended plans and supporting material.

**Proposal:**

The proposed development facilitates a part Change of Use from Club to an Educational Establishment while utilising the existing Clubhouse structure. The Club's building classification was certified as a Class 9 (building of public nature) which allows the proposed Educational Establishment to utilise the space without requiring a building re-classification.

The Planning Scheme defines an Educational Establishment as *Premises used for training and instruction designed to impart knowledge and develop skills. The use may include outside hours school care for students or on-site student accommodation.*

The Applicant has proposed to operate the Educational Establishment over the two floors, while allowing a separate space and access for the existing Club (Agnes Water Surf and Lifesaving Club) on the ground floor. The separation of the two uses and associated car parking can be viewed via Figures Four to Six.



**Figure Four: Proposed Ground Floor Level (Co-located space)**



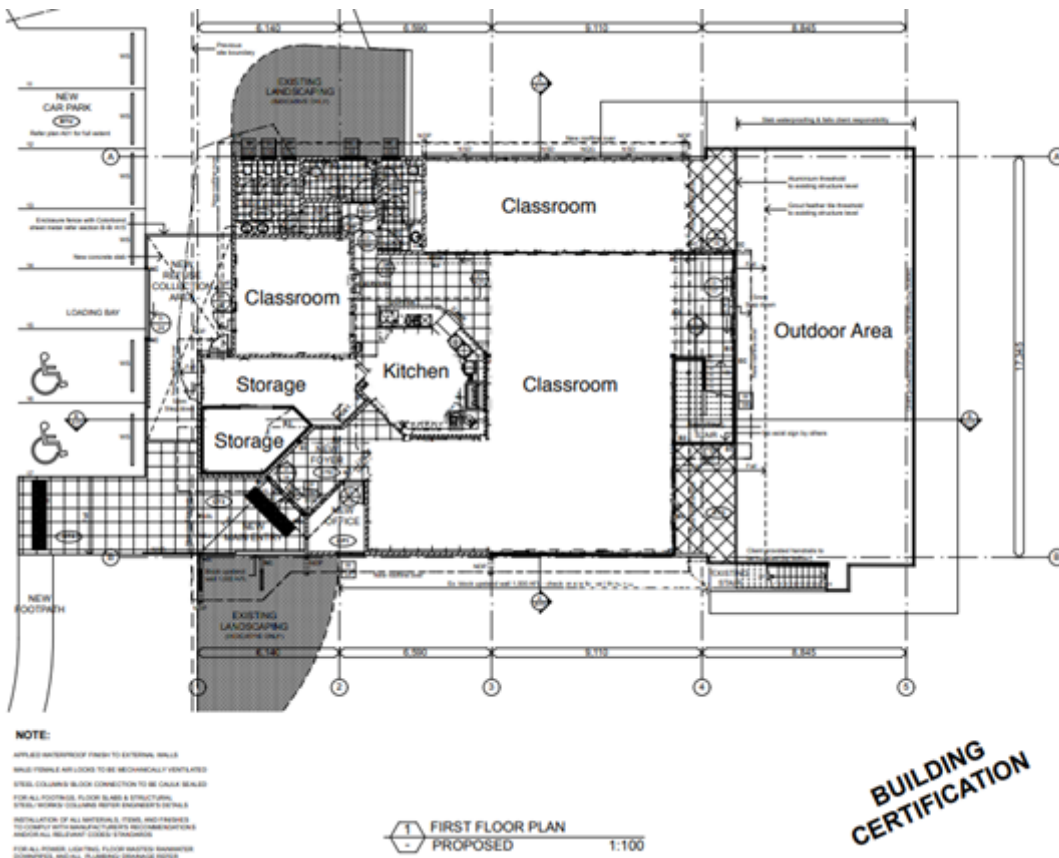


Figure Five: Proposed First Floor



Figure Six: Proposed Car Parking Bicycle Layout

As stated in the submitted Town Planning Report, the Educational Establishment foresees the operation reflect the following:

Hours of Operation:

- School Hours - Monday to Friday 8:30am to 2:30pm; and

- Officer Hours – Monday to Friday 7:30am to 4:30pm.

Expected school numbers:

2018 (current)	2019 (expected enrolments)	2020 (expected enrolments)	2021 (expected enrolments)
1 School Facilitator	1 School Facilitator	1 School Facilitator	1 School Facilitator
2 full time Teachers	2 full time Teachers	3 full time Teachers	3 full time Teachers
0 Administration Officer	Part Time Administration Officer	1 full time Administration Officer	1 full time Administration Officer
0 Teacher Aide	1 Teacher Aide	1 Teacher Aide	1 full and 1 part time Teacher Aide
17 Students	33 Students	40 students	48 students

**Adopted Infrastructure Charges Notice:**

The proposed use will co-locate with the existing Club at this subject site without altering the current development footprint. The Applicant has outlined that the Educational Establishment will utilise 422.5m<sup>2</sup> of the total 695m<sup>2</sup> building. If the uses were to re-arrange the acquired floor space, this would not alter the assessment of the Adopted Infrastructure Charge. As per the *Gladstone Regional Council Adopted Infrastructure Charges Resolution (No.1) – 2015 Version 2*, the following breakdown is provided below:

Existing Lawful Use		Proposed Use		
Planning Scheme Definition	GFA	Planning Scheme Definition	GFA	Stage
Club	695m <sup>2</sup>	Educational Establishment Club	422.5m <sup>2</sup> 272.5m <sup>2</sup>	N/A

As part of any Decision Notice, an Adopted Infrastructure Charge Notice (AIC) will be issued in accordance with the Act. As per the AIC, the proposed development is the same category as the existing use with no additional gross floor area. Therefore, the development will receive a nil charge.

**Referral:**

In accordance with Schedule 10 of *the Planning Regulation 2017* (the Regulation), the proposed development was not required to be referred to a Concurrence Agency.

**Public Notification and Submissions:**

As the Development Application triggered Impact Assessment under the Planning Scheme, Public Notification was required, as per the Act. The Applicant advised that Public Notification requirements were undertaken between 1 November 2018 and 22 November 2018 with one (1) Not Properly Made submission received for the proposed development. The submission items have been summarised below:

Submission	Officer's Response
The school is taking over the public space. Now the surf club is a school where are the parks for the community?	The proposed development will co-locate within the Club's building while still allowing the public to utilise the beach access and car parking area. The broader part of the Conservation Park is located outside the lease area and will therefore remain as a community space.

<p>There is a lack of infrastructure around school zones. School zones should be approved as a main roads school zone.</p>	<p>The proposed Educational Establishment is located off Captain Cook Drive and along Surf Club Avenue. These roads are both Gladstone Regional Council's jurisdiction. By having the proposal located along Surf Club Avenue, it allows continuous flow of traffic for Captain Cook Drive and separates the pick-up and drop-off zone in a smaller cul-de-sac environment.</p>
--	---

**Assessment:**

Assessment of the proposed development will be undertaken against the requirements of the State Planning Policy July 2017 (SPP) and the Planning Scheme. The assessment will focus on areas where the proposal fails to comply with the relevant Acceptable or Performance Outcomes, as well as recommending reasonable and relevant conditions to rectify any non-compliance.

**Statutory Planning:**

The SPP articulates the State Interests that have been identified as critical in protecting and enhancing Queensland and delivering developments. The SPP has effect throughout Queensland and sits above regional plans and Planning Schemes in the hierarchy of planning instruments. An assessment against Part E: Assessment Benchmarks will be required as the Planning Scheme has not been integrated with the current SPP state interest policies. An assessment has been carried out against each applicable State Interest.

State Interest	Trigger	Assessment
<p><b>Natural Hazards, Risk and Resilience</b></p>	<p>Flood Hazard Area (Queensland Floodplain and Local Government Flood Mapping Area)</p>	<p>Complies – The proposal will utilise an existing building that was constructed in 1998. Due to no intensification of stormwater, the proposal will not increase risk to people or property. In addition, the Local Government (GRC Mapping) does not identify a flood risk within the property.</p>
	<p>Bushfire Prone Area</p>	<p>Complies – The proposal is located within the potential impact buffer and medium bushfire hazard. The subject lease area has sealed access to Captain Cook Drive and a connection to Council's water network. The Applicant has submitted a Bushfire Management Plan to demonstrate how the site will mitigate risk to people and property through safe and efficient evacuation routes and coordination within the existing emergency services. In addition to the evacuation</p>

		management, the existing building was built in accordance with the appropriate Bushfire Attack Level (BAL). As such, the proposed development has mitigated risk for people and property.
	Erosion Prone Area	Complies – The proposal will use an existing building that was constructed in approximately 1998. The current application does not seek to extend the community building. Therefore, the development avoids any works within the natural hazard area.

**Planning Scheme Requirements:**

In accordance with the Planning Scheme Table of Assessment, the proposal triggers Impact Assessment against the whole of the Planning Scheme including the following Codes:

- Strategic Framework;
- Acid Sulfate Soils Overlay Code;
- Bushfire Hazard Overlay Code;
- Coastal Hazard Overlay Code;
- Flood Hazard Overlay Code;
- Scenic Amenities Overlay Code;
- Conservation Zone Code;
- Development Design Code; and
- Landscaping Code.

*Strategic Framework - Our Environment and Heritage*

Strategic Framework 3.7.1.10 requires that *places of cultural heritage are conserved so that the unique cultural and historical identity and diversity of the Gladstone region can be appreciated and interpreted.* The proposed development will co-locate with the existing Club, with no proposed building works required. The Club has been operating since 1998 from this location which adjoins Queensland Heritage listed Captain Cook Landing Place. As the proposed development will not change the site, it is considered to retain the unique and historical identity of the area.

*Acid Sulfate Soils Overlay Code*

The proposed development will utilise the existing building, therefore no disturbance of acid sulfate soils will occur. Thus, the development complies with the Acid Sulfate Soils Overlay Code.

*Bushfire Hazard Overlay Code*

The Applicant was requested through an Information Request item to amend the Site Specific Bushfire Hazard Assessment report to demonstrate that the site has a low degree of bushfire risk and the associated members (staff and students) of the proposed Educational Establishment can evacuate safely if an emergency was to occur. The Applicant provided an Emergency Evacuation Plan and Fire Evacuation Plan to demonstrate that the associated members of the proposed Educational Establishment can safely evacuate the lease area either via Surf Club Avenue or to the beach, depending on the emergency and the advice provided by the Chief Warden at the time. With reference to Performance Outcome 1 which states that *development maintains the safety of people and property by not exposing them to an unacceptable risk from bushfire.* The Applicant has provided

sufficient documentation to demonstrate that the safety of people and property will be adequately maintained throughout the lease agreement. As such, the development complies with Performance Outcome 1.

The revised Site Specific Bushfire Hazard Assessment report did not confirm the level of bushfire hazard onsite, as such, it is assumed that parts of Surf Club Avenue are subject to Medium Bushfire Hazard. Acceptable Outcome 2 references that particular uses, including Educational Establishment, are not located on land within a confirmed medium, high or very high bushfire hazard area. Figure Seven illustrates the mapped bushfire levels within the subject lease.



**Figure Seven: Mapped Bushfire Hazard within the subject site**

As outlined in Figure Seven, the access via Surf Club Avenue to the Educational Establishment is located within Medium Bushfire Hazard. Therefore, the development does not meet Acceptable Outcome 2 and will require assessment against Performance Outcome 2.

Performance Outcome 2 stipulates that *development does not result in a higher concentration of people living, working or congregating in a high or very high bushfire hazard area unless it can be demonstrated there is an overriding community need in the public interest, and no other site is suitable and reasonably available.* The subject lease is located within Medium Bushfire, not high or very high as specified in this benchmark. Additionally, Surf Club Avenue is a sealed 6m driveway with a cleared batter of approximately 2m along both sides that connects into Captain Cook Drive. This provides a suitable connection to Captain Cook Drive for safe evacuation purposes. Due to the lease area being constrained by Medium Bushfire Hazard risk, the development complies with Performance Outcome 2.

Acceptable Outcomes 5.1 – 5.3 reference minimum requirements for Roads, Fire Access Trails and Firebreaks. The development has not proposed any firebreaks to reduce the fire exposure along Surf Club Avenue. As such, the development does not comply with Acceptable Outcomes 5.1 – 5.3, therefore assessment will be made against Performance Outcome 5.

Performance Outcome 5 states that *roads and fire access trails are designed and constructed to enable efficient access to buildings and structures for fire-fighting purposes for emergency services, and swift evacuation in emergency situations.* The submitted Emergency Evacuation Plan and Fire Evacuation Plan have provided details regarding evacuation routes (endorsed by the Rural Fire Brigade) and available services to obtain the relevant information during an emergency. Surf Club Avenue has been constructed for efficient access to the building with a large terminating cul-de-sac to allow suitable movement to and from the lease area. As a result of the existing infrastructure, the development complies with Performance Outcome 5.



*Coastal Hazard Overlay Code*

The proposal will utilise the existing structure, therefore no building works will be conducted within the erosion prone area. Thus, the development complies with the Coastal Hazard Overlay Code.

*Flood Hazard Overlay Code*

The development will not result in additional works located within the Flood Hazard Investigation Area in the Flood Hazard overlay mapping. As there are no additional works associated with the development application, the proposal generally complies with the Flood Hazard Overlay Code.

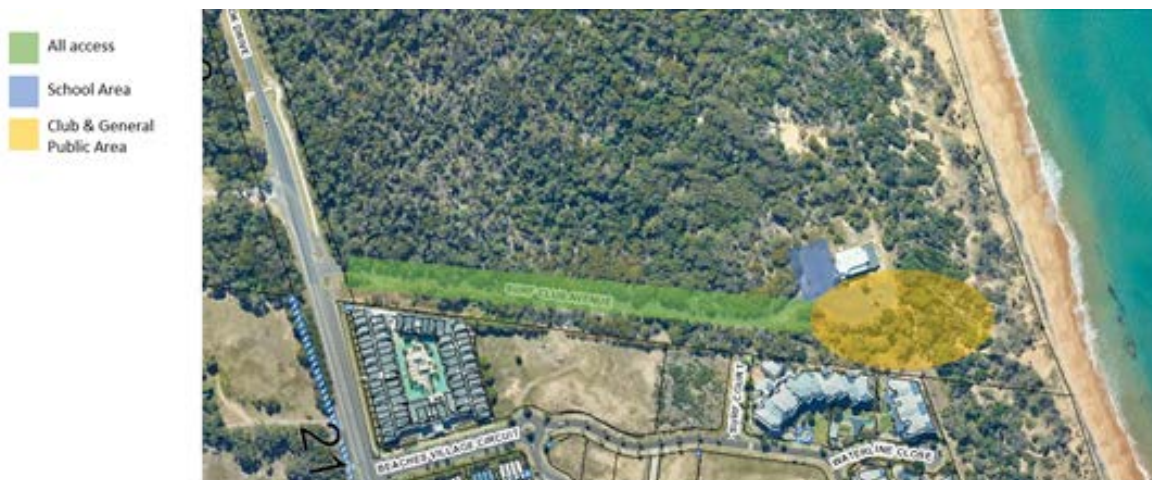
*Scenic Amenity Overlay Code*

The proposal is located within the existing structure which is positioned within trees and vegetation to screen the building and infrastructure from Captain Cook Drive and the beach. As no additional works are proposed within this application, the development complies with the Scenic Amenity Overlay Code.

*Conservation Zone Code*

The existing structure complies with Performance Outcome 3 which states *buildings and other structures are of a height and size that reflects the very low density, natural and open space character of the area.*

Performance Outcome 4 stipulates that *development is limited to activities which provide information, recreation or education of visitors directly connected to the values of the land, ancillary uses that directly support visitation to the land for conservation or recreation purposes, and the establishment of infrastructure that cannot practicably be located elsewhere.* The proposed Educational Establishment lease allows the existing Club and general public to access the car park and beach access point. Figure Eight provides a detailed plan illustrating the separated areas.



**Figure Eight: Proposed access areas**

The proposed Education Establishment however does not provide activities associated with the land value which is for conservation purposes. As such, the development does not comply with Performance Outcome 4 and will require assessment against Overall Outcome B.

Overall Outcome B states that *very low intensity development related to the conservation and environmental values of the area may be facilitated where a demonstrated community need exists.* The proposed development will utilise the existing building while allowing access for the Surf Lifesaving Club and general public to coexist within the lease area. Although the development will provide additional schooling options to the community, there was no demonstrated community need submitted as part of this application. Therefore, the development will be assessed against the Purpose of the Conservation Zone Code.



The Purpose outlines that *the conservation zone code is to provide for the protection, restoration and management of areas (such as National Parks) identified as supporting significant biological diversity and ecological integrity.* The proposal does not directly support the protection and management of the conservation area. The impacts from the proposed Educational Establishment will be minor as there are no significant works proposed as part of this development. To ensure the development operates at a low scale that does not detract from the conservation/recreation area, a condition has been recommended to include maximum schooling numbers; calculated by the expected enrolment rates provided by the Applicant. The Applicant has suggested that the subject site is a temporary location for the school while appropriate land is being negotiated, therefore the proposed condition will provide incentive to continue the search for suitable alternative site. It is acknowledged that the development is inconsistent with the purpose of the Conservation Zone Code, however due to no additional works being conducted and the operation of the Education Establishment being limited, it is considered that the use will relocate to a suitable site allowing for additional schooling numbers to occur in the future. If the school relocates, the primary Club use will continue within the zone.

Performance Outcome 5 states that *development provides for public access to the land except where environmental values are adversely impacted and there is a risk to public safety.* The lease area currently has an existing footpath along Captain Cook Drive, however, Surf Club Avenue does not include a separate footpath to connect cyclists or pedestrians to the Club/Educational Establishment from Captain Cook Drive. It is noted that Surf Club Avenue is not a Road Reserve, it is a driveway to the existing Club. Therefore, any pedestrians and/or cyclists would likely access the site via Surf Club Avenue; sharing the road with vehicles. However, to maintain safe public access and avoid unnecessary conflict between pedestrians, bicycles and motor vehicles, a condition has been proposed for the Applicant to install a safe pedestrian access point from the existing footpath located at Surf Court (refer to Figure Nine). This will delineate a pedestrian access connection from the adjacent urban area south of the site that will not adversely impact on the environmental values of the Conservation Zone that the Educational Establishment is included within. Furthermore, this delineation will minimise risk to public safety by providing a clear pedestrian crossing point, rather than along Surf Club Avenue for its full length.



**Figure Nine: Existing footpath network (yellow line)**

*Development Design Code*

As per Figure Seven, the subject site has an existing car park for the Club, and public to access the beach. The Applicant has proposed to allocate the Educational Establishment carparking near the entry point of the building, leaving the general parking within the cul-de-sac facility available for both the Club and public. To mitigate any potential overflow from the Educational Establishment into the Club/Public car parking area, a condition has been recommended to sign and monitor the car parking space. Additionally, Acceptable Outcome 9 outlines the car parking rate which has been included below:

Use	Car Parking Rate Policy	Proposed Car Parking
Club	Vehicle:	21 vehicles

	1 space per 20m2 Bicycle: 4 spaces	
Educational Establishment	Vehicle: 1 space per 50m2 + 3 vehicles for pick-up and sit-down purposes Bicycle: 4 spaces	15 vehicles
	Total: 25 car parking spaces + 8 bicycle spaces	Total: 36 car parking spaces + 0 bicycles spaces

The revised car parking plan does not include car park dimensions, line-marking or the amount of bicycle spaces to be supplied. As such, a condition has been recommended to ensure the development meets Australian Standard for car parking design and supplies the appropriate bicycles spaces as specified within Acceptable Outcome 9.

Within the Information Request Response, the Applicant has suggested that Educational Establishment currently generates 60L of waste per week, therefore, supplying one 240L general waste and one 240L recycling bin will be enough for the operation. Based on the current number of students and staff (approx. 20) and the projected amount over the next four years (approx. 60), it is determined that one 240L general waste and one 240L recycling bin is not sufficient in accordance with Council's Waste Management Planning Scheme Policy. Acceptable Outcome 21 states that *waste storage and management arrangements are sited, screened and designed in accordance with the Waste Management Planning Scheme Policy*. To ensure the development provides suitable waste options, a condition has been recommended that the proposal provides a minimum of two 240L general waste and two 240L recycling bin.

Acceptable Outcome 22.1 requires onsite waste and recycling collection services to have a *vehicle entry and exit location from the site which can be carried out in a forward motion, and the proposed point of servicing is designed in accordance with the Waste Management Planning Scheme Policy*. The proposed location for bin storage will be on the ground floor level within the cul-de-sac turn-around facility. This proposed location allows the refuse truck the ability to manoeuvre through the site in a forward gear motion and avoid any conflicts within the Educational Establishment car parking area. However, to ensure the refuse service avoids schooling hours, a condition has been proposed for the refuse truck to only access the site outside the school operating hours.

#### *Landscaping Code*

As the existing vegetation will be retained, the development generally complies with the Landscaping Code, thus no further assessment is required.

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

The Applicant has indicated to Council that they will commence use as soon as possible. The operational currency of the Educational Establishment will be commensurate with the number of students enrolled at the School.

**Officer's Recommendation:**

That Development Application 33/2018 for a Material Change of Use of premises for an Education Establishment located at Lot B SP 218087 in Lot 22 SP 178795 be approved. The approval is supported by a Notice of Reasons and subject to reasonable and relevant conditions.

**Notice of Reasons:**

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

**Description of the development:**

The approved development is for a Material Change of Use of premises for an Educational Establishment.

**Assessment benchmarks:**

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

**Reasons for the assessment managers decision:**

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

Benchmarks applying to the development:	Reasons for the approval despite non-compliance with benchmark:
Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Acceptable Outcome 2.	Compliance with Bushfire Hazard Overlay Code – Table 8.2.4.3.1 Performance Outcome 2.
Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Acceptable Outcome 5.1 – 5.3.	Compliance with Bushfire Hazard Overlay Code – Table 8.2.4.3.1 Performance Outcome 5 via a condition.
Conservation Zone Code – Table 6.2.11.3.1 – Acceptable Outcome 3.1 – 3.3.	Compliance with Conservation Zone Code – Table 6.2.11.3.1 Performance Outcome 3.
Conservation Zone Code – Table 6.2.11.3.1 – Performance Outcome 4.	Compliance with Conservation Zone Code – Table 6.2.11.3.1 Purpose (1) via a condition.

Conservation Zone Code – Table 6.2.11.3.1 – Performance Outcome 5.	Compliance with Conservation Zone Code – Table 6.2.11.3.1 Performance Outcome 5 via a condition.
Development Design Code – Table 9.3.2.3 – 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 – Acceptable Outcome 10.	Compliance with Development Design Code – Table 9.3.2.3.1 – Performance Outcome 10.
Development Design Code – Table 9.3.2.3 – Acceptable Outcome 12.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 12 via a Condition.
Development Design Code – Table 9.3.2.3 – Acceptable Outcome 21.	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 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 Council’s response in dealing with these matters:**

<b>Matter raised in submission:</b>	<b>Officer’s Response:</b>
The school is taking over the public space. Now the surf club is a school where are the parks for the community?	The proposed development will co-locate within the Club’s building while still allowing the public to utilise the beach access and car parking area. The broader part of the Conservation Park is located outside the lease area and will therefore remain as a community space.
There is a lack of infrastructure around school zones. School zones should be approved as a main roads school zone.	The proposed Educational Establishment is located off Captain Cook Drive and down along Surf Club Avenue. These roads are both Gladstone Regional Council’s jurisdiction. By having the proposal located along Surf Club Avenue, it allows continuous flow of traffic for Captain Cook Drive and separates the pick-up and drop-off zone in a smaller cul-de-sac environment.

**Matters prescribed by a Regulation:**

N/A

**Conditions of Approval:**

The following provides the conditions of approval under Section 63(5) of the *Planning Act 2016*:

**Approved Documentation:****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
A04	1	Proposed School Layout	-	19/02/2008
A05	1	Proposed School Layout	-	19/02/2008

And supporting documents

Document Number	Revision	Description	Author	Date
-	-	Goora Gan Steiner School Emergency Management Plan	Goora Gan Steiner School Incorporated	October 2018
-	-	Fire Evacuation Map	Goora Gan Steiner School Incorporated	-

**Special Conditions**

2. Upon commencement of the use, the Educational Establishment is limited to no more than the following members at any time:
  - a. 7 Staff; and
  - b. 50 Students.

*Advisory Note: Council will not support an increase of users associated with the Educational Establishment as it is to remain low scale within this site.*

3. Prior to construction, the Applicant is to submit a site specific Pedestrian/Cycle Network Plan to Council for approval. The plan must include location, type, treatment and signage for the proposed footpath and screen fence, to ensure separation of all uses within the subject site.
4. Prior to commencement of the use, the Applicant is to consult with the land owner (Department of Natural Resources, Mines and Energy) and Council, to construct a safe pedestrian access point to the Educational Establishment and Club. The pedestrian access is to connect from the existing Surf Court footpath into the subject lease remaining sensitive to the character of the Conservation Zone.

*Note: The treatment of the pedestrian footpath is to be approved by Council through the Pedestrian/Cycle Network Plan.*

5. Prior to the commencement of the use, construction of a 1.8m high screen fence to the outdoor areas of the Educational Establishment boundaries is to be completed, inclusive of appropriate directional signage (I.e. Public Beach Access signage).

*Note: The screen fence is to ensure the safety of the staff and children when located outside the classrooms by providing a clear school boundary separate to public areas.*

6. Upon commencement of the use, the Educational Establishment users are not permitted to park in the Club/Public car parking area.

*Note: It is the responsibility of the school to ensure all conditions associated with the Educational Establishment are adhered to.*

7. Prior to the commencement of the use, the Applicant is to provide an amended Evacuation Plan and Bushfire Evacuation Plan to Council for approval that demonstrates all proposed evacuation routes are disability accessible.

*Advisory Note: The current evacuation routes transverse via the internal staircase and the beach access which do not allow the provision of all ability access in the case of an emergency.*

### **Building, Plumbing and Drainage Works**

8. Prior to the commencement of the use, if any new plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.

### **Transportation Services**

9. Prior to the commencement of the use, the Applicant is to provide the following car parking spaces on site that are clearly line marked and signed 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:
  - a. A minimum of eight (8) car parking spaces for the Educational Establishment; and
  - b. A minimum of three (3) drop off and pick up car parking spaces for the Educational Establishment.
10. Prior to the commencement of the use, a total of eight (8) bicycle spaces are to be constructed onsite within walking distance to the entry of the use. All bicycle spaces are to be constructed in accordance with AS2890.3 (2015).

### **Waste Management**

11. Prior to the commencement of the use, refuse bins are to be provided in accordance with Table SC6.11.3.1 of Schedule 6.11 Waste Management at a minimum rate of two (2) 240L general waste and two (2) 240L Recycling bins.
12. Upon commencement of the use, all service vehicles are to access the site outside of the proposed school operation hours to minimise any conflicts (i.e. Weekdays from 7:30am – 4:30pm).
13. Prior to the commencement of the use, the waste storage area/s are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted in close proximity to the enclosure to ensure the area can be easily and effectively cleaned.

### **Lawful Commencement**

14. Prior to the commencement of this use, the Applicant is to request a Compliance Inspection be undertaken by Council to confirm that all conditions of this Development Permit are considered compliant.
15. Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the Applicant is to notify Council within 20 business days that this approved use has lawfully commenced.

**Advice to Applicant:**

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

A Food Business License and Design Application may be applicable to this development. If so, the applications are to be submitted to Council for approval in accordance with the *Food Act 2006*. This license is required prior to the commencement of the use.

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

**Attachments:**

1. Not Properly Made Submission

**Tabled Items:**

Nil

**Report Prepared by:** Planning Officer

**G/4.6.2. DEVELOPMENT APPLICATION 237/2016 - REQUEST TO CHANGE NOTICE OF DECISION - MATERIAL CHANGE OF USE FOR AN EDUCATIONAL ESTABLISHMENT (6 STAGED EXTENSION TO EXISTING SCHOOL) AT 4 AND 6 ARCHER STREET, SUN VALLEY QLD 4680**

**Responsible Officer: General Manager Customer Experience**

**Council Meeting Date: 22 January 2019**

**File Ref: DA/237/2016; DB1.1**

**Development Application:**

**Application Number:** 237/2016  
**Applicant:** Baptist Union of Queensland  
**Owner:** Baptist Union of Queensland and Mrs Josephine Linda Ryan  
**Properly Made:** 22 November 2018  
**Location:** 4 and 6 Archer Street, SUN VALLEY QLD 4680  
**RPD:** Lot 9 SP 103245 and Lot 21 RP 807587  
**Area:** 7.61 hectares  
**Current Use of Land:** Educational Establishment and Dwelling House(s)  
**Zoning:** Lot 21 RP 807587 – Emerging Communities  
Lot 9 SP 1003245 – Community Facilities  
**Proposal:** Educational Establishment (Six Staged Extension to Existing School)  
**Planning Scheme:** *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 1 and 2 (Superseded and Current Planning Scheme)*  
**Public Notification Period:** 18 January 2017 to 9 February 2017  
**Number of Submissions:** Two Properly Made Submissions

**Purpose:**

The purpose of this report is to consider the Change Application (Minor) for Development Application 237/2016 against the provisions of the *Our Place Our Plan Gladstone Regional Planning Scheme Version 1 and 2*, the *State Planning Policy – July 2017* and the *Planning Act 2016*.

**Executive Summary:**

A Development Application for a Material Change of Use of premises for an extension to an Educational Establishment (6 stages) on land at 4 and 6 Archer Street, Sun Valley was received by Council on 5 October 2016 and approved at Councils General Meeting on 18 April 2017 with the Decision Notice issued on 19 April 2017.

Upon receipt of the Decision Notice dated 19 April 2017, the Applicant lodged representations against nine conditions, the length of the Relevant Period and the Adopted Infrastructure Charges Notice. A Negotiated Decision Notice was issued on 25 September 2017. As part of a separate consideration at the General Meeting of 18 July 2017, Council provided a 50% discount due to the Trinity College being a legal not-for-profit organisation and reduced the adopted infrastructure charge to \$145,845.

The current Change Application (Minor Change) was lodged on 21 November 2018 and Acknowledged on 27 November 2018. It seeks to amend the existing approval to alter the approved



staging and masterplan including the location of approved buildings and an Industrial Arts building. The proposal requested amendments to Conditions 1 and 2, which, if approved, would require amendments of Conditions 3, 8, 12, 21, 22, 25 and 31 due to the changes in staging. Upon review of these requests, it was recommended that Conditions 1, 2, 3, 8, 12, 21, 22, 25 and 31 be amended as detailed in the following report.

**Subject Site:**

The subject site is located at 4 and 6 Archer Street, Sun Valley and is more formally described as Lot 9 SP 103245 and Lot 21 RP 807587. The Trinity College has been operating from 4 Archer Street for more than 20 years with the site comprising an area of 3.348 hectares. The adjoining site at 6 Archer Street comprises an area of 4.264 hectares. An aerial view of both sites is illustrated below.

The topography of 4 Archer Street has been levelled to accommodate the existing Educational Establishment, however 6 Archer Street is steep with the elevation at the North Eastern corner of the site identified as being 45m AHD and rising to 110m AHD in the North Western corner of the site, giving an overall slope of 21%. Some earthworks have already occurred on site to accommodate the existing overflow parking area and the 'loop road' through the site (OPW/34/2015). Water, sewer and stormwater infrastructure is located within the road area with each of the subject sites connected.



**Figure One: Aerial Image of Subject Site and existing services**

**Background:**

A Development Application for a Material Change of Use of Premises for an extension to an Educational Establishment (six stages) on land at 4 and 6 Archer Street, Sun Valley was received by Council on 5 October 2016 and approved at Councils General Meeting on 18 April 2017 with the Decision Notice issued on 19 April 2017. A Negotiated Decision Notice was issued on 25 September 2017.

**Current Approval:**

The Applicant has an approval to extend the existing Educational Establishment (Trinity College) under a six staged development.

The approved Masterplan for the development of Trinity College is over a period of 12 – 15 years and is to be undertaken in six stages. In 2016, enrolments comprised 364 students and approximately 22 staff. At the completion of Stage 6 the Applicant anticipates that there will be 44 Kindergarten pupils, 780 Students and 50 staff. Development proposed for each of the stages is illustrated below.

**Table One: Approved Development Per Stage**

Stages	Approved Development
1	<ul style="list-style-type: none"> <li>• 2 covered courts (Building S4);</li> <li>• 1 single storey building consisting of two learning areas (Building P1) and associated covered area; and</li> <li>• 21 additional car parks on the Southern side of the proposed covered courts.</li> </ul>
2	<ul style="list-style-type: none"> <li>• 1 single storey speech, drama and dance building (Building S5);</li> <li>• 2 single storey buildings consisting of two learning areas (Buildings P2 &amp; P3) and associated covered area;</li> <li>• 1 two storey building consisting of 4 learning areas (Building P6);</li> <li>• 1 single storey extension to an existing building in the southern part of the site for a Hospitality Kitchen (Building S3); and</li> <li>• an upgrade of the existing college canteen.</li> </ul>
3	<ul style="list-style-type: none"> <li>• 1 single storey building consisting of 2 learning areas (Building P4) and associated covered area;</li> <li>• 1 single storey building consisting of a Multipurpose space (Building P5) and associated covered area; and</li> <li>• Realign access road and bus zone.</li> </ul>
4	<ul style="list-style-type: none"> <li>• 1 two storey building consisting of 4 learning areas (Building S2) and nearby covered area.</li> </ul>
5	<ul style="list-style-type: none"> <li>• Construction of new entry, and a new car park and covered waiting area.</li> </ul>
6	<ul style="list-style-type: none"> <li>• Construction of 1 single storey building to contain administration and staff facilities.</li> </ul>

The staged approach has been proposed to allow construction to follow and synchronize with future funding applications proposed to be lodged and increasing school numbers.

The Applicant will relocate the car park from the existing location and overflow parking area to the North Eastern corner of the site within 6 Archer Street.

The approved Masterplan and staging is illustrated in the figures below.

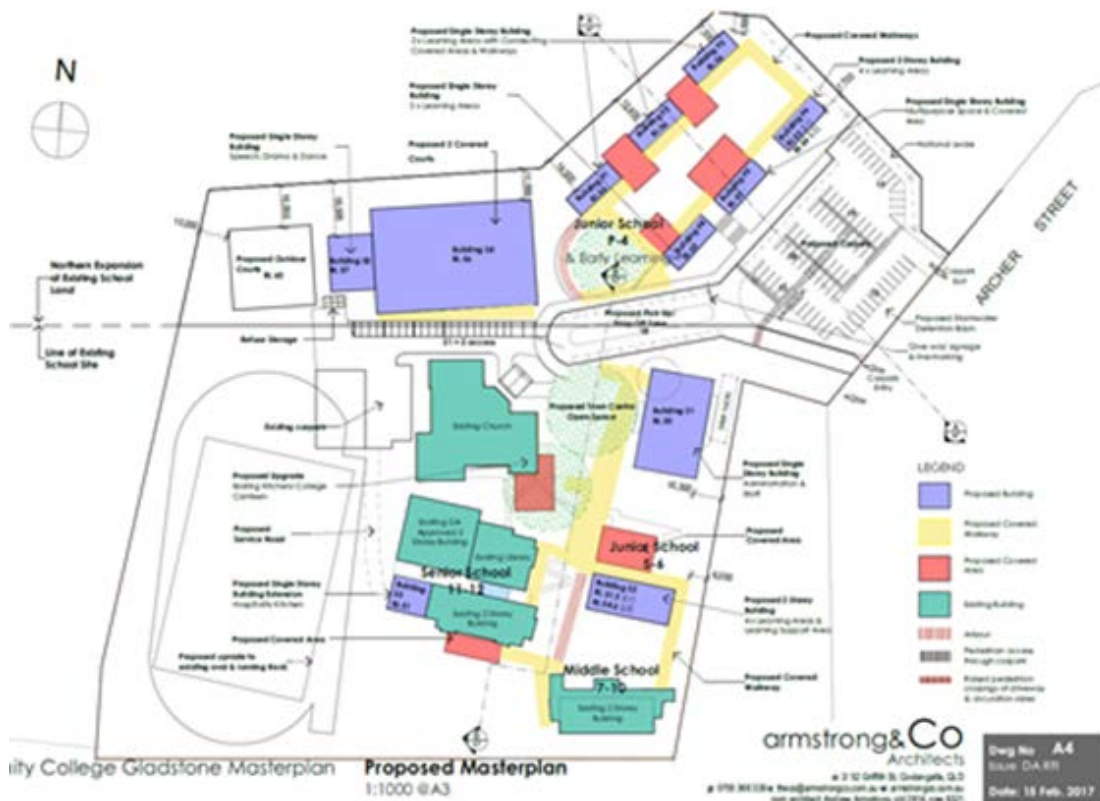


Figure Two: Approved Master Plan

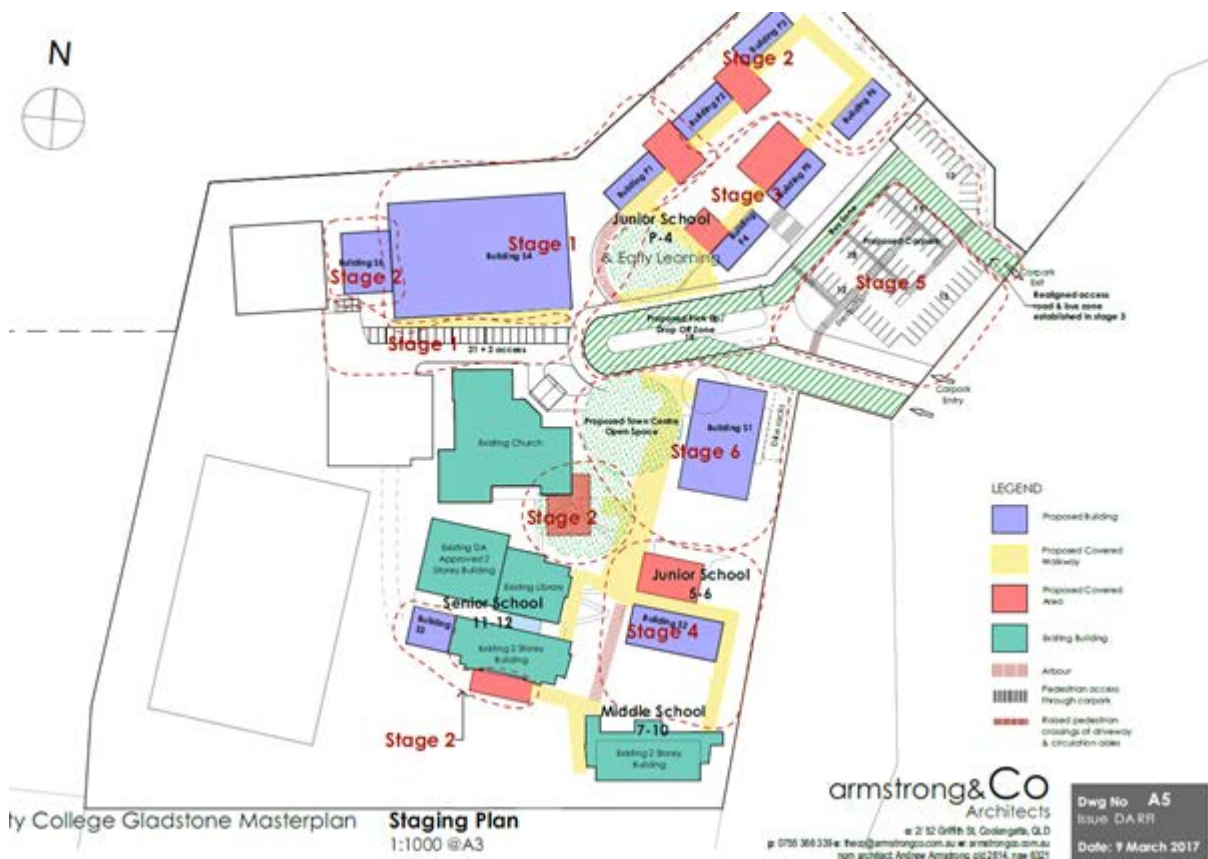


Figure Three: Approved Staging Plan

**Proposed Changes to Current Approval:**

The current Change Application (Minor Change) was lodged on 21 November 2018 and Acknowledged on 27 November 2018. It seeks approval of the following proposed changes:

1. The addition of two demountable buildings in the existing Car Park, to be introduced as a new Stage 1A;
2. Relocating the Covered Courts (Building S4) and Speech/Drama (Building S5) south west on the site to be adjacent the existing field (which is no longer proposed to be expanded);
3. A new Industrial Arts building (Building S6) and a relocated Primary Learning Building (P6) in the location of the previous covered courts;
4. A slight increase in the size of Buildings P1 to P6; and
5. A change in staging as follows:

Building	Approved Staging	Proposed Staging
2 Demountable	N/A	1A
P1	1	1B
P2	2	2
P3	2	3
P4	3	3
P5	3	3
P6	2	3
S1	6	6
S2	4	4
S3	2	2
S4	1	4
S5	2	4
S6	N/A	1B

As a result of the relocation and amended design of certain buildings as well as the implementation of an additional building, the proposed change results in an increased GFA. The total GFA of the school is being increased from 4,927m<sup>2</sup> to 6,189m<sup>2</sup> (an increase of 1,262m<sup>2</sup>). The increase in total GFA, if approved, would result in a corresponding increase to the Adopted Infrastructure Charge and subsequently a requirement to issue an Amended Adopted Infrastructure Notice. The changes are outlined below:

Building	Approved GFA	Proposed Staging
P1	176	195
P2	176	390
P3	176	195
P4	176	195
P5	176	195
P6	340	390
S1	760	760
S2	477	477
S3	126	310
S4	2,024	2,437
S5	320	320
S6	N/A	325
<b>Total:</b>	<b>4,927m<sup>2</sup></b>	<b>6,189 m<sup>2</sup></b>

Whilst there is an increase in GFA there is not a corresponding increase in numbers of staff members or student enrolments. The total number of students will remain at 780 pupils with 50 staff members. There are also 44 children enrolled in the kindergarten (separate to the school entity).

The Applicant has presented the position that the proposed increase in GFA does not warrant an increase in car parking numbers on the basis that:

- The submitted traffic impact assessment determined a parking requirement for the school of 104 spaces based on staff and student numbers, and there is no change to staff/student numbers as part of this minor change; and
- The parking requirement of the scheme is exceeded by the proposed parking arrangements when non-learning spaces (e.g. the sports centre) are excluded from the parking calculation (because these non-learning spaces do not facilitate an increase in student/staff numbers and therefore a parking requirement).



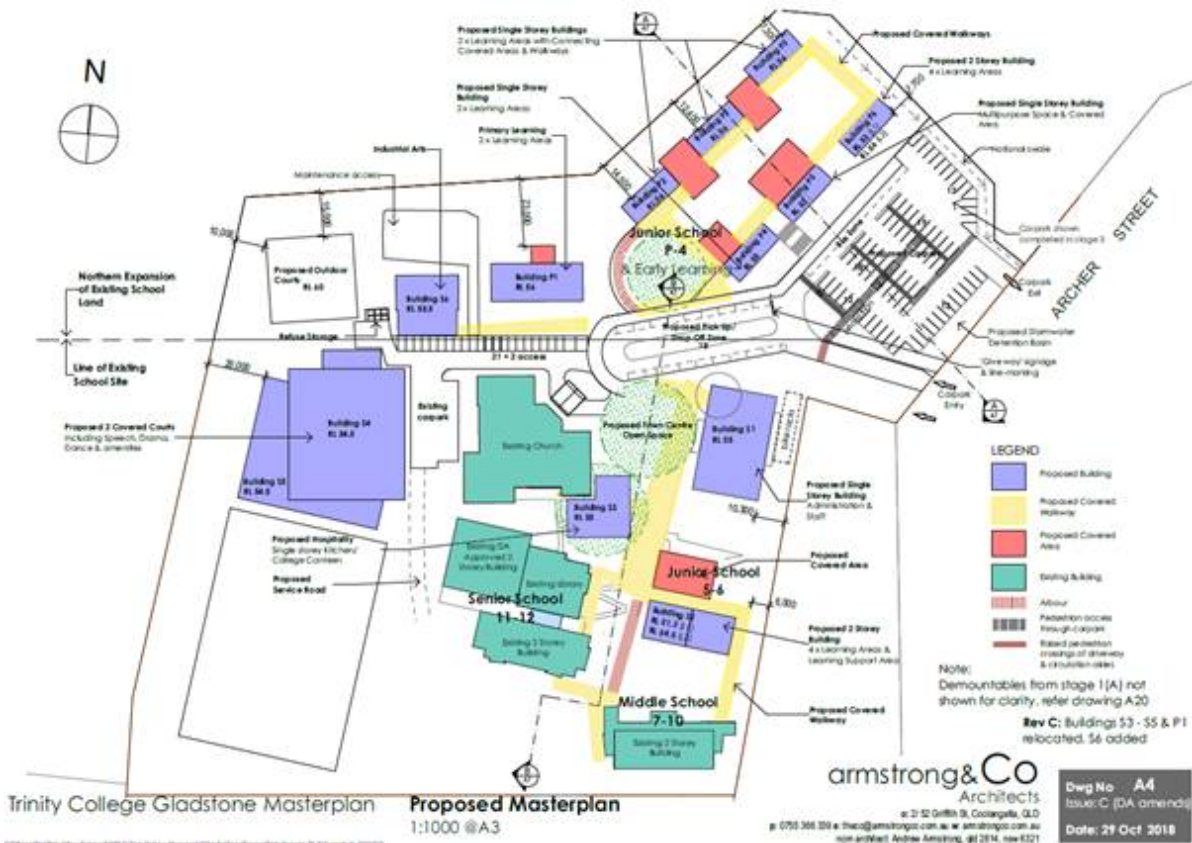


Figure Four: Proposed Changes to Masterplan

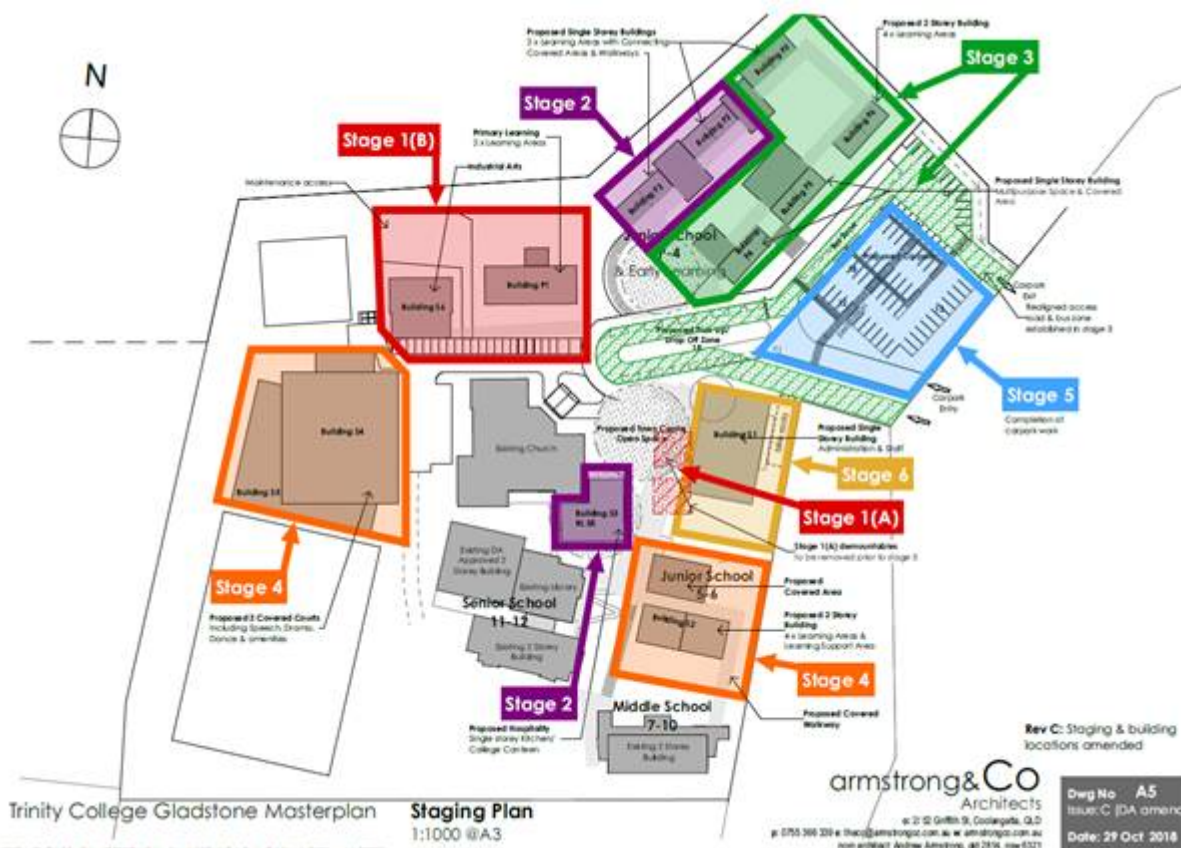


Figure Five: Proposed Staging

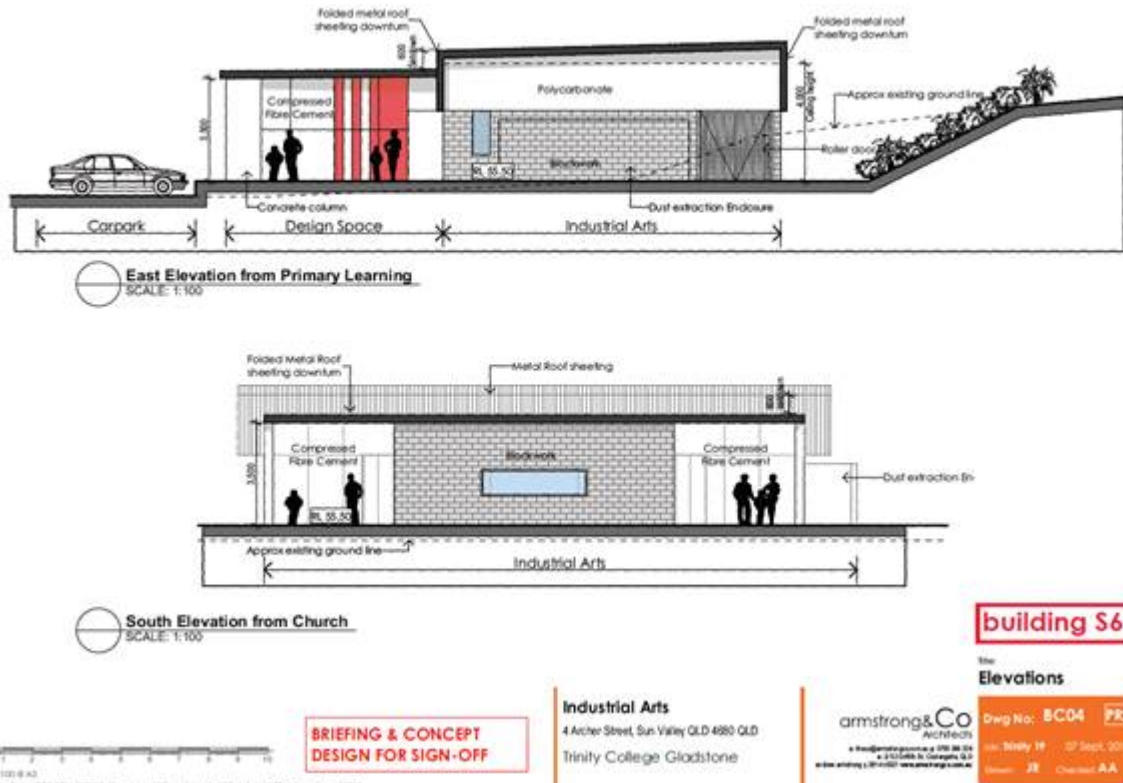


Figure Six: Proposed Industrial Arts Building

**Referral:**

The original development application was referred to the Department of Infrastructure, Local Government and Planning (DILGP) as the proposed development exceeded the LGA threshold of 100 additional students for an extension to an existing educational establishment. DILGP provided their Concurrence Agency Response on 11 April 2017 with two conditions (Ref: SDA-1016-034719) approving the proposal plans and the Stormwater Management Report and a relevant period of up to fifteen (15) years for the development.

**Public Notification and Submissions:**

The original application triggered Public Notification which was carried out between 18 January 2017 to 9 February 2017. During this time, two Properly Made submissions were received whose relevance to this Change Application is discussed further below.

**Adopted Infrastructure Charges**

An Adopted Infrastructure Charge Notice of \$291,690 was issued on 5 May 2017. Should this Change Application be approved, an Amended Adopted Infrastructure Charge Notice will be issued that reflects the proposed increase in GFA and changes to staging.

**Assessment against Definition of a “Minor Change”**

The application is considered to meet the definition of a Minor Change under Schedule 2 of the Act, on the following grounds:

The proposal would not result in “Substantially Different Development”

The proposed changes result in an increase in GFA from 4,927m<sup>2</sup> to 6,189m<sup>2</sup> (an increase of 1,262m<sup>2</sup>), a new industrial arts building, alterations to the primary learning buildings and an amended design of the covered courts. Notwithstanding this, the changes are located in the north west corner where visual impact will be minor from the street and within a limited visual catchment of the adjoining landowners due to the change in elevation to the west. Furthermore, the proposed changes will not result in any further increases in the number of staff or student enrolments to the school.

Subsequently, it has been determined that the proposed changes will not result in the creation of a "Substantially Different Development" as defined in the Development Assessment Rules 2017, Schedule 1, as it does not involve a new use or parcel of land, does not significantly change the built form or the operation of the approved development; and will not result in any new impacts or increase in the severity of known impacts on amenity, the transport network or council infrastructure.

*The proposal will not result in the inclusion of prohibited development in the application*

The proposed Minor Change does not include any material or outcomes that would be considered Prohibited Development.

*The proposal would not result in a referral to a referral agency, if there were no referral agencies for the development application*

Not Applicable.

*The proposal would not result in a referral to extra referral agencies, other than to the Chief Executive*

The proposed change would not result in a referral to an additional referral agency, if proposed today.

*The proposal would not result in a Referral Agency which has to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the Referral Agency must have assessed the application against, or have had regard to, when the application was made*

The proposed change would not result in a referral agency being required to assess any new matters.

*The proposal would result in a requirement to complete Public Notification if Public Notification was not required for the Development Application*

Not Applicable.

### **Assessment of the Change Application (Minor Change)**

Section 81 (2) of the Act states that when assessing the Change Application for a Minor Change, the responsible entity must consider the following:

*The information the applicant included with the application*

As detailed in the sections of this report titled "Proposed Changes to Current Approval" and "Requested Changes to Conditions of the Approval".

*If the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved*

During the Public Notification period a total of two 'properly made' submissions were received. Among other issues, submitters against the original application, located along Archer Street, were concerned that their proximity (approximately 10.3m from the shared boundary) to the Building S1 (Stage 6) would expose them to additional noise and light impacts. As a result, Condition 6 was

imposed which required the construction of an Acoustic Fence along the shared boundary with the Archer Street residences prior to the commencement of Stage 4. Notwithstanding this, the original approval did not include two demountable buildings now proposed to be constructed at Stage 1A which are intended to be utilised until the end of Stage 4. As such, the proposed demountable buildings constitute a potential impact on amenity that would be experienced by the submitters at an earlier stage in the redevelopment of the site. The Applicant has noted that the demountable buildings are located approximately 30 metres away from the shared boundary and will be constructed with insulated wall and roof panels to reduce noise breakout during operation. The construction of the Acoustic Fence is still proposed to occur prior to the commencement of Stage 4 as it will follow the completion of earthworks in that area which will alter the ground level and would otherwise require the removal of the existing fence and replacement with a new Acoustic Fence along the shared boundary on two separate occasions.

In regard to traffic management, the proposed changes to the building layout will not increase staff or student numbers or alter the overall parking provision at completion. It is noted that proposed Stage 1A will temporarily reduce the car parking available in the existing car park area, however the school will (until the construction of Stage 5) have access to areas that can be used for temporary car parking. Condition 29 of the approval requires that the Applicant provide a minimum of 108 car parking spaces onsite for Stages 1, 2, 3 and 4. Condition 28 of the approval specifically requires the Applicant to appropriately manage construction traffic impacts on residential properties within Archer Street through the provision of a Traffic Management Plan. Whilst the Applicant has not requested any alterations to Condition 28, this condition remains relevant and will need to reflect the proposed changes.

Any pre-request response notice or response notice given in relation to the change application

Not Applicable.

If the responsible entity is, under section 78(3)(ba) or (bb), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister

Not Applicable.

If paragraph above does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application

The original proposal was assessed under the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 1* (Superseded Planning Scheme). If lodged today, the proposal would be assessed against the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* (Current Planning Scheme).

There are no significant differences between the two planning schemes which would have impacted upon the manner in which this application was assessed. This is particularly evident when consideration is given to the location of the subject site adjoining the developed area of the Low Density Residential Zone and that the existing approved uses (Educational Establishment and Dwelling Houses) have remained in continuous operation since before the lodgement of the original application.

Any another matter that the responsible entity considers relevant.

No other matters are considered relevant.



## Requested Changes to Conditions of the Approval

The Applicant made representations against Conditions 1 and 2 of the current Development Permit which have been addressed below. Please note that the original condition is in **bold**, the Applicants representations are in *italics* and the Planning Officer's comments are in normal type.

### Condition 1 – Approved Documentation

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:

Drawin g Number	Revisio n	Description	Author	Date
A4	DA RFI	Proposed Masterplan	Armstrong & Co	15 February 2017
A5	DA RFI	Staging Plan	Armstrong & Co	9 March 2017
A19	DA	Stage 4 Complete	Armstrong & Co	7 March 2017
A20	DA RFI	Stage 1 Access Road	Armstrong & Co	9 March 2017

### And supporting documents

Documen t Number	Revisio n	Description	Author	Date
798A- LCP01	A	Landscape Master Plan	Alderson & Associates	May 2016
-	-	Landscape Master Plan Report	Alderson & Associates	September 2016
Report No 100413	B	Stormwater Management Plan	Covey Associates Pty Ltd	December 2016
Appendix H	-	Waste Management Plan	WasteTech Services Pty Ltd	21 September 2016
Report 125494	1	Bushfire Assessment Report	Covey Associates Pty Ltd	December 2016

### Applicant's Comment

The Applicant requested that the proposed plans be accepted and updated in approved plans list in Condition 1.

*Amended architectural plans prepared by Armstrong & Co Architects included as Attachment A. It is noted that 4 plans were included and referenced in the approval and amended versions of those plans have been provided as part of this change. Additional floor plans and elevations of the new or amended building have also been provided for information purposes.*

### Council Officer's Comment

Agreement to the proposed plans will result in Council's agreement to an increase in GFA from 4,927m<sup>2</sup> to 6,189m<sup>2</sup> (an increase of 1,262m<sup>2</sup>), a new industrial arts building, alterations to the primary learning buildings and an amended design of the covered courts. However, the changes should not have a greater impact on amenity for the adjoining residential areas or on traffic flow throughout the area than that expected under the current approval and will not result in a greater number of students or staff.

Subsequently, the proposed changes are recommended for approval which would result in the following amendment to Condition 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
A4	C	Proposed Masterplan	Armstrong & Co Architects	29 October 2018
A5	C	Staging Plan	Armstrong & Co Architects	29 October 2018
A19	C	Stage 4 Complete	Armstrong & Co Architects	29 October 2018
A20	C	Stage 1 Access Road	Armstrong & Co Architects	29 October 2018

And supporting documents

Document Number	Revision	Description	Author	Date
798A-LCP01	A	Landscape Master Plan	Alderson & Associates	May 2016
-	-	Landscape Master Plan Report	Alderson & Associates	September 2016
Report No 100413	B	Stormwater Management Plan	Covey Associates Pty Ltd	December 2016
Appendix H	-	Waste Management Plan	WasteTech Services Pty Ltd	21 September 2016
Report 125494	1	Bushfire Assessment Report	Covey Associates Pty Ltd	December 2016

### **Condition 2 – Special Conditions**

**Demonstrate that shared services and construction of buildings across two lots will occur lawfully in perpetuity on 6 Archer Street, Sun Valley prior to the lodgment of any Development Application or Building Works for Stage 1. The proposed method is to be in force prior to the commencement of the use of Stage 1.**

#### Applicant's Comment

*Condition 2 seeks to ensure that works can occur over the two lots lawfully. It currently requires evidence that this can occur prior to Stage 1, because Stage 1 involved works on the northern allotment. Stage 1A is completely contained on the southern allotment and is intended to occur first. For this reason it is requested that Condition 2 be amended to require the submission of evidence prior to Stage 1B.*

#### Council Officer's Comment

The intent of the condition is to ensure that the use can be undertaken across both lots for the life of the approval without the potential issue of conflicts between landowners and commercial interests. The proposed amendment will maintain the intent of the original condition and subsequently is recommended for approval as follows:

Demonstrate that shared services and construction of buildings across two lots will occur lawfully in perpetuity on 6 Archer Street, Sun Valley prior to the lodgment of any Development Application or

Building Works for **Stage 1B**. The proposed method is to be in force prior to the commencement of the use of **Stage 1B**.

Notwithstanding the above, it is noted that the Applicant lodged a Reconfiguration of a Lot – Boundary Realignment (Two Lots into Two Lots) application on 6 November 2018. Should this application be approved, it would achieve compliance with Condition 2.

### **Condition 3 – Special Conditions**

The development is to be undertaken in accordance with the following sequential stages:

- a. **Stage 1 – Building S4, Building P1 and associated covered area;**
- b. **Stage 2 – Building S5, Buildings P2 & P3 and associated covered area, Building P6, Building S3 and upgrade of the existing college canteen.**
- c. **Stage 3 – Building P4 and P5;**
- d. **Stage 4 – Building S2 and nearby covered area;**
- e. **Stage 5 – New entry, pick up drop off facility, car park and covered area; and**
- f. **Stage 6 – Removal of existing Administration building and construction of new Administration and Staff Building (S1) and construction of proposed Pick-Up/Drop-Off Zone.**

#### Applicant's Comment

*Nil.*

#### Council Officer's Comment

Approval of the requested changes to staging shown in the proposed plans necessitates changes to Condition 3. The following amendments are proposed to align with the proposed staging plan:

The development is to be undertaken in accordance with the following sequential stages:

- a. **Stage 1A – Two demountable buildings;**
- b. **Stage 1B – Building S6, Building P1 and associated parking spaces;**
- c. **Stage 2 – Buildings P2 & S3 and associated covered areas;**
- d. **Stage 3 – Buildings P3, P4, P5 and P6, removal of Stage 1A demountable buildings, and realigned access road, pick up and drop off zone and bus zone;**
- e. **Stage 4 – Building S2, S4 and S5 and associated covered areas;**
- f. **Stage 5 – New entry and car park; and**
- g. **Stage 6 – Removal of existing Administration building and construction of new Administration and Staff Building S1.**

### **Condition 8 – Operational Works**

A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction. The Development Application for Operational Works is to include a comprehensive set of drawings that covers the following items:

- a. **Earthworks (including retaining walls) – as required;**
- b. **Roadworks (including signage and footpaths) – Stages 3 and 5;**
- c. **Sewer Infrastructure – Stages 1 and 2;**
- d. **Stormwater Management (quantity, quality, flood and drainage control) – All stages;**
- e. **Street lighting, electrical and telecommunications – Stage 5; and**
- f. **Landscaping, environmental protection and associated works – All stages.**

***Advisory Note: Where proposed earthwork volumes (cut volume plus fill volume) for each stage are greater than 100m<sup>3</sup>, a Development Application for Operational Works incorporating earthworks is to be lodged.***

Applicant's Comment

Nil.

Council Officer's Comment

Approval of the requested changes to staging shown in the proposed plans necessitates changes to Condition 8. The following amendments are proposed to align with the proposed staging plan:

A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction **of each stage**. The Development Application for Operational Works is to include a comprehensive set of drawings that covers the following items:

- a. Earthworks (including retaining walls) – as required;
- b. Roadworks (including signage and footpaths) – Stages 3 and 5;
- c. Sewer Infrastructure – Stages **2 and 3**;
- d. Stormwater Management (quantity, quality, flood and drainage control) – All stages;
- e. Street lighting, electrical and telecommunications – Stage 5; and
- f. Landscaping, environmental protection and associated works – All stages.

*Advisory Note: Where proposed earthwork volumes (cut volume plus fill volume) for each stage are greater than 100m<sup>3</sup>, a Development Application for Operational Works incorporating earthworks is to be lodged.*

**Condition 12 – Building, Plumbing and Drainage Works**

**The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Sustainable Planning Act 2009* for the removal of existing structures within Stage 4 of the development. The removal of structures is to occur prior to the issue of a certificate of classification for the new buildings associated with Stage 4 of the development.**

Applicant's Comment

Nil.

Council Officer's Comment

The Applicant has introduced two temporary demountable buildings into Stage 1A. The requirement to remove these buildings once Buildings P2 to P6 are completed necessitates amendment of Condition 12 as follows:

The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Sustainable Planning Act 2009* for the removal of structures within **Stage 3 and Stage 4** of the development. The removal of structures is to occur prior to the issue of a certificate of classification for the new buildings associated with Stage 4 **and Stage 6** of the development.

**Condition 21 – Sewerage Infrastructure**

**Prior to the commencement of use of:**

- a. **Stage 1 – The Applicant is to submit to and have approved by Council, plans detailing a “temporary” connection of Building P1 to the existing onsite sewer system located within 4 Archer Street. The design of the temporary connection is to be in accordance with Capricorn Municipal Development Guidelines and is to be compatible with the permanent arrangement required in part b of this condition (Stage 2) and Condition 22. This temporary connection is to only be utilized for the duration of Stage 1. Prior to the commencement of use of Stage 2, the temporary connection is to be decommissioned and removed.**
- b. **Stage 2 – The Applicant is to extend the Archer Street sewer main to allow for the connection of proposed buildings P1, P2, P3, P4 and P5 to Council’s live sewerage network, in accordance with Council’s Engineering Design Planning Scheme Policy.**

Applicant's Comment

*Nil.*

Council Officer's Comment

Approval of the requested changes to staging shown in the proposed plans necessitates changes to Condition 21. The following amendments are proposed to align with the proposed staging plan:

Prior to the commencement of use of:

- a. **Stage 2 – The Applicant is to submit to and have approved by Council, plans detailing a “temporary” connection of Building P1 and P2 to the existing onsite sewer system located within 4 Archer Street. The design of the temporary connection is to be in accordance with Capricorn Municipal Development Guidelines and is to be compatible with the permanent arrangement required in part b of this condition (Stage 3) and Condition 22. This temporary connection is to only be utilized for the duration of Stage 2. Prior to the commencement of use of Stage 3, the temporary connection is to be decommissioned and removed.**
- b. **Stage 3 – The Applicant is to extend the Archer Street sewer main to allow for the connection of proposed buildings P1, P2, P3, P4, P5 and P6 to Council’s live sewerage network, in accordance with Council’s Engineering Design Planning Scheme Policy.**

Condition 22 – Sewerage Infrastructure

**Prior to the commencement of the use of Stage 2 (buildings P1, P2 and P3, the Applicant is to drain all sanitary drainage into a new 1050mm diameter privately owned maintenance hole within the development site, before connection to Council’s sewerage infrastructure. The location and size of the sewer service is to be determined in consultation with Council.**

Applicant's Comment

*Nil.*

Council Officer's Comment

Approval of the requested changes to staging shown in the proposed plans necessitates changes to Condition 22. The following amendments are proposed to align with the proposed staging plan:

Prior to the commencement of the use of Stage 3 (**Buildings P3, P4, P5 and P6**) the Applicant is to drain all sanitary drainage into a new 1050mm diameter privately owned maintenance hole within the development site, before connection to Council's sewerage infrastructure. The location and size of the sewer service is to be determined in consultation with Council.

### **Condition 25 – Stormwater Infrastructure**

**Prior to the commencement of construction of Stage 1 buildings (Building S4), the Applicant is to raise the existing bund and weir on Detention Basin 2 (school oval) in accordance with the Stormwater Management Plan (Dwg 151877 C301 Rev B prepared by Covey and Associates).**

#### Applicant's Comment

*Nil.*

#### Council Officer's Comment

Approval of the requested changes to staging shown in the proposed plans necessitates changes to Condition 25. The following amendments are proposed to align with the proposed staging plan:

Prior to the commencement of construction of Stage 1B buildings (**Buildings S6 and P1**), the Applicant is to raise the existing bund and weir on Detention Basin 2 (school oval) in accordance with the Stormwater Management Plan (Dwg 151877 C301 Rev B prepared by Covey and Associates).

### **Condition 31 – Transportation Services**

**Prior to the commencement of the use for each stage of development, one bicycle space per 100m<sup>2</sup> GFA are to be constructed onsite within 30m walking distance to the entry of the use. All bicycle spaces are to be constructed in accordance with AS2890.3 (2015).**

**A minimum of 49 bicycle spaces are to be constructed onsite prior to the commencement of the use of Stage 5 of the development.**

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

#### Applicant's Comment

*Nil.*

#### Council Officer's Comment

Approval of the requested changes to staging shown in the proposed plans necessitates changes to Condition 31. The following amendments are proposed to align with the proposed staging plan:

Prior to the commencement of the use for each stage of development, one bicycle space per 100m<sup>2</sup> GFA are to be constructed onsite within 30m walking distance to the entry of the use. All bicycle spaces are to be constructed in accordance with AS2890.3 (2015).

A minimum of **62** bicycle spaces are to be constructed onsite prior to the commencement of the use of Stage 5 of the development.

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

As a result of the assessment of the Change Application, recommendations to update the approved conditions to reflect the proposed alterations to the approved staging and the overall masterplan have been made, particularly in regard to the provision of services and on-site parking.

### Officer's Recommendation:

That the request for a Changed Decision Notice (Minor Change) for Development Application 237/2016 for a Material Change of Use of Premises for an Educational Establishment (Six Staged Extension to Existing School) be approved subject to the following conditions:

- 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
A4	C	Proposed Masterplan	Armstrong & Co Architects	29 October 2018
A5	C	Staging Plan	Armstrong & Co Architects	29 October 2018
A19	C	Stage 4 Complete	Armstrong & Co Architects	29 October 2018
A20	C	Stage 1 Access Road	Armstrong & Co Architects	29 October 2018

### And supporting documents

Document Number	Revision	Description	Author	Date
798A-LCP01	A	Landscape Master Plan	Alderson & Associates	May 2016
-	-	Landscape Master Plan Report	Alderson & Associates	September 2016
Report No 100413	B	Stormwater Management Plan	Covey Associates Pty Ltd	December 2016
Appendix H	-	Waste Management Plan	WasteTech Services Pty Ltd	21 September 2016
Report 125494	1	Bushfire Assessment Report	Covey Associates Pty Ltd	December 2016

## Special Conditions

2. **Demonstrate that shared services and construction of buildings across two lots will occur lawfully in perpetuity on 6 Archer Street, Sun Valley prior to the lodgment of any Development Application or Building Works for Stage 1B. The proposed method is to be in force prior to the commencement of the use of Stage 1B.**
3. **The development is to be undertaken in accordance with the following sequential stages:**
  - a. **Stage 1A – Two demountable buildings;**
  - b. **Stage 1B – Building S6, Building P1 and associated parking spaces;**
  - c. **Stage 2 – Buildings P2 & S3 and associated covered areas;**
  - d. **Stage 3 – Buildings P3, P4, P5 and P6, removal of Stage 1A demountable buildings, and realigned access road, pick up and drop off zone and bus zone;**
  - e. **Stage 4 – Building S2, S4 and S5 and associated covered areas;**
  - f. **Stage 5 – New entry and car park; and**
  - g. **Stage 6 – Removal of existing Administration building and construction of new Administration and Staff Building S1.**
4. Development is planned, designed and managed to ensure emissions from activities achieve the appropriate air quality and noise objectives. Building and/or construction work on premises must not be carried out or make an audible noise during the following hours:
  - a. Monday to Saturday, before 6:30 am or after 6:30 pm; and
  - b. Sunday or public holidays, anytime.
5. Outdoor lighting is not to cause undue disturbance to any person or activity because of emissions, either directly or by reflection.
6. Prior to the commencement of the use for Stage 4 of the development, the Eastern boundary of the site adjoining 2 and 2A Archer Street (approximately 67 metres) and the Northern boundary of 2A Archer Street is to be provided with an Acoustic Fence at a height of 1.8m.
7. Prior to the commencement of the use for Stage 5 of the development, an entry statement and landscaped area is to be provided in conjunction the construction of the new driveway. The entry statement is to be located in the area between the new driveway and the property boundary with 2A Archer Street, Sun Valley. Proposal plans are to be provided to Council for approval prior to the commencement of construction of that stage.

## Operational Works

8. **A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction of each stage. The Development Application for Operational Works is to include a comprehensive set of drawings that covers the following items:**
  - a. **Earthworks (including retaining walls) – as required;**
  - b. **Roadworks (including signage and footpaths) – Stages 3 and 5;**
  - c. **Sewer Infrastructure – Stages 2 and 3;**
  - d. **Stormwater Management (quantity, quality, flood and drainage control) – All stages;**
  - e. **Street lighting, electrical and telecommunications – Stage 5; and**
  - f. **Landscaping, environmental protection and associated works – All stages.**



***Advisory Note: Where proposed earthwork volumes (cut volume plus fill volume) for each stage are greater than 100m<sup>3</sup>, a Development Application for Operational Works incorporating earthworks is to be lodged.***

9. Development Applications for Operational Works shall be designed and constructed in accordance with Australian Standards, the Engineering Design Planning Scheme Policy under the Gladstone Regional Planning Scheme and any other applicable standards at the time of lodgment.

*Advisory Note: The Capricorn Municipal Development Guidelines within the Engineering Design Planning Scheme Policy is the current document for preparing any Development Application for Operational Works which is found at <http://www.cmdg.com.au/index.htm>.*

10. The design and supporting calculations/documentation associated with these works must be certified by a Registered Professional Engineer of Queensland (RPEQ). Certification by a RPEQ is achieved by completing and submitting (with the above design and documentation) the latest version of Council's "Engineering Certification Report", which can be found at the following link: <http://www.gladstone.qld.gov.au/operational-works>.
11. All Operational Works conditioned for each stage must be accepted On Maintenance prior to the commencement of the use for the respective stage.

### **Building, Plumbing and Drainage Works**

12. **The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Sustainable Planning Act 2009* for the removal of structures within Stage 3 and Stage 4 of the development. The removal of structures is to occur prior to the issue of a certificate of classification for the new buildings associated with Stage 4 and Stage 6 of the development.**
13. The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Sustainable Planning Act 2009*. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.
14. The Applicant is required to obtain a Development Permit for Plumbing and Drainage Works and Plumbing and Drainage Final in accordance with the *Sustainable Planning Act 2009*. Construction is to comply with the *Plumbing and Drainage Act 2002* and the requirements of other relevant authorities.
15. Prior to the commencement of the use for each stage, all plant and equipment (including air conditioners, exhaust fans and the like), within the respective Stage, are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.
16. All plant and equipment (including air conditioners, exhaust fans and the like) required for Building S1 (Stage 6) are to be housed, screened and located so that these do not cause environmental nuisance or harm to adjoining residential uses located at 2 and 2A Archer Street, Sun Valley.
17. The development is to incorporate a variety of at least 2 different textures, colours and designs within the external façade of the buildings. Details of the proposed colour scheme, materials and finishes for all external areas of the building are to be submitted to Council for approval prior to the issue of a Development Permit for Building Works for each stage of development.

18. 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**

19. Prior to the commencement of use, no more than one water service connection (including any existing meter) is to be provided from Council's water supply infrastructure to the front property boundary of each lot forming part of the development. The location and size of the water service (and any associated fire service) is to be determined by the Applicant, agreed by Council and if alteration to the existing meter arrangement is required an application for this is to be submitted to Council.

*Advisory Note: Should a separate meter be required for the leased area, sub-metering of Lot 21 RP 807587 is to be provided in accordance with Council's current Engineering Standards*

20. Prior to the commencement of the use for each stage, connections to Council's live water reticulation network must be carried out by Council. The cost of these works is to be borne by the Applicant.

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

### **Sewerage Infrastructure**

21. **Prior to the commencement of use of:**
  - a. **Stage 2 – The Applicant is to submit to and have approved by Council, plans detailing a “temporary” connection of Building P1 and P2 to the existing onsite sewer system located within 4 Archer Street. The design of the temporary connection is to be in accordance with Capricorn Municipal Development Guidelines and is to be compatible with the permanent arrangement required in part b of this condition (Stage 3) and Condition 22. This temporary connection is to only be utilised for the duration of Stage 2. Prior to the commencement of use of Stage 3, the temporary connection is to be decommissioned and removed.**
  - b. **Stage 3 – The Applicant is to extend the Archer Street sewer main to allow for the connection of proposed buildings P1, P2, P3, P4, P5 and P6 to Council's live sewerage network, in accordance with Council's Engineering Design Planning Scheme Policy.**
22. **Prior to the commencement of the use of Stage 3 (Buildings P3, P4, P5 and P6) the Applicant is to drain all sanitary drainage into a new 1050mm diameter privately owned maintenance hole within the development site, before connection to Council's sewerage infrastructure. The location and size of the sewer service is to be determined in consultation with Council.**
23. Prior to the commencement of the use, connections to Council's live sewerage network must be carried out by Council. The cost of these works is to be borne by the Applicant.

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

### **Stormwater Infrastructure**

24. All stormwater runoff must be in accordance with the Site Based Stormwater Management Plan identified in Condition 1 above.
25. **Prior to the commencement of construction of Stage 1B buildings (Buildings S6 and P1), the Applicant is to raise the existing bund and weir on Detention Basin 2 (school oval) in accordance with the Stormwater Management Plan (Dwg 151877 C301 Rev B prepared by Covey and Associates).**
26. Prior to the commencement of construction of Stage 2, the Applicant is to construct and maintain the proposed bio-basin and any associated infrastructure in accordance with the Stormwater Management Plan approved in Condition 1.

### **Bushfire Hazard**

27. Development is to be undertaken in accordance with the Bushfire Management Plan identified in Condition 1.

### **Transportation Services**

28. A Traffic Management Plan is to be lodged to Council for approval prior to the construction of Operational Works for each stage of development. The Traffic Management Plan is to manage construction traffic impacts on residential properties within Archer Street.
29. At all times during the construction and operation of Stage 1, 2, 3 and 4 and prior to the commencement of the use of Stage 5, the Applicant is to make available and maintain, at a minimum, the current provision of 108 car parking spaces.
30. Prior to the commencement of the use for Stage 5, a total of 113 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 and maintained in accordance with the Engineering Design Planning Scheme Policy under the Gladstone Regional Planning Scheme and AS2890.1.
31. **Prior to the commencement of the use for each stage of development, one bicycle space per 100m<sup>2</sup> GFA are to be constructed onsite within 30m walking distance to the entry of the use. All bicycle spaces are to be constructed in accordance with AS2890.3 (2015).**

**A minimum of 62 bicycle spaces are to be constructed onsite prior to the commencement of the use of Stage 5 of the development.**

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

32. Prior to the commencement of the use for Stage 3, the Applicant is to construct a Commercial Driveway in accordance with Council's Standard Drawing for an Urban Commercial / Industrial Driveway for the proposed access cross-over. Signage to prevent egress movements at this location is to be provided.

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

33. Prior to the commencement of the use for Stage 5, the Applicant is to construct a Commercial Driveway in accordance with Council's Standard Drawing for an Urban Commercial /

Industrial Driveway for the proposed access cross-over. Signage to prevent egress movements at this location is to be provided.

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

34. Prior to the commencement of the use for Stage 1, the Applicant is to seal or treat with dust inhibitor all existing unsealed vehicle maneuvering areas, to reduce impacts on adjoining residential uses.
35. Prior to the commencement of the use for each stage of the development, all grassed footpath areas disturbed by the development are to be top dressed and turfed following completion of construction activity.
36. Prior to the commencement of any works within Council's road reserve, the Applicant shall obtain a Works on a Council Road Approval in conformity with Council's Subordinate Local Law No. 1.15.

*Advisory Note: Council's Local Law No. 1.15 - Application to Construct (and maintain) a Driveway (vehicle crossover) is found at <http://www.gladstone.qld.gov.au/forms>.*

37. Prior to the commencement of the use for Stage 5, shade street trees are to be provided within the designated vehicle parking area at a rate of 1 tree per 6 vehicle parking spaces in accordance with Table 9.3.4.3.2 - Plant Species List of the Landscaping Code of the Gladstone Regional Planning Scheme and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification.
38. Prior to the commencement of the use for Stage 6, the Applicant shall construct a pedestrian fence from the Archer Street frontage to the edge of the proposed Drop-Off/Pick-Up Zone, along the proposed new access, to restrict pedestrian access to and/or from queuing vehicles. A gap, the same width as the top of the raised pedestrian crossing, is to be provided in the fence, at the raised pedestrian crossing, to allow pedestrian access to and/or from the proposed carpark.

## **Landscaping**

39. Landscaping for the development is to be undertaken for each stage in accordance with the Landscape Master Plan and the Landscape Master Plan Report identified in Condition 1 above.
40. Deleted.

## **Waste Management**

41. Provision of refuse bins and management of waste is to be undertaken in accordance with the Waste Management Plan identified in condition 1.
42. Prior to the commencement of the use for each stage, 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.
43. Prior to the commencement of the use, open storage areas shall be adequately screened so as not to detract from the visual amenity of the area. Compliance with this condition can be achieved by:

- a. Outdoor storage areas are situated in locations not visible from the street; or
- b. A 1.8m solid screen fence is located around storage areas; or
- c. Vegetation screening is provided to shield the storage areas.

### **Electrical**

44. As part of the Development Application for Operational Works for the Stage 5 carpark, the Applicant is to submit an electrical design for proposed lighting for the carpark, certified by a RPEQ (experienced in this type of work), for compliance with AS1158 and for compliance with the requirements of Ergon Energy.

### **Environmental Health**

45. A Food Design Application is to be submitted to Council for approval prior to the upgrade of the canteen within Stage 2 and be in accordance with the Food Act 2006. This license is required prior to the lodgment of any Development Application for Building Works.

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

### **Lawful Commencement**

46. 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.
47. 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***

### **Attachments:**

1. DA/237/2016 - Attach 1 – Negotiated Decision Notice issued 25 September 2017
2. DA/237/2016 - Attach 2 – Change Application (Minor) Request dated

### **Tabled Items:**

Nil

**Report Prepared by:** Planning Officer

**G/4.6.3. DEVELOPMENT APPLICATION 288/2011 REQUEST FOR CHANGE  
MATERIAL CHANGE OF USE FOR A RETIREMENT VILLAGE AT 75 & 105  
TANNUM SANDS ROAD, TANNUM SANDS QLD 4680**

**Responsible Officer: General Manager Customer Experience**

**Council Meeting Date: 22 January 2019**

**File Ref: DA/288/2011 and DB1.1**

**Development Application:**

**Application Number:** DA/288/2011  
**Applicant:** Raymuz Pty Ltd C/- PeakUrban Planning & Surveying Pty Ltd  
**Owner:** Raymuz Pty Ltd  
**Date of Receipt:** 26 November 2018  
**Location:** 75 & 105 Tannum Sands Road, TANNUM SANDS QLD 4680  
**RPD:** Lot 2 RP616291 & Lot 119 CTN1807  
**Area:** 5.3 hectares  
**Current Use of Land:** Dwelling House and Shed  
**Zoning:** Emerging Communities  
**Proposal:** Retirement Facility (183 Units)  
**Submissions Close Date:** NA – Change Application  
**Number of Submissions:** NA – Change Application

**Purpose:**

The purpose of this report is to seek Council's endorsement of a Change Application (Minor) to Preliminary Approval – Material Change of Use – Retirement Facility (183 Units) on land at Tannum Sands Road, Tannum Sands, against the *State Planning Policy July 2017*, and the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* under the *Planning Act 2016*.

**Executive Summary:**

Council is in receipt of a request for a Minor Change to Development Application 288/2011 for a Preliminary Approval s242 and Material Change of Use of premises for Aged Persons Accommodation (Retirement Village - 144 Units) on land at 75 and 105 Tannum Sands Road, Tannum Sands. The development was approved by Council at its 17 April 2012 General Council Meeting through a Decision Notice dated 18 April 2012. The application was approved subject to conditions under the superseded *Calliope Shire Planning Scheme 2007* (superseded Planning Scheme), and the superseded *Sustainable Planning Act 2009* (superseded Act). Since the issue of the Decision Notice, two (2) extensions to the Currency Period have been approved with the Currency Period valid until 18 April 2022. A Minor Change Request was approved on 13 November 2017 which made amendments to various conditions of the approval to reflect the updated Plan of Development, Site Precinct and variations to the Boyne Island/Tannum Sands Locality Code and Residential Code of the superseded Planning Scheme.

For assessment of this request, it is important to note that whilst the original assessment was made against the superseded Planning Scheme, assessment of this current request has been made against the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* (the Planning Scheme) and the *Planning Act 2016* (the Act). Whilst the site was zoned Rural in the superseded Planning Scheme, the site is now zoned Emerging Communities Zone as per the current Planning Scheme.

The request for Minor Change proposes to amend the format of the Level of Assessment Table contained within the approved Amendments to the Planning Scheme – 75 & 105 Tannum Sands Road, Tannum Sands (Boyne Island/Tannum Sands Locality Code and Residential Code) Document. The change updates the Level of Assessment Table so as to separate the assessment benchmarks from the category of assessment and include them within their own separate column.

The request for a Minor Change is consistent with the provisions outlined within Section 78 of the Act and therefore, the request is recommended for approval. As a result, amendments to the Plan of Development and conditions will be undertaken to reflect the approved changes.

**Subject Site:**

The property comprises 5.3 hectares of land over two lots and is located on the East of Tannum Sands Road. The site is currently zoned as Emerging Community as illustrated in Figure One below.



**Figure One: Subject Site Zone – Emerging Community**

The site is improved by a Dwelling House on the highest point to the North with a parcel to the South, which the Applicant has a lease with the State Government for storage of equipment.

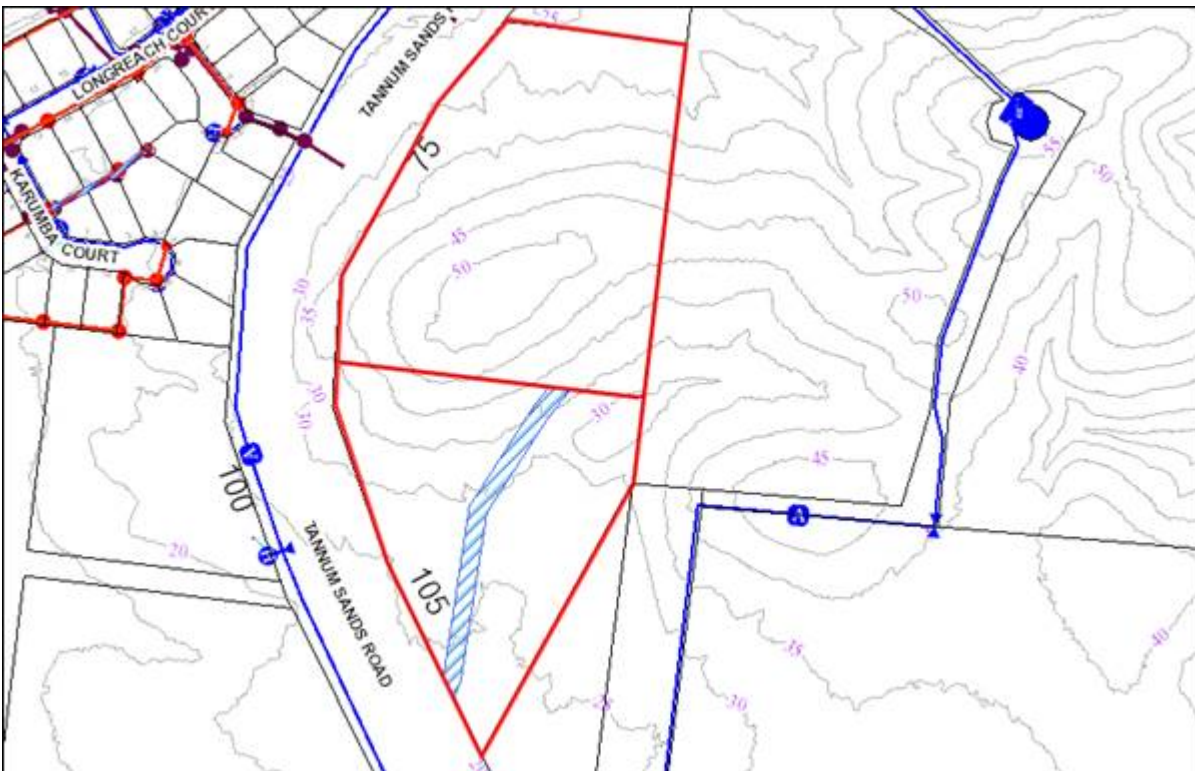
Existing remnant vegetation covers the majority of the site with the exception of the areas occupied by existing development as illustrated in Figure Two. An access easement is present to the Southern lot which provides access to the Northern lot from Tannum Sands Road.





**Figure Two: Aerial view of Subject Site**

The site has steep topography which rises predominantly from Tannum Sands Road to a central portion to the Northern part of the site. The site has a height of RL 52m AHD to several flat areas that accommodate two dams and the existing development to the Southern portion of the site. The topography and nearby services are illustrated in Figure Three.



**Figure Three: Topography and existing infrastructure**



The site adjoins a Dwelling House to the North, Environmental Reserve and Sand Mine to the East and an unconstructed service road and vacant rural lot which is an extension of the equipment storage use to the South. The site is in close proximity to a range of services including the Tannum Central Shopping Centre, Tannum Sands State Preschool, Tannum Sands State Primary School and Tannum Sands Secondary School.

### Background:

The Development Application was first lodged with Council on 11 February 2011 and considered properly made on 17 February 2011. The application was assessed under the superseded Planning Scheme and the superseded Act. The Development Application was approved on 18 April 2012, with a Currency Period of up to four (4) years (i.e. 18 April 2016).

A request for extension to the Currency Period was approved under Delegated Authority on 7 January 2016, extending the Currency Period of the Development Permit by an additional two (2) years (i.e. 18 April 2018). A recent request for extension to the Currency Period was approved under Delegated Authority on 25 October 2017, extending the Currency Period by an additional four (4) years (i.e. lapse on 18 April 2022). A Minor Change Request was approved on 13 November 2017. The Applicant provided an amended Plan of Development and Site Precinct to increase the number of units from 144 to 183, while reducing the overall built form; increasing the car parking to meet current Planning Scheme requirements; and meet current and future markets by providing alternative products within the subject site. As part of the Minor Change application Council amended the relevant conditions to be aligned with the current planning scheme and several conditions were deleted. The Applicant has also engaged Council with various meetings to discuss the future of the development.

A pre-lodgement meeting was held with the Applicant on 18 October 2018 which identified proposed architectural drawings showing a design exceeding the 9.5m height of approximately 2m in the portion of the structure in the South West corner of the Residential Aged Care building, due to the topography of the site, as shown in Figure Four. As such the Preliminary Approval framework currently requires an Impact Assessable application for the exceedance in height. Figures Four and Five show the building sections and area of non-compliance with building height. During these discussions the Applicant detailed the extent of public consultation undertaken within the area (outside of the formal application process) with a view of providing a suitable product for the location addressing the topographical challenges of the site.

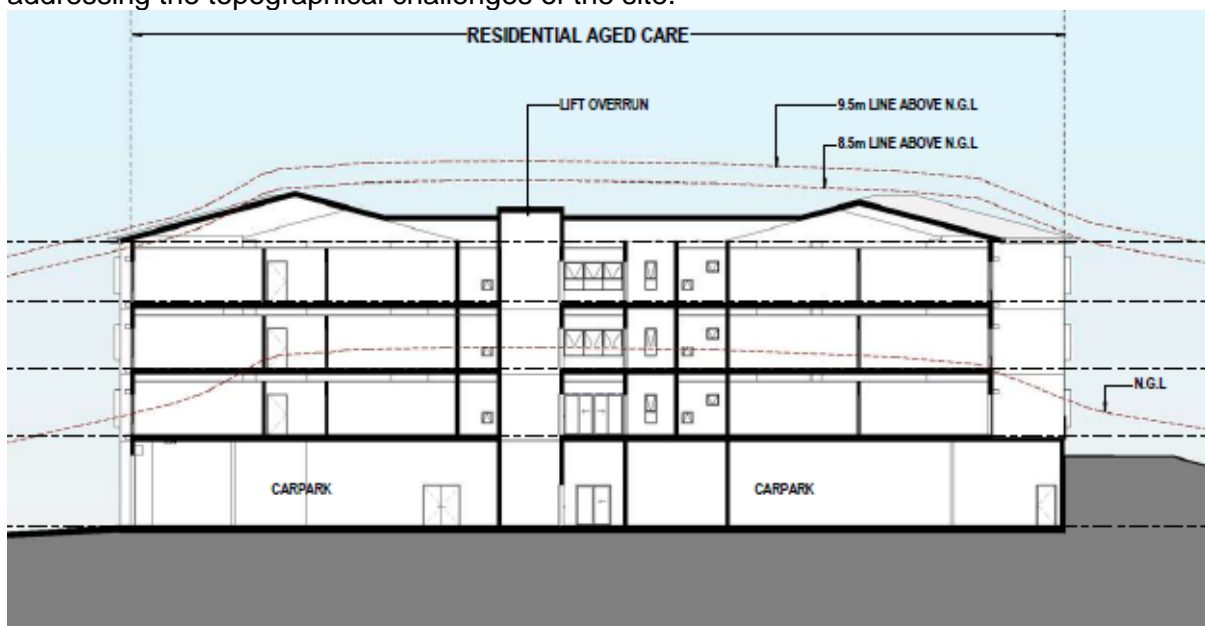


Figure Four: Section of western/rear half of building

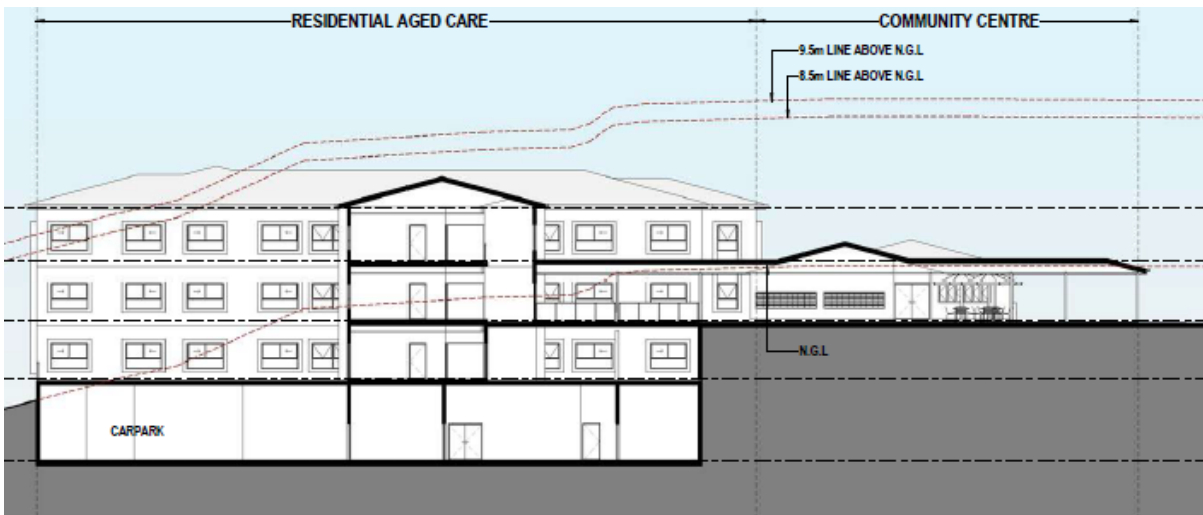


Figure Five: Section of northern half of building

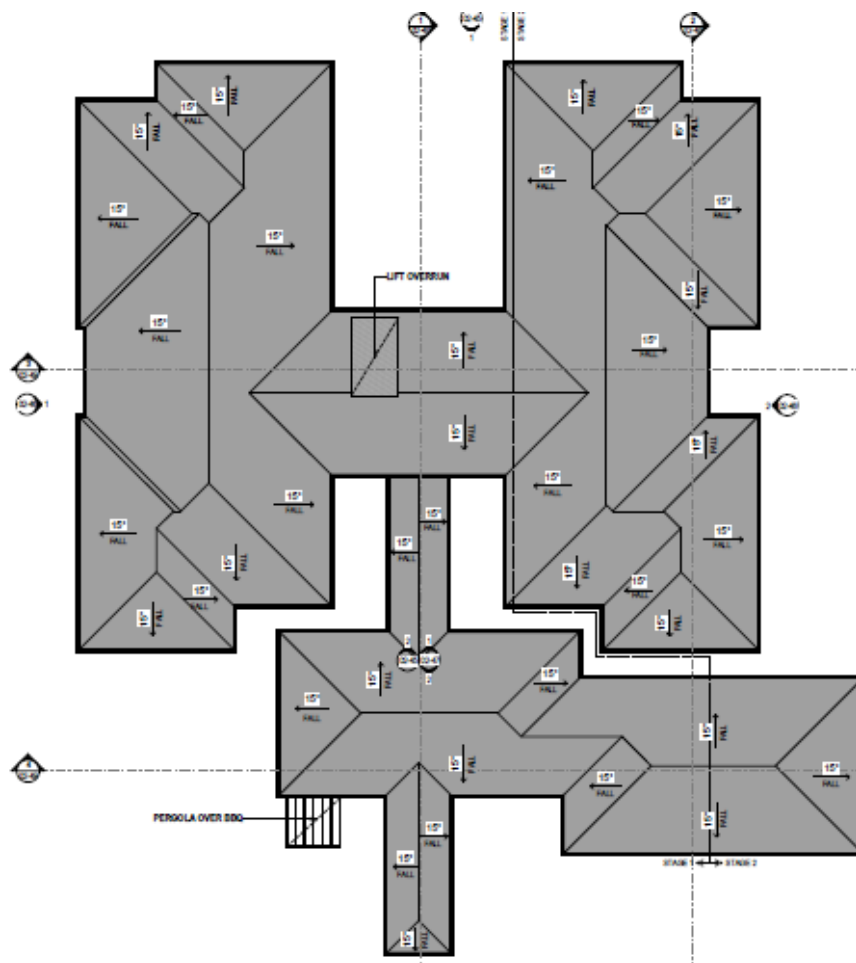


Figure Six: Roof Plan

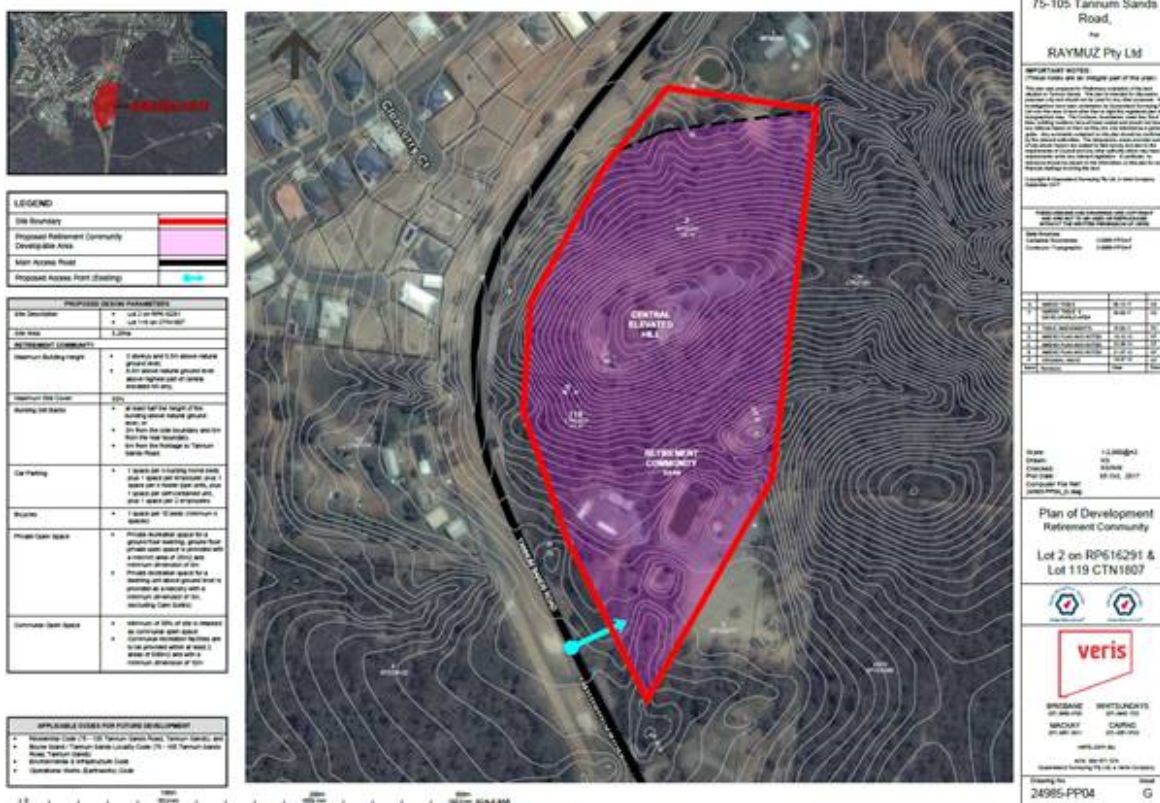
The Applicant submitted the current Change Application to Council on 26 November 2018, with the Applicant requesting to amend the Level of Assessment Table. By amending the Level of Assessment Table, any non-compliances would be considered as a performance solution in accordance with the relevant Specific Outcome, therefore not triggering an impact assessable consideration and being assessed within the department's delegations.

To date, Council has not received a lodgement of a Development Application for a Material Change of Use, Operational Works, Building or Plumbing Works.

**Current Approval:**

The Preliminary Approval s242 currently has an approved Plan of Development, Concept Plan, and variations to the Boyne Island/Tannum Sands Locality Code and Residential Code. As per Figures Seven and Eight, the Plan of Development and Concept Plan demonstrate the conceptual layout and design plans for the Aged Persons Accommodation (183 units) at the subject site. This involves:

- 103 x 2 and 3 bedroom retirement villas (Independent Living Units); and
- 80 x 1 bedroom aged care apartments (Retirement Aged Care).





**Proposed Changes to Current Approval:**

The Applicant seeks a request for a Minor Change to the Preliminary Approval s242 to amend the Level of Assessment Table so as to separate the assessment benchmarks from the category of assessment and include them within their own column.

Current Level of Assessment Table:

Use Class	Level of Assessment
Aged Persons Accommodation (Retirement Village)	Code Assessment where in accordance with the: <ul style="list-style-type: none"> <li>• Approved Plan of Development</li> <li>• Residential Code (75-105 Tannum Sands Road, Tannum Sands); and</li> <li>• Boyne Island / Tannum Sands Locality Code (75-105 Tannum Sands Road, Tannum Sands).</li> </ul>

Proposed Level of Assessment Table:

Use Class	Level of Assessment	Assessment Benchmarks for Assessable Development
Aged Persons Accommodation (Retirement Village).	Code Assessment	<ul style="list-style-type: none"> <li>• Residential Code (75-105 Tannum Sands Road, Tannum Sands); and</li> <li>• Boyne Island / Tannum Sands Locality Code (75-105 Tannum Sands Road, Tannum Sands).</li> </ul>

The change merely updates the Level of Assessment Table so as to separate the assessment benchmarks from the category of assessment and include them within their own separate column. This is consistent with the format of the current scheme and *Planning Act 2017*.

In the current Level of Assessment Table, including the assessment benchmarks as part of the level of assessment table results in an impact assessable application being required in the event that minor non-compliances with the Approved Plan of Development occur.

Any non-compliances can be considered as a performance solution in accordance with the relevant Specific Outcome. It is further noted, that the design provisions outlined on the Plan of Development are also noted within the applicable Residential Code (75-105 Tannum Sands Road, Tannum Sands) and Boyne Island / Tannum Sands Locality Code (75-105 Tannum Sands Road, Tannum Sands).

**Referral:**

The development application was properly referred to the IDAS referral agencies on 8 March 2011 which included the Department of Local Government and Planning and the Department of Transport and Main Roads as Concurrence Agencies.

The Department of Local Government and Planning responded on 18 October 2011 (Ref:F11/2924) with no requirements.

The Department of Transport and Main Roads responded on 12 March 2012 (Ref: TMR11-000129) with a number of requirements relating to upgrading access and lighting.

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

As the Development Application triggered Impact Assessment under the Planning Scheme, Public Notification was required, as per the Act. The Applicant advised that Public Notification requirements were undertaken between 21/10/2011 and 02/12/2011. Five Properly Made submission were received. The submitters raised concerns regarding access, built form and amenity which were appropriately dealt with through negotiations between the Applicant, DTMR and Council, and addressed through reasonable and relevant conditions.

### **Adopted Infrastructure Charges Notice:**

There is no Adopted Infrastructure Charge related to this Preliminary Approval. As part of any Decision Notice for the subsequent Material Change of Use Application, an Adopted Infrastructure Charges Notice will be issued in accordance with the Act.

### **Assessment against definition of a Minor Change:**

Assessment has been made against section 81 of the Act, inclusive of the definition of a Minor Change with the application considered to comply on the following grounds:

#### *The proposal would not result in substantially different development*

The proposed change will ensure that development does not result in the creation of a substantially different development, as defined in the Development Assessment Rules 2017, Schedule 1. The change merely updates the Level of Assessment Table so as to separate the assessment benchmarks from the category of assessment and include them within their own separate column.

The use remains in accordance with the 'Aged Persons Accommodation' as defined under the superseded Planning Scheme and the current definition for 'Retirement Facility' outlined in the Planning Scheme. In addition, the development remains over the same land parcels and the proposed changes do not affect the ability of the application to operate as intended.

The request for a Minor Change application does not result in a substantially different development.

#### *Does the proposal have the inclusion of prohibited development in the application?*

The Development Application 288/2011 and the request for Minor Change do not include any material or outcomes that would otherwise be considered as Prohibited Development.

#### *The proposal would not result in a referral to a referral agency, if there were no referral agencies for the development application*

As part of the original Development Application, the development triggered referral to Department of Transport and Main Roads as a Concurrence Agency, the Department of Environment Resource Management as a Concurrence Agency, and Department of Local Government and Planning as a Concurrence Agency. Given the change in referral process under the current Act, Council, as the Assessment Manager, must give notice to the referral agency and Applicant of the decision on the request for the extension to the Currency Period as per s87(5).

#### *The proposal would not result in a referral to extra referral agencies, other than to the Chief Executive*

The Minor Change would not result in any additional referrals to state referral agencies as per the Regulation.

#### *The proposal would not result in a Referral Agency which has to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the Referral*

Agency must have assessed the application against, or have had regard to, when the application was made

As per section 55 of the Act, the referral agency would not be prescribed as the Assessment Manager under s48(7) to assess the application beyond the trigger. Therefore, the referral agency has complied with s55 by providing assessment with regards to the application trigger only.

The proposal would result in a requirement to complete Public Notification if Public Notification was not required for the Development Application

The Minor Change would not be likely to cause a person to make a properly made submission objecting to the proposed change. It is considered that the proposed change will not substantially change or impact on the current approval.

The original Development Application was Impact Assessable and required Public Notification of a total of 30 business days which was completed on 5 December 2011. During Public Notification period, five (5) submissions were received against the development. The proposed change to the Boyne Island/Tannum Sands Locality Code Table of Assessment does not involve any significant changes relating to the overall development of the development. The changes allow the Applicant more flexibility to lodge a future code assessable material change of use application. Therefore, the Minor Change would not require Public Notification for the Development Application.

**Summary:**

This amendment updates the Preliminary Approval, Boyne Island/Tannum Sands Locality Code to be consistent with the new Planning Scheme, new Planning Act and set the framework for future development applications to be a Code Assessable Material Change of Use.

**Officer's Recommendation:**

The request for a Minor Change to Development Application 288/2011 for a Preliminary Approval s242 - Material Change of Use - Aged Persons Accommodation (Retirement Village - 183 units) situated at 75 & 105 Tannum Sands Road, Tannum Sands, be approved subject to amendment to conditions:

- 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
24985-PP04	G	Plan of Development Retirement Community	Veris Company	15/10/2017
SD-07	5	Site Precincts and Yield	Thomson Adsett	27/09/2017
<b>N/A</b>	<b>N/A</b>	<b>Amendments to the Planning Scheme – 75 &amp; 105 Tannum Sands Road (Boyne Island/Tannum Sands Locality Code and Residential Code)</b>	<b>PeakUrban</b>	<b>23/11/2018</b>

**And supporting documents**

Document Number	Revision	Description	Author	Date
N/A	N/A	Infrastructure Planning Water and Sewerage Assessment	Gladstone Regional Council	24/06/2011
301001-01407-00-EN-REP-001	0	Stormwater Management Plan	Worley Parsons	04/10/2011
		Response to Council Information Request	THG	05/10/2011
		Response to DIP information request Boyne Island / Tannum Sands Locality Code (75 - 105 Tannum Sands Road, Tannum Sands) Residential Code (75 - 105 Tannum Sands Road, Tannum Sands); Needs Assessment Statement	THG	27/09/2011
		Engineering services Report	Lambert & Rehbein	16/11/2010
		Traffic Impact Assessment	Lambert & Rehbein	5/5/2011
		Ecological Assessment Report	Orogen	November 2010
		Tannum Sands Community Profile & Facilities Assessment	THG	October 2010

2. Deleted.
3. Deleted.
4. Where development is not generally in accordance with the approved plans within Condition 1, the development will be subject to the level of assessment and relevant development requirements of the *Calliope Shire Planning Scheme 2007*.
5. Deleted.
6. Deleted.
7. Deleted.
8. Deleted.
9. Deleted.
10. Deleted.

**Concurrence Agency Conditions**

11. Deleted.
12. Deleted.

**Plans of Development**

13. Deleted.

14. Deleted.

### **Planning Scheme**

15. The first Development Application for a Development Permit for a Material Change of Use is to include a Site Specific Noise Management Plan which must be submitted to the Council for approval prior to any works commencing on site and complied with during any construction works. The plan must be prepared by a suitably qualified person and include confirmation of the level of community consultation that has, is and will be undertaken with adjoining land owners that are likely to be most affected by site works and the operation of plant/machinery.

16. In order to satisfy the requirements of the Queensland Government's State Planning Policy, the Applicant is to submit to Council for approval the following information with the application for a Development Permit for a Material Change of Use:

a) A Bushfire Management Plan in accordance with State Planning Policy and its Guidelines.

Obtain written permission (where relevant) from the owner of the adjoining land for the clearing of a firebreak to comply with the requirements of the State Planning Policy and its guide. The Applicant shall then prepare a plan and specification for such clearing for approval by Council and (where relevant) by the adjoining land owner. The Applicant shall then prepare the firebreak in accordance with the approved plans as stated above.

The plan must be prepared by a suitably qualified person. The Bushfire Management Plan is to be amended with each subsequent application for a Development Permit for Material Change of Use.

17. Deleted.

18. Deleted.

19. Deleted.

### **Earthworks**

20. As part of the first Development Application for a Development Permit for a Material Change of Use, the Applicant is to submit and obtain approval by Council for a preliminary finished surface plan showing existing contours (0.5m spacing) and preliminary finished surface contours (0.5m spacing) over the total site. The plan is to show building pad locations and the proposed location and height of retaining walls, preliminary road and driveway gradings, overland flow paths for stormwater drainage etc. The preliminary finished surface plan must extend sufficiently into the adjoining areas external to the development site to demonstrate that the proposed works are compatible with the surrounding areas and are in accordance with good engineering practice.

### **Transportation**

21. As part of the first Development Application for a Development Permit for a Material Change of Use, the Applicant is to submit and obtain approval by Council for a Traffic Impact Assessment (TIA) incorporating layouts and design parameters associated with the internal roads, driveways, pathways etc. which link back to the existing network. The Traffic Impact Assessment shall include, but not limited to, the following:



- a. Layouts and design parameters that clearly demonstrate that the proposed transportation infrastructure works will cater for the total transportation needs of the development, including pedestrian, bicycle, motor vehicle and public transport requirements, in accordance with Council's Engineering Standards current at the time of lodgement, the relevant Australian Standards and good engineering practice;
- b. A revised intersection layout plans for the intersections located within the subject site;
- c. Availability of adequate sight distances at all intersections within the proposed development site;
- d. Longitudinal section of internal roads;
- e. Vehicle turning movements and car parking requirements. All vehicle movement areas and car parking areas are to be designed, constructed, drained, linemarked and maintained in accordance with Council's Engineering Standards and AS2890 applicable at the time lodgement of the application

*Advisory Note: Council's current Engineering Standards and Standard Drawings are located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/Guidelines/Guidelines.htm>.*

22. Deleted

### **Water Infrastructure**

23. The Applicant is to submit and obtain approval by Council, a Water Supply Master Plan for the total development (internal reticulation) as part of the first Development Application for a Development Permit for a Material Change of Use. The plan is to be developed in conjunction with Council and is to incorporate appropriate pressure zoning and network analyses demonstrating compliance with Council's Engineering Standards applicable at the time of application lodgement. The water supply infrastructure implications associated with any staging of the development and the water supply strategy for areas within the development site that are above Council's current/planned reservoir service levels must be specifically addressed.

*Advisory Note: Council's current Engineering Standards and Standard Drawings are located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/Guidelines/Guidelines.htm>.*

24. The Applicant is to submit and obtain approval by Council, a Water Supply Plan for the external works required to service the development as part of a subsequent first Development Application for a Development Permit for a Material Change of Use. The plan is to be developed in conjunction with Council and is to incorporate appropriate pressure zoning and network analyses demonstrating compliance with Council's Engineering Standards applicable at the time of lodgement of the application. The plan must identify the external works needed to service the development at each stage of the development.

*Advisory Note: Council's current Engineering Standards and Standard Drawings are located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/Guidelines/Guidelines.htm>.*

### **Sewerage Infrastructure**

25. The Applicant is to submit and obtain approval by Council, a Sewerage Master Plan for the total development (internal reticulation) as part of the first Development Application for a Development Permit for a Material Change of Use. The Master Plan is to be developed in conjunction with Council and is to demonstrate compliance with Council's Engineering Standards applicable at the time of lodgement of the application. The infrastructure implications associated with any staging of the development must be specifically addressed.

*Advisory Note: Council's current Engineering Standards and Standard Drawings are located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/Guidelines/Guidelines.htm>.*

25. The Applicant is to submit and obtain approval by Council, a Sewerage Master Plan for the external works required to service the development as part of the first Development Application for a Development Permit for a Material Change of Use. The Master Plan is to be developed in conjunction with Council's Engineering Standards applicable at the time of lodgement of the application. The plan must identify the external works needed to service the development at each stage of the development.

*Advisory Note: Council's current Engineering Standards and Standard Drawings are located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/Guidelines/Guidelines.htm>.*

### **Stormwater Management**

26. The Applicant is to submit and obtain approval by Council, a Site Based Stormwater Master Plan for of the total development as part of first Development Application for a Development Permit for a Material Change of Use and in accordance with Council's Engineering Standards applicable at the time of lodgement of the application. The plan must address both quantity and quality aspects of stormwater management, be in accordance with the latest revision of Queensland Urban Drainage Manual, the State Planning Policy, and be certified by a RPEQ experienced in this type of work.

*Advisory Note: Council's current Engineering Standards and Standard Drawings are located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/Guidelines/Guidelines.htm>.*

27. Deleted.

28. Deleted.

### **Erosion and Sediment Control**

29. Deleted.

30. Deleted.

31. Deleted.

32. Deleted.

### **Landscaping**

33. The Applicant is to submit and obtain approval by Council, a Master Plan for landscaping works over the total development as part of the first Development Application for a Development Permit for a Material Change of Use. The plan is to include the following:
- a. Design for any communal landscaped areas and rehabilitation areas;
  - b. Landscaping to soften visual impact of development;
  - c. Landscaping near electricity supply lines. These need to be identified on the plan;
  - d. Any amenity or privacy planting;
  - e. Any planting to the proposed driveways;
  - f. Any entry statements and embellishments, including blocked walls, paved roads, plantings and areas around 'detention basins';
  - g. Linkages to pathway systems; and

- h. Any proposed signage, including indicative locations and styles of interpretive and directional signage.

**Open Space**

- 34. The Applicant is to submit and obtain approval by Council, a Master Plan for open space and conservation over the total development as part of a subsequent Material Change of Use Development Application.
- 35. The Applicant is to submit and obtain approval by Council, a Site Specific Open Space and Conservation Plan as part of the first Development Application for a Development Permit for a Material Change of Use. The plan must be prepared by a suitably qualified person and be in respect of communal open space areas and any other open space areas. The plan must include the following:
  - a. Planning and management strategies;
  - b. Ongoing management and maintenance regimes including generalised details of any proposed arrangements by the Principal Body corporate;
  - c. Proposed signage, including indicative locations and styles of interpretive and directional signage; and
  - d. Proposed irrigations systems.

36. Deleted.

**Operational Works**

37. Deleted.

38. Deleted.

39. Deleted.

40. Deleted.

41. Deleted.

**Miscellaneous**

42. Deleted

43. Deleted

**Amendments to the proposed Plan of Development and Codes overriding the Planning Scheme**

44. Deleted.

45. Deleted.

46. Deleted.

***END OF CONDITIONS***

**Attachments:**

Nil

**Tabled Items:**

Nil

**Report Prepared by:** Planning Officer

**G/4.7. PEOPLE CULTURE AND SAFETY**

Nil

**G/4.8. FINANCE GOVERNANCE AND RISK**

Nil

**G/4.8.1. BUSINESS IMPROVEMENT COMMITTEE - REPORT TO COUNCIL ON MEETING HELD 12 DECEMBER 2018**

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

**Council Meeting Date: 22 January 2019**

**File Ref: CM26.2**

**Purpose:**

Pursuant to section 211 of the Queensland *Local Government Regulation 2012* presentation of a written report about the matters reviewed at the Business Improvement Committee Meeting held on 12 December 2018.

**Officer's Recommendation:**

That:

1. That the minutes of the Business Improvement Committee Meeting held on 12 December 2018, be received and accepted
2. Business Improvement Committee meetings:
  - a. Be Scheduled for the following dates and times in 2019:
    - Wednesday 20 March 2019 from 9am to 1pm;
    - Wednesday 26 June 2019 from 9am to 1pm;
    - Wednesday 25 September 2019 from 9am to 1pm (subject to BIC member confirmation)
    - Monday 9 December 2019 from 9am to 1pm (subject to BIC member confirmation).
  - b. include informal meetings with Council on the following dates:
    - A date to be determined by Council in April 2019;
    - Monday 8 October 2019 (subject to Council approval).
3. Council
  - a. Urgently commit all necessary resources to complete the data integrity component of Council infrastructure asset registers;
  - b. As a priority consider appointing a project manager or contracting on a short-term arrangement to direct the improvements needed; and
  - c. Consider a 'pay for outcome' component of the project management contract to ensure the key elements are achieved

**Background:**

Pursuant to section 211 of the *Local Government Regulation 2012* an Audit Committee (our Business Improvement Committee) must as soon as practicable after a meeting of the committee, give the local government a written report about the matters reviewed at the meeting and the committee's recommendations about the matters.

## **Consideration:**

The Business Improvement Committee met on 12 December 2018. The minutes of this meeting are attached for Councillor consideration of recommendations.

Following the Business Improvement Committee meeting, the Executive team considered the recommendation emanating from Item 7.1, Single Source of Truth for asset data and have endorsed the Strategic Asset Performance team to hire external resources to deliver financial asset data outcomes by May 2019 at an estimated cost of \$400,000 with the additional funding for the Asset Management Implementation Project to be further considered as par to the 6 monthly budget review process. This action aligns with the recommendation of the Business Improvement Committee and will facilitate focused and concentrated resources to provide some assurance of the accuracy and legitimacy of our asset data.

Additionally, as a result of the recommendation from the Business Improvement Committee an application has been submitted to the Minister for Local Government, Racing and Multicultural affairs, for an extension of time for the adoption of the 2017/2018 annual report to 19 February 2019. Council has yet to receive a response to the request.

## **Recommendations from the Business Improvement Committee for consideration by Council**

### **Item 5.1: Business Improvement Committee Meeting Dates for 2019**

That the Business Improvement Committee meetings:

1. Be Scheduled for the following dates and times in 2019:

- Wednesday 20 March 2019 from 9am to 1pm;
- Wednesday 26 June 2019 from 9am to 1pm;
- Wednesday 25 September 2019 from 9am to 1pm (subject to BIC member confirmation)
- Monday 9 December 2019 from 9am to 1pm (subject to BIC member confirmation).

2. include informal meetings with Council on the following dates:

- A date to be determined by Council in April 2019;
- Monday 8 October 2019 (subject to Council approval).

### **Item 7.1: Single Source of Truth for Asset Data**

The Committee considered a report presenting a consultant's report and a project timeframe for achieving a consolidated and validated source of asset data. The Committee discussed the proposed process for establishing the governance framework and the ongoing maintenance of asset data, the gap in the migration of some 30,000 data records which were not migrated from the old asset management system to the new asset management system and the proposed timeframe for achieving a single source of truth.

The Committee agreed that the proposed timeframe for achieving a single source of asset data was too long at 18 months and suggested that Council should attempt to avoid placing itself in its current position again, with delays in completing its financial statements as a direct result of poor asset information. It was suggested that Council may wish to consider allocating additional asset management resources to fast track the timeline for achieving single source of truth for asset data.

That Council:



1. Urgently commit all necessary resources to complete the data integrity component of Council infrastructure asset registers;
2. As a priority consider appointing a project manager or contracting on a short-term arrangement to direct the improvements needed; and
3. Consider a 'pay for outcome' component of the project management contract to ensure the key elements are achieved.

### **Issues of significance for information**

#### **Item 4: Business Arising from Minutes – Financial Statements 2017/2018**

The Committee noted a report item that was circulated to the Business Improvement Committee via email on the 11 December 2018 at 5.00pm providing the Committee with an update on progress with the 2017/18 Financial Statements. Members noted that the delay in finalising the financial statements is primarily as a result of amendments to asset valuation data.

The Committee noted that in relation to finalising the financial statements, a decision was made by Management to delay submission of the statements to allow time to correct the asset valuation data, in full knowledge that this will incur a red light from the Queensland Audit Office for timing. The risk to Council in this decision is that Council will be identified by the Queensland Audit Office in its report to Parliament on the Local Government Entities Results of Financial Audits, as not having financials completed on time. Management considered this to be the better option than risking a qualification on the organisation's financial statements which has far greater financial and reputational risks.

Council is required to adopt its Annual Report, including the certified financial statements, prior to 30 November 2018.

That the Business Improvement Committee recommend that Council consider applying for an extension of time for the submission of its 2017/18 Annual Report.

#### **Item 5.3: Contracts and Procurement Offices Report**

The Committee reviewed the officer's report on contracts and procurement and commended the strategic approach being taken to the contract and procurement report and the metrics that Council proposes to track. The Committee endorsed the officer's recommendation that the action plan and Key Performance Indicators, proposed in the officer's report to the Business Improvement Committee, for measuring the improvement of contract and procurement performance across Council in accordance with the 2018/19 Operational Plan and for the control of risks associated with contracting and procurement activities. The KPIs include compliance, process cycle time, cost effectiveness, quality/complaints and spend under management. The action plan includes the following with a planned completion date of 30 April 2019:

- Risk assessment on contracting and procurement process
- Contracts and procurement procedures (quoting, sole sourcing, vendor engagement, approvals, probity, tendering timeline calculator)
- Training for contracts and procurement team
- Training for other council officers
- Communication session for vendors
- Implementation of contracts register and contract management processes
- Evaluate and prepare revisions of corporate standard and procedures.

#### **Item 9.2: Ethics Integrity and Audit Progress Update**

The Committee considered a request to amend the 2018/2019 audit plan and agreed to the officer's recommendations that:

- a. Cybersecurity Governance Risk, Benaraby Landfill External Compliance Assessment, Delegation processes, Payroll and Payment Card Industry Security Standard Assessment projects be added to the audit plan.
- b. the Complaints Management Process audit be deferred until 2019/2020 as a new process, policy and corporate standard was recently agreed.
- c. the internal audit project for procurement be deferred from the 2018/2019 audit plan to allow the improvement program to be implemented fully prior to audit.

#### **Item 14: Closed Session – Audit Representatives**

During the closed session, the Chair reported that Members had a discussion on the financial statements for period ending 31 October 2018 as presented in the agenda and raised concerns that the Capital Works Program may not be completed prior to the end of the financial year. This may present potential reputational and financial risks for Council as Council has levied rates on the basis of delivering that program and therefore it could be perceived by the community that Council has unnecessarily rated residents based on a program it may be unable to deliver.

The committee recommended to management that the Committee be provided with a report on the delivery of Council's Capital Works Program showing project status against the project budgets for the next Committee Meeting.

#### **Communication and Consultation (Internal/External):**

Business Improvement Committee  
External Audit  
Queensland Audit Office  
Manager Governance  
Governance Advisor

#### **Legal Environmental and Policy Implications:**

It is a legislative requirement that Council's Business Improvement Committee (acting in its capacity as an 'Audit Committee') oversee audit, annual financial reporting and other relevant governance functions to provide Council with an additional level of assurance that systems and controls are in place to assist Council in minimising its risk exposures.

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

Business Improvement Committee External Member fees are included within the annual operational budget each year.

#### **Commentary:**

Nil.

#### **Summary:**

Nil

**Anticipated Resolution Completion Date:**

22 January 2019

**Attachments:**

1. Business Improvement Committee Meeting Minutes 12 December 2018

**Tabled Items:**

Nil.

**Report Prepared by:** Ethics Integrity and Audit Specialist

## G/4.8.2. NAMING OF INFRASTRUCTURE ASSETS POLICY

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

**Council Meeting Date: 22 January 2019**

**File Ref: CM28.2**

### **Purpose:**

To present a revised Naming of Infrastructure Assets Policy for Council's consideration.

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

That Council:

1. Repeal P-2015-13 – Naming of Infrastructure Assets Policy;
2. Adopt P-2018-09 – Naming of Infrastructure Assets Policy.

### **Background:**

The Naming of Infrastructure Assets Policy was due for review in May 2018. A review has occurred with changes proposed to the existing policy to ensure it maintains the strategic intent and guiding principles with the administration proposed to be captured in an operational Corporate Standard.

Attachment 1 provides a copy of the proposed revised policy. Changes to the current policy are highlighted via track changes in the marked-up version as Attachment 2. The existing policy in its current format is provided in Attachment 3 for reference.

### **Consideration:**

The current policy has been redrafted into a policy and corporate standard as the current policy provides both Council's strategic position and governing principles as well as the administrative application of the policy.

The most noteworthy change from the current policy position to the proposed draft is that under the current policy, all naming requests are considered and resolved by Council.

Under the draft policy as tabled, it is proposed that the Council retain the power to make decisions regarding all major infrastructure asset naming, with decisions on minor asset naming to be delegated for administrative consideration.

Under this proposal the following major asset naming decisions would be resolved by Council:

- Applications to utilise a name from the Approved Place Names Register for the naming of *major* infrastructure assets;
- Naming of *new major* infrastructure assets as part of developments;
- Applications to *rename* a *major* infrastructure asset; and
- Applications to *remove* a name from the Approved Place Names Register.

For clarity, a **major** infrastructure asset is an arterial or distributor road (under Council's Road Hierarchy Policy), regional or district park (under Council's adopted Parks Hierarchy), bridge, sports facility, building, reservoir, water or wastewater treatment plant, or lookout.

It should be noted that it is proposed that only applications that comply with the policy will be progressed to Council for resolution.

At the General Council Meeting on the 4 December where the Policy was previously presented, Council requested that a review of the delegation relating to minor infrastructure naming be re-considered. The resolution is provided below:

GLADSTONE REGIONAL COUNCIL - GENERAL MEETING MINUTES 4 DECEMBER 2018

### **G/3.8.3. NAMING OF INFRASTRUCTURE ASSETS POLICY**

**File Ref:** CM28.2

---

#### **Purpose:**

To present a revised Naming of Infrastructure Assets Policy for Council's consideration.

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

That Council:

1. Repeal P-2015-13 – Naming of Infrastructure Assets Policy, and
2. Adopt P-2018-09 – Naming of Infrastructure Assets Policy.

#### **G/18 /3594 Council Resolution:**

Moved Mayor Burnett  
Seconded Cr O'Grady

That Council hold over the adoption of the Naming of Infrastructure Assets Policy to a future Council meeting to allow for a revision of delegated positions for the naming of minor infrastructure assets.

#### **CARRIED**

There was some discussion at the meeting that rather than the delegation relating to the naming of minor infrastructure assets being delegated to the Chief Executive Officer for administrative decision-making, that it may be more appropriate for the Mayor to decide these matters.

Having considered the suggestion Officers have some concerns that delegating to the Mayor may raise potential conflict of interest considerations which would then require referral back to Council for decision. It is suggested that for the purposes of process efficiency that Council either:

1. Consider retaining all powers (including those relating to minor infrastructure assets) in accordance with its previous policy position - this would involve amending the tabled draft Policy to remove the proposed delegations of power; or alternatively,
2. Again consider delegating the naming of minor infrastructure assets to the Chief Executive Officer.  
If a delegation was provided to the Chief Executive Officer, Council may wish to make the delegation subject to the CEO providing periodic reports to Council (quarterly, six-monthly or annual information report) on when the delegated authority has been exercised and the associated details.

The proposed minor infrastructure assets delegation includes power to decide:

- Applications to add a name to the Approved Place Names Register;
- Applications to utilise a name from the Approved Place Names Register for the naming of *minor* infrastructure assets;
- Naming of *new minor* infrastructure assets as part of developments (i.e. as part of the Operational Works application); and
- Applications to *rename* a *minor* infrastructure asset.

A **minor** infrastructure asset is a collector street/road or local street/road (under Council's Road Hierarchy Policy), or a local or reserve park (under Council's adopted Park Hierarchy).

Attachment 4 provides full definitions of roads and parks under the hierarchy documents.

The policy also addresses an action required under the Reconciliation Action Plan (May 2018 - May 2019) in relation to "7. Raise internal understanding of Aboriginal and Torres Strait Islander cultural protocols."; specifically, "develop a policy to name identified public places using traditional names of PCCC peoples".

Under the draft policy where the source of the proposed name is indigenous, it is proposed that consultation with and written permission must be obtained from the Port Curtis Coral Coast Trust Limited (PCCC) or prescribed entity.

In summary, the Options that Council may wish to consider in relation to this policy are:

**Option 1:**

Adopt the Officer Recommendation which repeals the existing policy and adopts the new draft Policy which provides for Council to decide matters relating to major infrastructure asset naming and delegating to the Chief Executive Officer the power to decide minor infrastructure asset naming.

**Option 2:**

1. Repeal the existing Policy P-2015-13 Naming of Infrastructure Assets Policy; and
2. Adopt P-2018-09 Naming of Infrastructure Assets Policy as tabled, subject to any conditions that Council may wish to apply (ie – subject to a periodic report being provided to Council).

**Options 3:**

1. Repeal the existing Policy P-2015-13 Naming of Infrastructure Assets Policy; and
2. Adopt an amended P-2018-09 Naming of Infrastructure Assets Policy which removes all delegations of power resulting in Council retaining all powers under the policy to name all infrastructure assets.

**Option 4:**

1. Repeal the existing Policy P-2015-13 Naming of Infrastructure Assets Policy; and
2. Adopt P-2018-09 Naming of Infrastructure Assets Policy as tabled, subject to the proposed delegated authorities to the Chief Executive Officer being amended to .....

**Communication and Consultation (Internal/External):**

- Executive Team;
- Manager Asset Governance;
- Reconciliation Action Plan Officer;
- Manager Parks Program Delivery.

**Legal Environmental and Policy Implications:**

The following legislation is related to this policy and corporate standard:

- *Local Government Act 2009;*
- *Local Government Regulation 2012;*
- *Place Names Act 1994;*
- *Gladstone Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;*

- *Gladstone Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.*

Under section 60 of the *Local Government Act 2009*, Council has control of all roads in its local government area, except for State-controlled roads and public thoroughfare easements. This control includes being able to approve the naming and numbering of private roads, and name and number of other roads.

**Financial and Resource Implications:**

It is expected that little to no resource or financial implications will be incurred by Council under the draft policy as applications regarding the naming of infrastructure assets are currently received and assessed by Council.

**Commentary:**

Nil.

**Summary:**

Nil.

**Anticipated Completion Date:**

Within one month of Council resolution.

**Attachments:**

1. Draft P-2018-09 Naming of Infrastructure Assets Policy;
2. Draft P-2018-09 Naming of Infrastructure Assets Policy (Tracked Changes version);
3. Current P-2015-13 – Naming of Infrastructure Assets Policy;
4. Definitions of roads and parks under adopted hierarchy documents.

**Tabled Items:**

Nil.

**Report Prepared by:** Manager Governance

### **G/4.8.3. AMENDMENT OF DELEGATIONS FROM COUNCIL TO CHIEF EXECUTIVE OFFICER - PLANNING ACT 2016 AND LAND ACT 1994**

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

**Council Meeting Date: 22 January 2019**

**File Ref: CM9.2**

#### **Purpose:**

This report presents proposed minor amendments to legislative delegations from Council to the Chief Executive Officer under the *Planning Act 2016* and the *Land Act 1994*.

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

That in accordance with Section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer, the exercise of powers contained in Attachment 1 to this report.

#### **Background:**

##### Planning Act 2016

Council's Manager Development Services has recently reviewed the delegations under the *Planning Act 2016* and identified the following issues with the recent transition of delegations under our new organisational structure:

*"The current delegations as amended for the Planning Act 2016 have incorrectly picked up extensions to currency periods and 'minor change' applications requiring them to be referred back to Council. This is not achievable with the timeframe requirements set by the Act for these decisions to be made and these matters have not been required to be decided at a Council meeting prior to the organisation redesign. Specifically, within the Delegation Authority document, the following areas require amendment:*

*PA17 – Planning Act 2016 – Sections 48, 51, 53 – Power to act as the Assessment Manager – Conditions to which the delegation is subject is incorrect - (s86 & s87) this requires Planning to send Extension Applications back to Council for decision if they were Impact Assessable with properly made submissions.*

*PA21 – Planning Act 2016 – Sections 46, 54, 55 – Power to act as a Referral Agency – Conditions to which the delegation is subject is incorrect. When assessing an application as a Referral Agency, we do not prescribe the level of assessment nor receive the submissions.*

*PA23 - Planning Act 2016 – Sections 79, 80, 81 – Responsibility to act as a responsible entity – Conditions to which the delegation is subject is incorrect - this requires Planning to send Change Applications (Minor) back to Council for decision if they were Impact Assessable with properly made submissions.*

*Identification of this issue impacts on a number of applications currently under assessment and preliminary discussions for change applications coming in the near future."*

Accordingly, changes as set out in Attachment 1 are recommended in relation to the existing delegations from Council to the Chief Executive Officer under the *Planning Act 2016*.



## Land Act 1994

Council's Property Acquisition and Disposal Specialist has been working through a number of land related matters and has identified some minor amendments to delegations under the *Land Act 1994* which will assist officers in attending to matters involving trust land in a more timely manner if the powers are available administratively.

### Land Act 1994 – Section 179

The existing delegation in relation to Section 179 of the Land Act 1994, delegates to the CEO the "Power, as an applicant for a permit, to enter an agreement with an adjoining owner about the maintenance of a fence."

Section 179 of the Act provides as follows:

#### **Fencing**

**179.(1)** If an existing fence of a property not owned by an applicant for a permit is to be used as a boundary fence for the permit, a written agreement on conditions about the maintenance of the fence must be given to the chief executive before the permit is issued.

**(2)** The agreement must be signed by the owner of the fence and the applicant for the permit.

It appears that in wording this particular delegation, King and Company may have overlooked making provision for the circumstance where Council may be the owner of the fence. It is suggested that the delegation be re-worded as follows:

"Power, as an applicant for a permit *and/or owner of the fence*, to enter an agreement with an adjoining owner about the maintenance of the fence."

### Land Act 1994 – Section 52(5)

Currently Council does not have a delegation under Section 52(5) of the Act which allows Council to apply to the Minister for an "inconsistent action" in relation to the use of trust land. Officers are seeking a delegation to the CEO in relation to this Section as it will allow Officers to administratively process any requests to the Minister for the use of trust land for other purposes if required. For example, should Council need to install drainage infrastructure in part of reserve for parks and recreation.

## Division 6 Powers of trustee

### 52 General powers of trustee

- (1) The trustee of trust land may take all action necessary for the maintenance and management of the land.
- (2) However, the action must be consistent with—
  - (a) the purpose for which the reserve was dedicated or the land was granted in trust; and
  - (b) this Act; and
  - (c) any conditions of appointment of the trustee.
- (3) Despite subsection (2)(a), the Minister may approve action that is inconsistent (*inconsistent action*) with the purpose for which the reserve was dedicated or the land was granted in trust if the Minister is reasonably satisfied the inconsistent action will not—
  - (a) diminish the purpose for which the reserve was dedicated or the land was granted in trust; or
  - (b) adversely affect any business in the area surrounding the reserve or land granted in trust.
- (4) The Minister’s approval under subsection (3) may be subject to conditions.
- (5) A trustee of trust land may apply for the approval of an inconsistent action under subsection (3).

The changes to proposed to existing delegations are shown in red in Attachment 1 to this report.

#### Consideration:

Should Council resolve to retain any of the powers proposed to be delegated to the Chief Executive Officer, an alternative resolution could be framed along the following lines:

“That in accordance with Section 257 of the *Local Government Act 2009*, Council delegate to the Chief Executive Officer the exercise of powers contained in Attachment 1 to this report, excluding .....(*insert exclusions*).”

#### Communication and Consultation (Internal/External):

Executive Team  
Manager Governance  
Manager Development Services  
Property Acquisition and Disposal Specialist

**Legal Environmental and Policy Implications:**

Delegable powers ensure that appropriate decision-making powers are provided to the Chief Executive Officer and that these powers can be sub-delegated where appropriate.

It is important to note that Council as an elected body is not 'giving away' powers by delegating them. It can still exercise any or all of the power it has delegated in its own right. The process of Council sharing its legislative powers through delegation and the CEO through sub-delegation, allows staff to administer Council's legislative responsibilities and make decisions efficiently without the need for a formal Council resolution for every decision / action taken under State and Local Government legislation. Delegation allows Councillors to concentrate on strategic issues. It allows the CEO to concentrate on 'big picture' administration and ensures Officers exercising powers on behalf of Council are exercising those powers lawfully and within any limitations that Council or the CEO may wish to impose.

**Financial and Resource Implications:**

Nil

**Commentary:**

Nil

**Summary:**

Not applicable.

**Anticipated Resolution Completion Date:**

Within one month of resolution

**Attachments:**

1. Proposed amended delegations from Council to the Chief Executive Officer – *Planning Act 2016* and *Land Act 1994*.

**Tabled Items:**

Nil.

**Report Prepared by:** Governance Advisor

#### **G/4.8.4. FEDERAL ASSISTANCE GRANT**

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

**Council Meeting Date: 22 January 2019**

**File Ref: GS5.3**

#### **Purpose:**

To consider support of the LGAQ campaign to increase the level of Federal Assistance Grants provided to Council's annually.

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

That Council supports the Local Government Association of Queensland in its campaign to reinstate the level of untied financial assistance grants distributed to local communities to at least one (1) percent of Commonwealth Taxation Revenue and endorses correspondence from the Mayor to all federal election candidates for the seat of Flynn seeking their commitment to this objective.

#### **Background:**

At the LGAQ State Conference in October 2018, Queensland councils unanimously resolved to lobby the Federal Government to restore untied grants funding to the equivalent of at least 1 percent of total Commonwealth taxation revenue.

The Financial Assistance Grant is provided for in the Commonwealth Budget annually and provides funding for the support of an average level of service to all local authorities across Australia, ensuring vital facilities and assets such as roads, parks and libraries are provided to all communities.

The Financial Assistance Grant is a cornerstone of the Federal Government's horizontal fiscal equalisation policy, that is, the regular process of transferring funding between different levels of government to offset differences in capacity to raise revenue. Local government raises only 3% of public sector revenue, while at the same time having responsibility for managing an estimated 33% of public sector assets. Federal funding through Financial Assistance Grants is a cornerstone of fiscal equalisation, providing a critical revenue source for councils, particularly rural and remote councils that have a large infrastructure base (such as roads) and a small rate base.

Analysis by ALGA shows that Financial Assistance Grants were equal to around 1% of Commonwealth taxation revenue in 1996. However, despite an annual growth rate in Australia's Gross Domestic Product of an average 3.47% from 1960 until 2017, the Financial Assistance Grant has declined in relative terms by around 43 percent over the past 20 years and now amounts to only 0.55% (2018) of Commonwealth taxation revenue, the relative decline in core federal funding to local government has reduced the capacity of councils to develop and maintain services and infrastructure in their respective communities, which fuels the risk of reducing standards of living in those communities.

In Queensland, analysis by the LGAQ of per resident distributions of FAGs shows that, if FAGs were increased to 1 per cent of federal taxation revenue, this would lead to an average per Queensland resident increase in funding of \$57, and for Gladstone Region residents an increase of \$98.

#### **Consideration:**

Nil

**Communication and Consultation (Internal/External):**

Local Government Association Queensland, Australian Local Government Association

**Legal Environmental and Policy Implications:**

Nil

**Financial and Resource Implications:**

The Financial Assistance Grant is a tool to ensure that an average level of service is maintained across local governments throughout Australia, however it has not kept pace with the cost of the provision of these services.

The Financial Assistance Grant is distributed by the Federal Government to each State and Territory, who in turn, distribute the grant to local authorities, in Queensland this is distributed by the Queensland Local Government Grants Commission to the 77 local governments.

Over the past five (5) years Council has managed its cost base and despite infrastructure pressures has maintained operational expenditure growth to under CPI - at an average growth rate of 1.88%.

Unfortunately, the Financial Assistance Grant has grown at an average of only 0.17%, over the same period.

	\$'000					
	2013 /2014	2014 /2015	2015 /2016	2016 /2017	2017 /2018	2018 /2019
General Rate Revenue	66,109	71,230	75,419	75,799	77,921	79,711
Utility Rates & Charges	65,034	66,739	70,844	69,556	65,694	67,075
Total Rates & Charges	131,143	137,969	146,262	145,355	143,615	146,786
Financial Assistance Grant	7,524	7,690	7,533	7,382	7,420	7,583
Total Operating Revenue	170,494	174,554	178,206	186,230	183,726	186,056
Total Operating Expenses	169,101	174,083	176,099	174,984	177,841	185,511
Net Operating Position	1,393	471	2,107	11,246	5,885	545

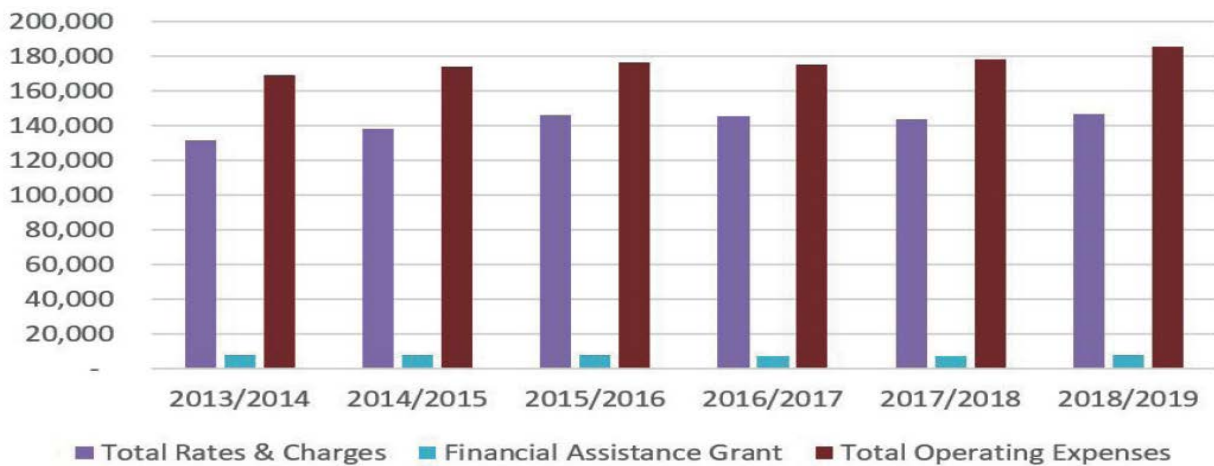
**Growth Rates**

	2013 /2014	2014 /2015	2015 /2016	2016 /2017	2017 /2018	2018 /2019	5 year average
Total Rates & Charges (\$)		5.21%	6.01%	-0.62%	-1.20%	2.21%	2.32%
Property Growth	4.39%	1.64%	0.63%	0.02%	0.15%		1.37%
Financial Assistance Grant		2.21%	-2.04%	-2.00%	0.52%	2.19%	0.17%
Total Operating Revenue		2.38%	2.09%	4.50%	-1.34%	1.27%	1.78%
Total Operating Expenditure		2.95%	1.16%	-0.63%	1.63%	4.31%	1.88%
CPI All Groups (Brisbane)		3.20%	1.50%	1.50%	1.80%	1.70%	1.94%

**Ratios**

	2013 /2014	2014 /2015	2015 /2016	2016 /2017	2017 /2018	2018 /2019	5 year average
% Federal Assistance Grants of Operating Revenue	4.41%	4.41%	4.23%	3.96%	4.04%	4.08%	4.19%
% of Own Source Revenue	76.92%	79.04%	82.07%	78.05%	78.17%	78.89%	78.86%
% Operating Surplus	0.82%	0.27%	1.20%	6.43%	3.31%	0.29%	2.05%

**Rates , Financial Assistance Grant v Opex**



Council has over the past five years seen a reduction in the Financial Assistance Grant both in nominal and real terms, and in order to keep pace with the cost of services there has therefore been an increase in Council’s own source revenue to maintain service levels and provide adequately for the replacement of our community assets.

An increase in the financial assistance grant to the equivalent of 1% of Commonwealth taxation revenue would equate to a \$6.2m increase in the grant to Council per annum, this is the equivalent of 7.8% of our general rate.

**Commentary:**

Nil

**Summary:**

Restoring the Federal Assistance Grant to 1% of Commonwealth Taxation Revenue will assist all local authorities with the funding of services to their communities and maintaining asset bases that equate to 33% of the nation’s public asset base.

Any increase in financial assistance grant would place downward pressure on Council’s own source revenue requirements and would benefit all residents and ratepayers of the region.

**Anticipated Resolution Completion Date:**

31 January 2019

**Attachments:**

Nil.

**Tabled Items:**

Nil.

**Report Prepared by:** General Manager Finance Governance and Risk

## **G/4.8.5. MONTHLY FINANCIAL REPORTS FOR PERIOD ENDING 31 DECEMBER 2018**

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

**Council Meeting Date: 22 January 2019**

**File Ref: FM15.1**

### **Purpose:**

This report seeks Council adoption of the Monthly Financial Statements for the 2018-19 year to date, for the period ended 31 December 2018, as required under Section 204 Local Government Regulation 2012.

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

That Council adopt the Monthly Financial Statements attached to this report for the 2018-19 year to date, for the period ended 31 December 2018 as required under Section 204 Local Government Regulation 2012.

### **Background:**

Nil.

### **Consideration:**

Since the adoption of the 2018-19 budget on 24 July 2018, a number of variations to budget have been processed in line with emergent needs. Revisions are visible through the Program Budgets and Aggregated Financial Statements with both Adopted and Revised Budget columns displayed.

Further variations to date for the reporting period ending 31 December were:

### **General Fund**

The general fund had an increase of \$0.3m in available funds. Notable variations include:

- \$0.74m in capital revenue and \$0.34m in capital expenditure due to the success of a submission for Cycle Network Local Government Grants Program funding.
- \$0.09m in unspent funds from previous years allocated to capital expenditure in 18-19

### **Water Fund**

The water fund had a decrease of \$0.06m in available funds due to unspent funds from previous years allocated to capital expenditure in 18-19.

Variations for the 2018-19 year to date are summarized by fund below:



FUND/RESERVE	YTD BALANCE MOVEMENT (\$,M)
General Fund	▼ (0.23)
Sewerage Fund	-
Water Fund	▼ (0.06)
Regional Waste Management Reserve	▼ (0.10)
Future Capital Works Reserve	▲ 0.10
Roads Constrained Works Reserve	-
Plant Asset Replacement Reserve	▼ (0.02)
<b>TOTAL</b>	<b>▼ (0.31)</b>

### Statement of Income and Expenditure

The pro-rata rate as at 31 December 2018 is 50.68%

#### Income

Recurrent revenue is reporting within expectations at \$129.1m or 69% of the revised budget of \$186.1m. Notable variations from expectations include:

Net rates and utility revenue	Percentage of Revised Budget
	79%

Currently sitting at \$116m of the revised budget of \$146.8m. This is in line with the year to date percentage for this time last year of 77%.

The balance in rating revenue not yet levied for this year, is largely associated with the Water Consumption levy for the second half of the financial year, which will be accrued against 2018/2019 revenue after the meter reading cycle in January 2019.

Sales – Contract and Recoverable Works	Percentage of Revised Budget
	29%

Currently at \$1.5m of the revised budget of \$5.3m, work is still proceeding albeit at a slower rate than originally anticipated. No revisions have been requested that would indicate a reduction in the work to be completed.

Contributions	Percentage of Revised Budget
	21%

Currently at \$0.4m of the revised budget of \$2.1m. Contributions are received quarterly, with the next payment to be received in January.

Capital revenue is reporting at 6% of the revised budget, totaling \$1.3m of an expected \$20.1m for the year. Included in this category are:

	Percentage of Revised Budget

Grants, Subsidies, Contributions and Donations	6%
--	----

Currently at \$1.2m of the revised budget of \$18.8m, the variance is attributable to Federal Grant monies for disaster events expected to be received later in the year.

Developer Contributions	Percentage of Revised Budget
	8%

Currently at \$0.2m of the revised budget of \$2.0m. This is in line with the year to date percentage for this time last year of 10%.

### Expenditure

Year to date expenditure is tracking in line with expectations, currently sitting at 47% of the revised budget of \$185.7m.

Employee benefits are in line with pro-rata.

Materials and Services	Percentage of Revised Budget
	41%

Currently sitting at \$27.6m of a revised budget of \$67m. Materials and services expenditure was at 45% of the revised budget for the same period last year.

The net operating result for the year to date is \$41.1m compared to \$44.4m for the same period last year.

### Statement of Financial Position

Year to Date Assets	Current Value	Revised Budget	Percentage of Revised Budget
	\$2.58b	\$2.59b	99%

As capital works progress throughout the year, Councils work in progress will increase and align total assets closer to budgeted expectations.

Year to Date Liabilities	Current Value	Revised Budget	Percentage of Revised Budget
	\$157.07m	\$148.49m	106%

As Councils borrowing repayments are made throughout the year, liabilities will begin to trend closer to the budget.

### Outstanding Rates

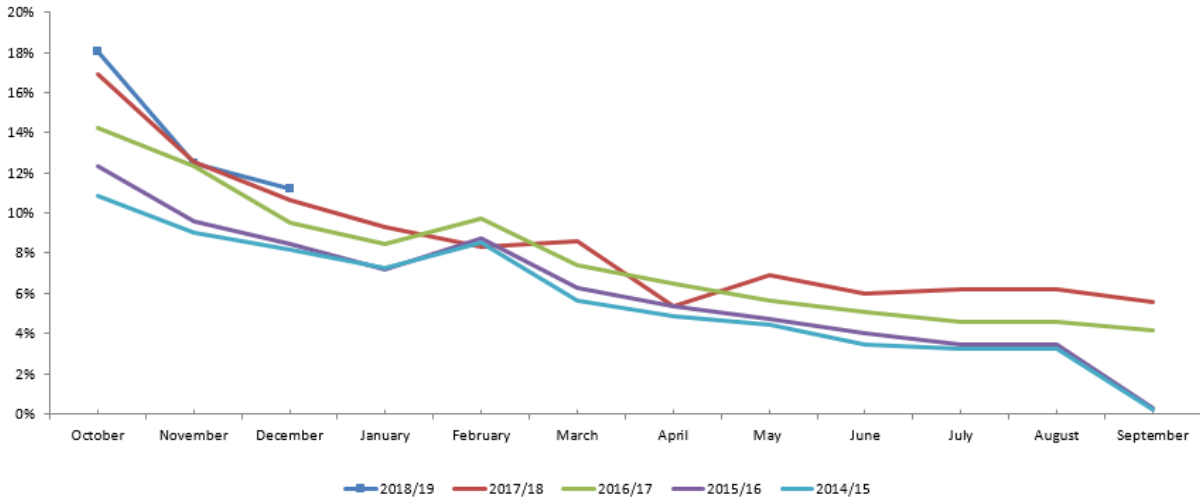
Outstanding rates as a percentage of gross rates levied is at 11.24% at the end of December compared to 10.64% for the same period last year.

Of the \$15.87m of outstanding rates, \$9.61m of these are not yet due, leaving an overdue balance of \$6.26m. This figure includes \$3.18m of rates that are currently being repaid under an authorised payment plan.

Of the \$6.26m overdue 12.4% relates to commercial/ industrial assessments and 87.6% represents residential assessments. As at 31 December there were 67 commercial/industrial

assessments and 1791 residential assessments being repaid via payment plan. The total of 1858 assessments is an increase from 1540 assessments in November.

### Outstanding Rates



### Capital Expenditure

Year to Date Capital Expenditure	Year to Date	Revised Budget	Percentage of Revised Budget
			\$16.1m
Including Commitments	\$36.5m	\$104.5m	35%

Capital works expenditure up to 31 December was 19% of the revised budget. However, when outstanding purchase orders (commitments) are included, the total capital spend is increased to 35% of budget.

Significant actual capital expenditure (not including commitments) is presented by group in the table below:

Group	Adopted Budget	Revised Budget	YTD Actual	Actuals as % of Revised Budget
Road Assets	\$36.937m	\$37.851m	\$9.881m	26%
Water Assets	\$14.263m	\$14.263m	\$2.772m	19%
Sewerage Assets	\$29.535m	\$29.535m	\$2.891m	10%
Waste Assets	\$1.645m	\$1.645m	\$0.055m	3%
Parks & Environment Assets	\$2.875m	\$3.145m	\$1.123m	36%
Delivery Support & Performance	\$6.815m	\$6.815m	\$2.900m	43%
Property Assets	\$0.000m	\$2.594m	\$0.445m	17%
Strategy & Transformation	\$6.752m	\$6.752m	\$0.244m	4%

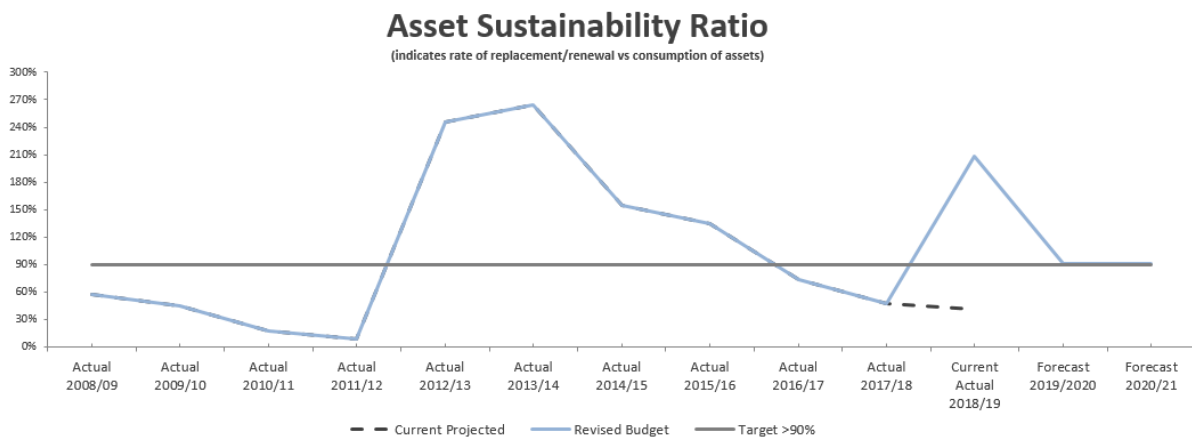
### Sustainability Ratios

Councils Sustainability Ratios for the period are generally in line with expectations at this stage of the reporting year. Early in the financial year, ratios are typically distorted given that Council raises the majority of its yearly revenue in July but incurs expenses and delivers its capital program on an incremental basis throughout the year.

### Asset Sustainability Ratio

A slower rate of capital spending has resulted in a lower result compared to the same period in the previous year. As expenditure of Council's renewal program progresses (including NDRRA work), this result will track closer to budget

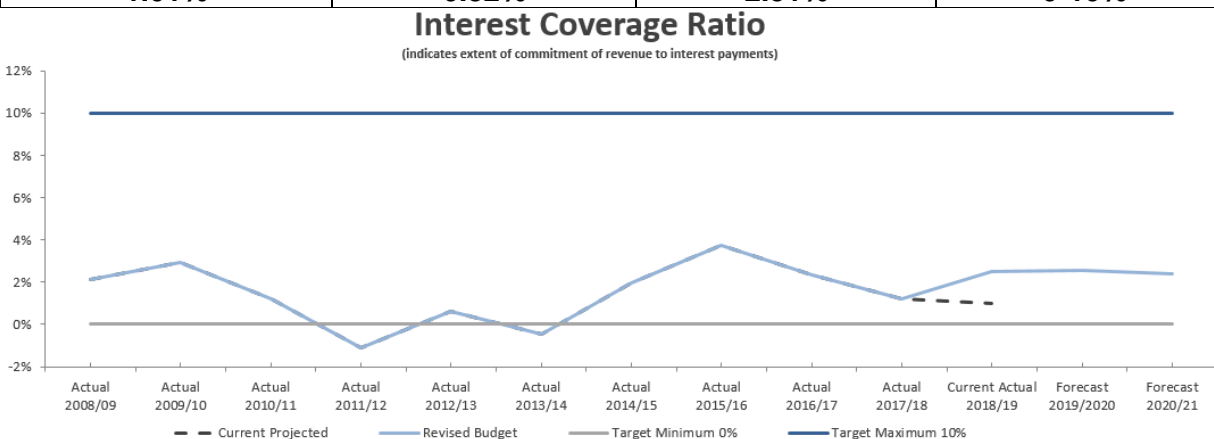
<b>Asset Sustainability Ratio</b>			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	BUDGET	TARGET
<b>40.68%</b>	<b>94.57%</b>	<b>208.19%</b>	<b>&gt;90%</b>



### Interest Coverage Ratio

The interest coverage ratio for the year to date is within the target range. The generation of rates early in the financial year causes this ratio to calculate below the budgeted amount, as the operating revenue received to date exceeds pro-rata.

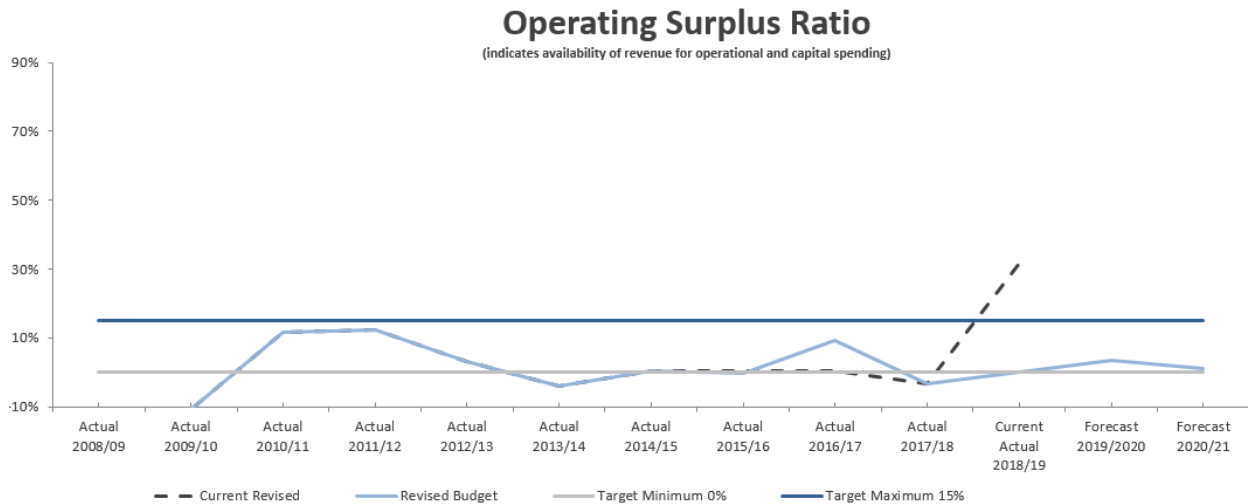
<b>Interest Coverage Ratio</b>			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	BUDGET	TARGET
<b>1.01%</b>	<b>0.32%</b>	<b>2.51%</b>	<b>0-10%</b>



### Operating Surplus Ratio

The generation of the bulk of the annual rate levy at the beginning of financial year causes the operating surplus ratio to exceed the current year revised budget ratio. While the current results of this ratio are sitting well above the target range, it is expected to align with budget as the year progresses and operating expenditure requirements are met.

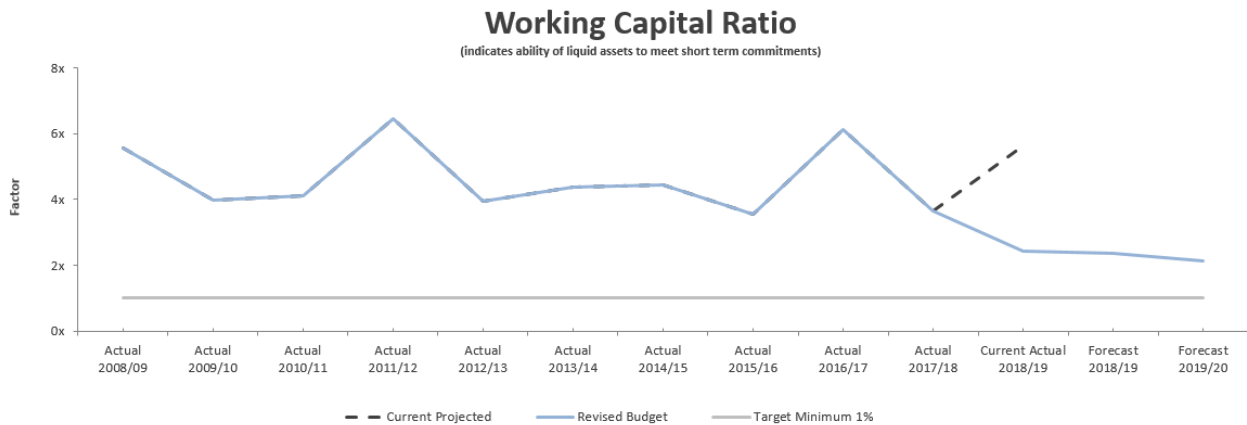
<b>Operating Surplus Ratio</b>			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	BUDGET	TARGET
<b>31.82%</b>	<b>36.09%</b>	<b>0.20%</b>	<b>0-15%</b>



### Working Capital Ratio

With the majority of the annual rating and fees and charges now generated, the resulting December ratio remains in excess of the target minimum, reflecting a healthy position for Council.

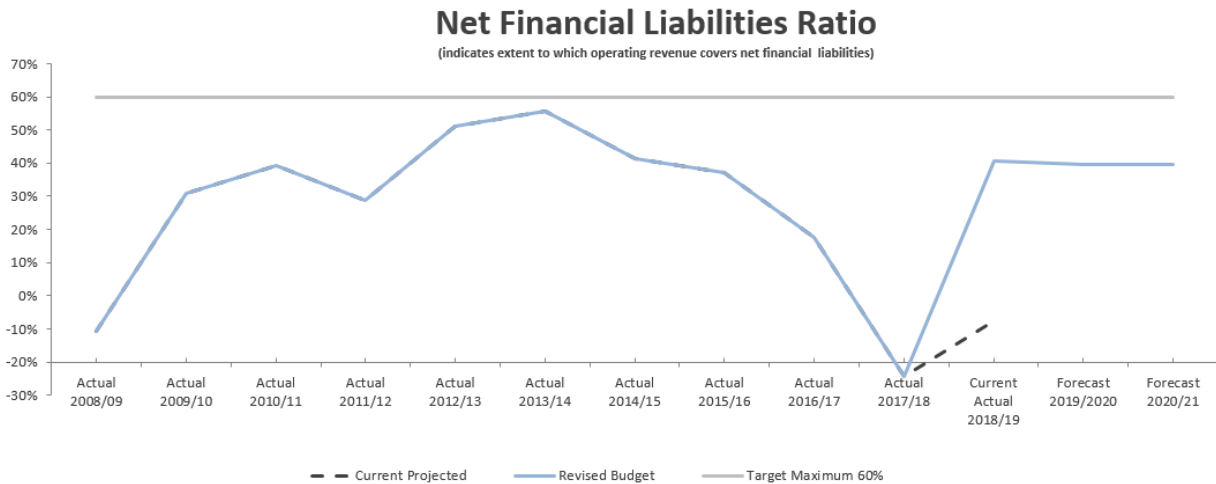
<b>Working Capital Ratio</b>			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	BUDGET	TARGET
<b>5.65x</b>	<b>7.48x</b>	<b>2.43x</b>	<b>&gt;1:1</b>



**Net Financial Liabilities Ratio**

This ratio is affected by a strong current asset value due to generation of annual rates and fees. It is anticipated to align to budget as the year progresses.

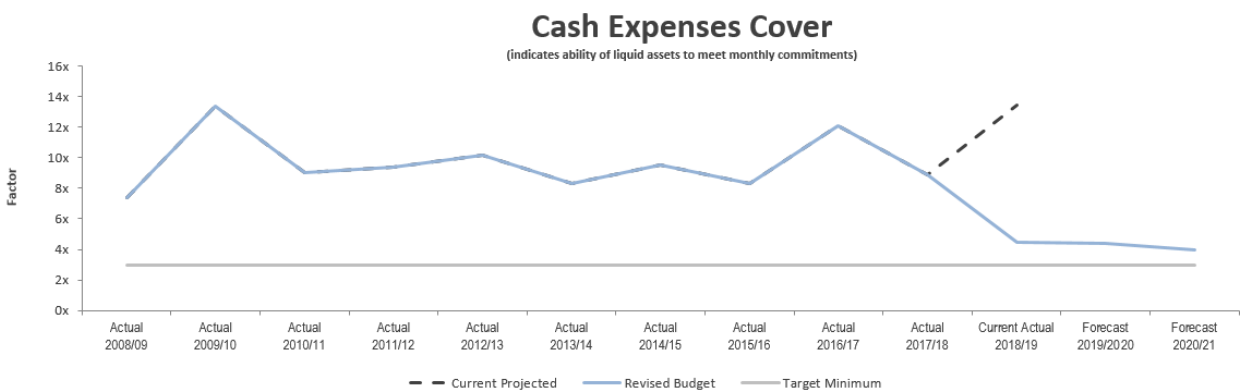
<b>Net Financial Liabilities Ratio</b>			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	BUDGET	TARGET
<b>-7.57%</b>	<b>-13.05%</b>	<b>40.63%</b>	<b>&lt;60%</b>



**Cash Expenses Cover Ratio**

The current result reflects a continuing strong cash position, well above the target ratio.

<b>Cash Expenses Cover Ratio</b>			
CURRENT YEAR TO DATE	PRIOR YEAR TO DATE	BUDGET	TARGET
<b>13.45x</b>	<b>16.33x</b>	<b>4.45x</b>	<b>&gt;3x</b>



**Communication and Consultation (Internal/External):**

Nil.

**Legal Environmental and Policy Implications:**

Nil.

**Financial and Resource Implications:**

Nil.

**Commentary:**

Nil.

**Summary:**

Nil.

**Anticipated Resolution Completion Date:**

Nil.

**Attachments:**

1. Operating Statement for Month End December
2. Monthly Financial Statements period ending 31 December 2018

**Tabled Items:**

Nil.

**Report Prepared by:** Statutory Accountant



**G/5. COUNCILLORS REPORT**

Nil

**G/6. URGENT BUSINESS**

Nil

**G/7. NOTICE OF MOTION**

Nil

**G/8. CONFIDENTIAL ITEMS**

Nil

**ATTACHMENTS**