



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING AGENDA

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

On 18 September 2018

Commencing at 9.00am

**Leisa Dowling
ACTING CHIEF EXECUTIVE OFFICER**

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G/1. MAYORAL STATEMENT OF CURRENT ISSUES

Nil.

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 4 SEPTEMBER 2018

Responsible Officer: Acting Chief Executive Officer

Council Meeting Date: 18 September 2018

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 4 September 2018.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 4 September 2018 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 4 September 2018.

Tabled Items:

Nil.

Report Prepared by: Executive Assistant

G/2.2. DECISIONS DELEGATED TO THE CHIEF EXECUTIVE OFFICER

Nil.

G/3. OFFICERS' REPORTS

G/3.1. OFFICE OF THE CEO

G/3.1.1. LEAVE OF ABSENCE REPORT FOR SEPTEMBER 2018

Responsible Officer: Acting Chief Executive Officer

Council Meeting Date: 18 September 2018

File Ref: CM7.2

Purpose:

Reporting on Councillors' leave of absences under section 6.11 of Council's Conduct of Council Meetings Policy.

Officer's Recommendation:

That Council grant a leaves of absence to:-

1. Cr Trevor for the General Meeting of 16 October 2018; and
2. Cr Masters for the General Meeting of 16 October 2018 to attend the 2018 Banana Shire Industry Summit.

Background:

In accordance with Council's Conduct of Council Meetings Policy a Councillor must seek a leave of absence from a General or Committee meeting where a Councillor cannot attend for private or business reasons. 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 event.

Consideration:

Nil.

Communication and Consultation (Internal/External):

Mayor, Councillors and Chief Executive Officer.

Legal Environmental and Policy Implications:

Council's Conduct of Council Meetings policy requires Councillors to seek a leave of absence from General or Committee meetings where the Councillor cannot attend for private or business reasons under section 6.11. An application for leave does not need to be made in person but must be granted by Council. A leave of absence is automatically granted to a Councillor where the Council passes a formal resolution to attend a conference or event.

The *Local Government Act 2009* states that if a Councillor is absent, without the local government's leave, from 2 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 Completion Date:

2 October 2018.

Attachments:

Nil.

Tabled Items:

Nil.

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

G/3.2. STRATEGY AND TRANSFORMATION

Nil.

G/3.3. STRATEGIC ASSET PERFORMANCE

G/3.3.1. PROPOSED DRAINAGE RESERVES - TANNUM SANDS

Responsible Officer: General Manager Strategic Asset Performance

Council Meeting Date: 18 September 2018

File Ref: CP2.1

Purpose:

This report seeks Council's approval to accept trusteeship of six (6) Unallocated State Land (USL) parcels as Drainage Reserves in Tannum Sands.

Officer's Recommendation:

That Council accept trusteeship of the following 14 Unallocated State Land (USL) parcels as Drainage Reserves in Tannum Sands:

- Lots 50 - 54 T 82815
- Lot 2 AP 14769
- Lot 10 T 82814
- Lot 20 T 82813
- Lot 21 AP 17165
- Lot 3 AP 14769
- Lot 1 AP 14769
- Lot 21 T 82810
- Lot 1 AP 8772
- Lot 49 T 82815.

Background:

The Department of Natural Resources Mines and Energy is seeking Council's interest in obtaining trusteeship over 14 Unallocated State Land (USL) parcels in Tannum Sands for the purposes of establishing drainage reserves:

- Lots 50 - 54 T 82815
- Lot 2 AP 14769
- Lot 10 T 82814
- Lot 20 T 82813
- Lot 21 AP 17165
- Lot 3 AP 14769
- Lot 1 AP 14769
- Lot 21 T 82810
- Lot 1 AP 8772
- Lot 49 T 82815.

The Department has advised Council that over time some adjoining land owners have sought permits to occupy the USL parcels in order to extend their yards or cure encroachments into the USL parcels. Native Title however had not been extinguished over the land. Following the recent Port Curtis Coral Coast People (PCCC) native title determination, the Department is required to cancel the existing permits to occupy. The Department is now looking at the future allocations of the USL parcels once the permits to occupy are cancelled.

Consideration:

Council owned infrastructure including sewerage and stormwater assets is currently located in the identified land parcels. Some of the land parcels also contain overland drainage paths including waterways.

Additionally, the land parcels provide Council with easy access to infrastructure located within private properties. This will reduce the cost and impact associated with any future access requirements to carry out maintenance, repair or renewal works.

By accepting the trusteeship of these parcels of land, Council will become responsible for the costs to maintain them. The additional cost to maintain the land however is considered to be negligible.

Council could seek to create various easements over the land to protect its long-term interest, however there are risks that not all assets have been correctly captured, including the location of buried assets. Easements however would not address overland flow issues.

Communication and Consultation (Internal/External):

Council records indicate that the Department has been liaising with Council on this matter since 2010. Recent applications to the Department to purchase two of the land parcels has escalated the need for Council to decide on this matter. Should Council choose to forgo the offer, the sale of the land parcels may progress and Council would need to obtain the necessary easements.

Legal Environmental and Policy Implications:

Nil.

Financial and Resource Implications:

The cost to maintain the land is considered negligible.

Commentary:

Nil.

Summary:

Nil.

Anticipated Completion Date:

Within one month of decision.

Attachments:

1. Unallocated State Land Tannum Sands
2. 2010 DNRM Letter
3. Emails dated 9 April, 29 May and 19 July – Department of Natural Resources, Mines and Energy

Tabled Items:

Nil.

Report Prepared by: Acting Property Acquisition and Disposal Specialist

G/3.4. OPERATIONS

Nil.

G/3.5. COMMUNITY DEVELOPMENT AND EVENTS

Nil.

G/3.6. CUSTOMER EXPERIENCE

G/3.6.1. REQUEST TO NEGOTIATE DECISION NOTICE FOR DEVELOPMENT APPLICATION 13.2018 FOR RECONFIGURING A LOT (1 INTO 2) LOCATED AT 7 MARGARET STREET, TANNUM SANDS

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 18 September 2018

File Ref: DA/13/2018; DB1.7

Development Application:

Application Number: DA/13/2018
Applicant: Endlis Pty Ltd ATF Sandlee Unit Trust C/- Zone Planning Group
Owner: Endlis Pty Ltd ATF Sandlee Unit Trust
Date Of Receipt: 3 August 2018
Location: 7 Margaret Street, Tannum Sands
RPD: Lot 10 RP 608261
Area: 984m2
Current Use Of Land: Dwelling House
Zoning: Low Density Residential Zone Code
Proposal: Reconfiguring a Lot (1 into 2 lots)
Public Notification Period: 1 May 2018 – 23 May 2018
Number Of Submissions: Three (3) Properly Made Submissions and One (1) petition containing Twenty-four (24) signatures

Purpose:

The purpose of this report is to consider the request for a Negotiated Decision Notice to Development Application 13/2018 for Reconfiguring a Lot (1 into 2 lots) at 7 Margaret Street, Tannum Sands, approved at Council's General Meeting on 17 July 2018. The Applicant lodged representations against condition 2 to negotiate flexibility for the property owner to relocate or remove the existing Dwelling House.

Executive Summary:

A Development Application for Reconfiguring a Lot (1 into 2 lots) located at 7 Margaret Street, Tannum Sands was lodged with Council on 10 April 2018 and approved on 17 July 2018 at Council's General Meeting with reasonable and relevant conditions.

After receipt of the Decision Notice, the Applicant lodged representations against condition 2 on 3 August 2018. The request to amend condition 2 has been considered against the Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2. From the justification provided by the Applicant, the request to amend condition 2 is considered generally consistent with the Planning Scheme, and therefore has been recommended for approval with a Negotiated Decision Notice to be issued.

Subject Site:

The subject site is located at 7 Margaret Street, Tannum Sands and more formally known as Lot 10 RP 608261. The site has a total area of 984m² with an approximate frontage of 25 metres to Margaret Street and 26 metres to Alfred Street. The site has an existing Dwelling House and is serviced by reticulated water and sewer infrastructure. Figure One provides an illustration of the subject site and its surrounds.



Figure One: Aerial View of the Subject Site and Surrounding Area

Under the Planning Scheme, the subject site is within the Low Density Residential Zone.

Background:

The Dwelling House received a Building Works approval on 14 December 1966 (Ref: BP/131/1966).

A Development Permit for this application was issued on 17 July 2018. After receipt of the Development Permit, the Applicant suspended the Appeal Period to make representations. On 3 August 2018, the Applicant lodged representations against condition 2 of the Development Permit.

Approved Development:

The Development Permit was approved for a subdivision of 1 into 2 lots located at 7 Margaret Street, Tannum Sands. The subdivision resulted in the following lots dimensions:

Proposed Lot	Lot Area	Lot Frontage
Lot 101	484m ²	16 metres
Lot 102	500m ²	9 metres

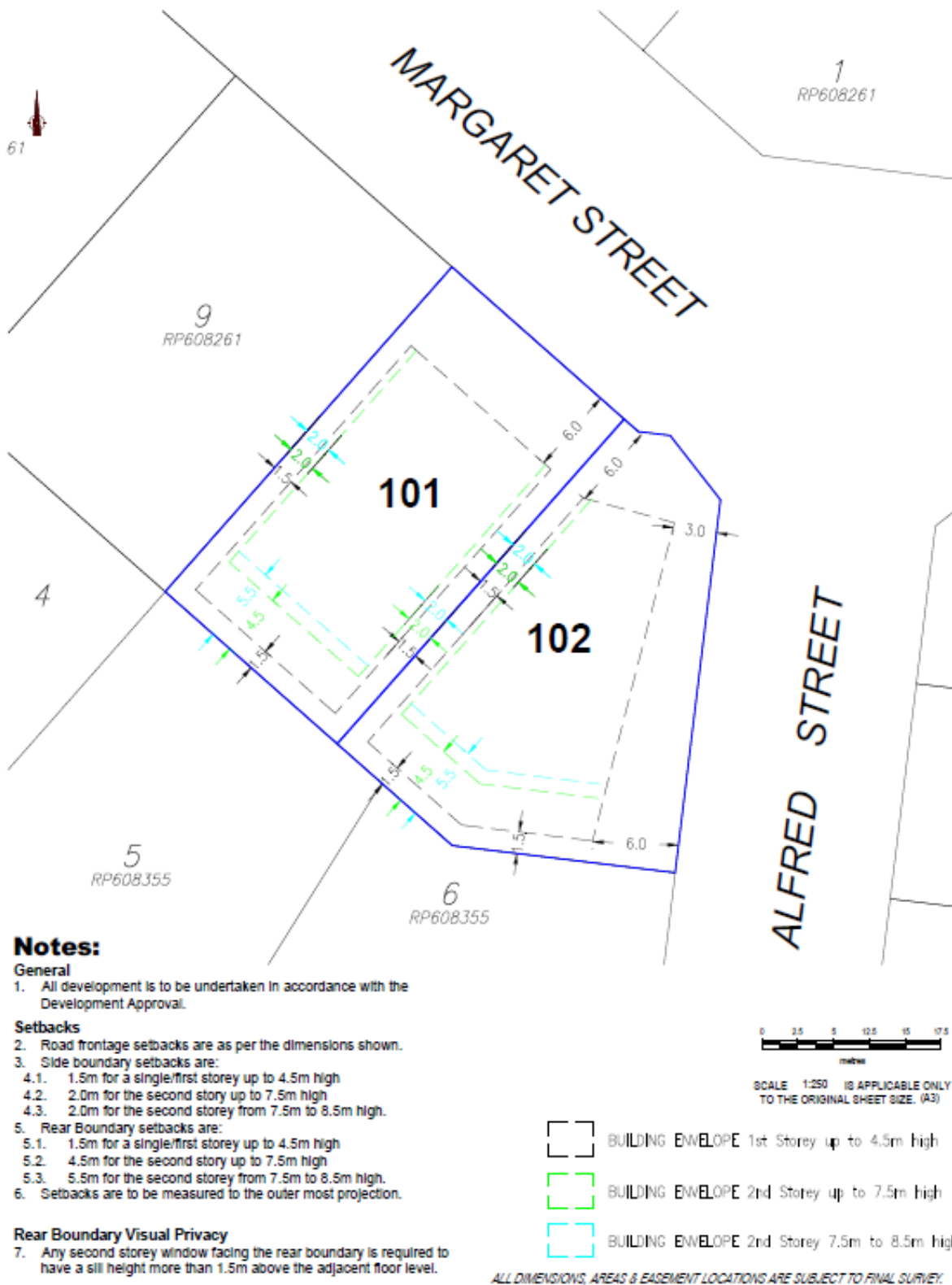


Figure Two: Approved Reconfiguration Plan

Adopted Infrastructure Charges Notice:

The Development Permit was calculated against the *Gladstone Regional Council Adopted Infrastructure Charges Resolution (No. 1) – 2015 – Amendment No. 2 (AIC)*. As part of the Decision Notice, an Adopted Infrastructure Charge was issued for the additional lot created; totalling \$28,311.20. The lodged representations against the Development Permit will not result in an amended Adopted Infrastructure Charge.

Referral:

The development was not required to be referred to any Concurrence or Advice Agencies, as per Schedule 10 of the Regulation.

Public Notification and Submissions:

As the Development Application triggered Impact Assessment under the Planning Scheme, Public Notification was required. Three (3) Properly Made submissions and one (1) petition containing 24 signatures were received for the proposed development. The received submissions were summarised and addressed as part of the original assessment. The proposed representations did not alter the Officer's response to the submissions received during the Public Notification period.

Assessment:

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

Statutory Planning:

N/A

Planning Scheme Requirements:

Condition 2

The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the Planning Act 2016 for the removal of the existing Dwelling House. The removal of the structure is to occur prior to the lodgement of a request for Survey Plan Endorsement.

Applicant's Comments:

Given the future development intent for each lot is not yet determined, it is requested that Council provide flexibility for the existing Dwelling House and allow for it to either be removed from the site entirely or relocated to be exclusively contained within one lot. In noting that both options require a Development Permit and Building Final for Building Works, the condition is requested to be reworded to include the option for relocation onsite as well. Therefore, the request issued as part of the change representations still stands, and it is requested that Council honour the changes requested below:

The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the Planning Act 2016 for the relocation onsite or removal of the existing Dwelling House. The relocation onsite or removal of the structure is to occur prior to the lodgement of a request for Survey Plan Endorsement.

Council Officer's Comments:

Within the Applicant's Town Planning Report, the existing Dwelling House was proposed to be removed from the subject site prior to Survey Plan Endorsement. To reflect the Applicant's proposal, a condition was imposed to lodge a Development Application for Works for the removal of the structure.

Upon review of the Development Permit, the Applicant has since lodged additional justification that would allow an alternative option to either relocate the Dwelling House to a new proposed lot or remove the Dwelling House from the site. To reflect these two options, it is recommended to amend condition 2 to the following wording:

Should the structure be removed from the site completely, the Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the Planning Act 2016

for the removal of the existing structure. The removal of the structure is to occur prior to the lodgement of a request for Survey Plan Endorsement.

OR

Should the structure be relocated to a proposed new lot, the Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the Planning Act 2016 for the removal of the existing structure. Concurrently, a Development Permit for Building Works will be required to be approved for the relocated position. The removal and relocation of the structure is to occur prior to the lodgement of a request for Survey Plan Endorsement.

Anticipated Completion Date:

N/A

Officer's Recommendation:

That the request for a Negotiated Decision Notice to Development Application 13/2018 for Reconfiguring a Lot (1 into 2) located at 7 Margaret Street, Tannum Sands, be recommended for approval. 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 83(9) of the *Planning Act 2016*:

Description of the development:

The approved development is for Reconfiguring a Lot (1 into 2 lots).

Assessment Benchmarks:

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

Reasons for the Assessment Manager’s 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 for the development	Justification against Benchmark
Low Density Residential Zone Code Table 6.2.1.3.1 – Acceptable Outcome 5.	Compliance with Low Density Residential Zone Code Table 6.2.1.3.1 – Overall Outcome D.
Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 1.1.	Compliance with Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 1.1 via a Condition.
Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 2.1.	Compliance with Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 2.1 via a Condition.
Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 3.1.	Compliance with Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 3.1 via a Condition.
Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 11.1.	Compliance with Development Design Code Table 9.3.2.3.1 – Overall Outcome K.
Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 13.	Compliance with Development Design Code Table 9.3.2.3.1 – Purpose A.
Reconfiguring a Lot Code Table 9.3.7.3.1 – Acceptable Outcome 1.	Compliance with Reconfiguring a Lot Code Table 9.3.7.3.1 – Performance Outcome 1.
Landscaping Code Table 9.3.5.3.1 – Acceptable Outcome 3.1 and 3.2.	Compliance with Landscaping Design Code Table 9.3.5.3.1 – Acceptable Outcome 3.1 and 3.2 via a Condition.

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

N/A

Matters raised in Submissions and Council's response in dealing with these matters:

Matters raised in the Submission(s)	Officer's Response
The proposed lot sizes are below the minimum requirement of 600m ² with a road frontage of 17m. In addition, the subdivision will create an irregular shaped lot (triangular shaped) that will create visibility concerns at the corner of Margaret Street and Alfred Street.	<p>The minimum requirement referenced is Acceptable Outcome 1 of the Reconfiguration of Lot Code (AO1). Although the application does not meet the minimum requirements within AO1, the proposal has demonstrated compliance with the Performance Outcome (PO1). Additionally, the proposal will create an irregular lot shape, however the dimensions and size will allow adequate space for future residential development which is supported within the Low Density Residential Zone Code.</p> <p>Visibility concerns for vehicles entering and exiting the proposed lot on the corner will be addressed by the requirements for this lot's driveway to be located on Alfred Street at a safe distance from the intersection in compliance with the Australian Standard.</p>
The proposed building envelopes will reduce the available open space for each.	The proposed setbacks are consistent with the Queensland Development Code requirements for a Dwelling House which

	<p>could be developed as of right within the Low Density Residential Zone Code. Additionally, the existing character of the area demonstrates similar setbacks.</p> <p>The proposed Building Envelope does not constitute an approval for a future Dwelling House to be the entire area. Provisions regarding site cover require residential development to be below 50%. Therefore, Proposed Lot 101 could develop 242m² of structures onsite, while Proposed Lot 102 could develop 250m² of structures onsite. The remaining area of the subject sites would provide open space.</p>
<p>The proposed irregular corner lot and associated building envelope will create visibility issues for traffic as it will only be setback 3m from the corner. The related proposed driveway for Lot 102 will present a traffic hazard for everyone turning left from Gwen Street into Alfred Street.</p>	<p>The building envelope sets the future building back 6m from Margaret Street which will provide adequate site distance for vehicles turning right into Margret Street from Alfred Street. There is approximately 26 metres between proposed Lot 102 and the intersection with Gwen Street. Therefore, there is adequate sight distance to reduce any potential traffic conflict.</p>
<p>If council were to relax its stated acceptable outcomes for this zone for one developer, it would set a precedent for other developers to apply for relaxation on other lots they currently hold in the very near proximity.</p>	<p>The Development Application has been assessed against Performance Outcome 1 of the Reconfiguring a Lot Code as the proposed lot sizes are below the Minimum Lot Size as identified in Acceptable Outcome 1. The line of sight assessment does not constitute a relaxation. The approval of this application would not create a precedent. Council is required to consider each application on its own merits.</p>
<p>The proposal will result in double the density along the street.</p>	<p>The planning scheme acknowledges low density development of 1 dwelling per 400m² or more of site area as being low density development consistent with the zoning.</p>
<p>In Part 3.4 Community Living of Our Place, Our Plan, the point is made that there should be an economic and community need for residential development. Given the depressed state of the housing market at present, as well as the high vacancy rate for rentals, it is difficult to see why there is a need for sub-division in Low Density Residential Zones.</p>	<p>In section 3.4 of the strategic framework where reference is made to applications needing to illustrate overwhelming community and economic need this is in reference to the release of new residential land within the Emerging Communities Zone for residential development. This point is reinforced by this provision being carried forward into the Emerging Communities Zone code PO6 and AO6.1. No other requirement exists in any of the other zones including the Low Density Residential Zone.</p> <p>It is important to note that this application will not result in the release of any new land for additional dwellings to be erected on but rather just allow for the erection of two dwellings consistent with the existing</p>

development entitlements under the Low Density Residential Zone.
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Matters prescribed by a Regulation:

N/A

Conditions of Approval:

The following provides the Conditions of Approval under Section 83(9) of the *Planning Act 2016*:

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
1222 02	A	Plan of Development for Proposed Lots 101 and 102	Inglis Survey and Mapping Pty Ltd	7/06/2018

Building, Plumbing and Drainage Works

2. **Should the structure be removed from the site completely, the Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the Planning Act 2016 for the removal of the existing structure. The removal of the structure is to occur prior to the lodgement of a request for Survey Plan Endorsement.**

OR

Should the structure be relocated to a proposed new lot, the Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the Planning Act 2016 for the removal of the existing structure. Concurrently, a Development Permit for Building Works will be required to be approved for the relocated position. The removal and relocation of the structure is to occur prior to the lodgement of a request for Survey Plan Endorsement.

Water Infrastructure

3. Prior to the lodgement of a request for Survey Plan Endorsement, a water service connection is to be provided from Council's water supply infrastructure to the front property boundary of each lot. The location and size of the water service (and any associated fire service) is to be determined in consultation with Council.
4. Prior to the lodgement of a request for Survey Plan Endorsement, 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

5. Prior to the lodgement of a request for Survey Plan Endorsement, sewer connection is to be provided from Council's reticulated sewer infrastructure to the front property boundary of each lot. The location and size of the sewer service is to be determined in consultation with Council.
6. Prior to the lodgement of a request for Survey Plan Endorsement, 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>.

Transportation Services

7. At all times, the driveway into Proposed Lot 102 shall gain access directly onto Alfred Street at a location that complies with the AS2890.1.

Electrical, Telecommunication and Gas services

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

Advisory Note: The Ergon Energy Rockhampton Office are available on (07) 4931 1012.

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

Advisory Note: The Telstra Smart Communities Team are available on 1800 226 543.

Landscaping

10. Prior to the lodgement of a request for Survey Plan Endorsement, street trees are to be constructed along the frontage of Margaret Street and Alfred Street, at a rate of 1 tree per lot frontage in accordance with Table 9.3.5.3.2 - Plant Species List of the Landscaping Code of the Our Place Our Plan Gladstone Regional Council Planning Scheme and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification.

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

Survey Plan Endorsement

11. Lodgement of Survey Plan Endorsement must include the following:
 - a. Completion of Council's Request - Assessment and Endorsement of a Survey Plan Form;
 - b. All survey marks in their correct position in accordance with the Survey Plan;
 - c. A Compliance Report demonstrating compliance with all associated Development Permit(s);
 - d. One copy of the Survey Plan each fully executed for the lodgement with the Titles Office;
 - e. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the *Planning Regulation 2017*; and
 - f. Payment of any outstanding Adopted Infrastructure Charges.

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

END OF CONDITIONS

Advice to Applicant:

Council provides a certification service for any Building Certification requirements.

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

Attachments:

1. Change Representations Lodged

Tabled Items:

Nil

Report Prepared by: Planning Officer

G/3.6.2. DEVELOPMENT APPLICATION 30.2017 FOR A MATERIAL CHANGE OF USE OF PREMISES FOR ACCOMMODATION BUILDING AND MULTIPLE DWELLING LOCATED AT 576 CAPTAIN COOK DRIVE, SEVENTEEN SEVENTY

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 18 September 2018

File Ref: DA/30/2017; DB2.6

Development Application:

Application Number: DA/30/2017
Applicant: Four King Pty Ltd C/- Zone Planning Group
Owner: Palace Builders Pty Ltd
Date Of Receipt: 28 April 2017
Location: 576 Captain Cook Drive, Seventeen Seventy QLD 4677
RPD: Lot 5 S 8562
Area: 1,156m²
Current Use Of Land: Liquor Shop, Snack Bar and Residence
Zoning: Medium Density Residential Zone
Proposal: Multiple Dwelling and Accommodation Building
Public Notification Period: 9 March 2018 to 29 March 2018
Number Of Submissions: 232 Properly Made Submissions and 28 Not Properly Made Submissions

Purpose:

The purpose of this report is to assess Development Application 30/2017 for a Material Change of Use of premises for a Multiple Dwelling and Accommodation Building at 576 Captain Cook Drive, Seventeen Seventy against the State Planning Policy July 2017 and the Planning Scheme of Miriam Vale Shire 2009 under the Sustainable Planning Act 2009.

Executive Summary:

Development Application for a Material Change of use of premises for Multiple Dwelling and Accommodation Building at 576 Captain Cook Drive, Seventeen Seventy was received by Council on 28 April 2017 and considered Properly Made on 2 May 2017. The application was prepared by Zone Planning Group on behalf of Four King Pty Ltd for the establishment of a Multiple Dwelling and Accommodation Building within the Medium Density Residential Zone.

As per the superseded Planning Scheme for *Miriam Vale Shire 2009* (the Planning Scheme), the Development Application required Code Assessment for the Multiple Dwelling Use and Impact Assessment for the Accommodation Building Use. 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 *Sustainable Planning Act 2009* (the Act). As per the *Sustainable Planning Regulation 2009* (the Regulation), the application required referral to Department of Infrastructure, Local Government and Planning, which is now known as Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP).

By virtue of the level of assessment, public notification was required. The public notification period occurred between 9 March 2018 and 29 March 2018 with 232 properly made submissions and 27 not properly made submissions. Due to the number of submissions received during the public notification period, the Applicant made minor changes to the proposed plans to address concerns

raised and notified all of the Properly Made submitters via formal correspondence. During this 30 day period, the Applicant held a community engagement meeting on 26 June 2018 in which Council received additional comments and not properly made submissions outside of the public notification period.

After assessment of the application against the relevant provisions under the superseded Planning Scheme and the SPP, the proposal is identified to be generally consistent with the relevant benchmarks. Therefore, the application for a Material Change of Use for a Multiple Dwelling and Accommodation Building is recommended for approval subject to reasonable and relevant conditions.

Subject Site:

The subject site is located at 576 Captain Cook Drive, Seventeen Seventy on land more formally described as Lot 5 S 8562. The subject site has approximately 1,156m² of site area and 51 metres of road frontage. The site adjoins Cook's Landing Place which is Queensland Heritage Listed (Place ID 601614). Figure One provides an aerial view of the subject site.



Figure One: Aerial View of the Subject Site

The site currently has connections to Council's reticulated water and sewer services, as demonstrated in Figure Two.

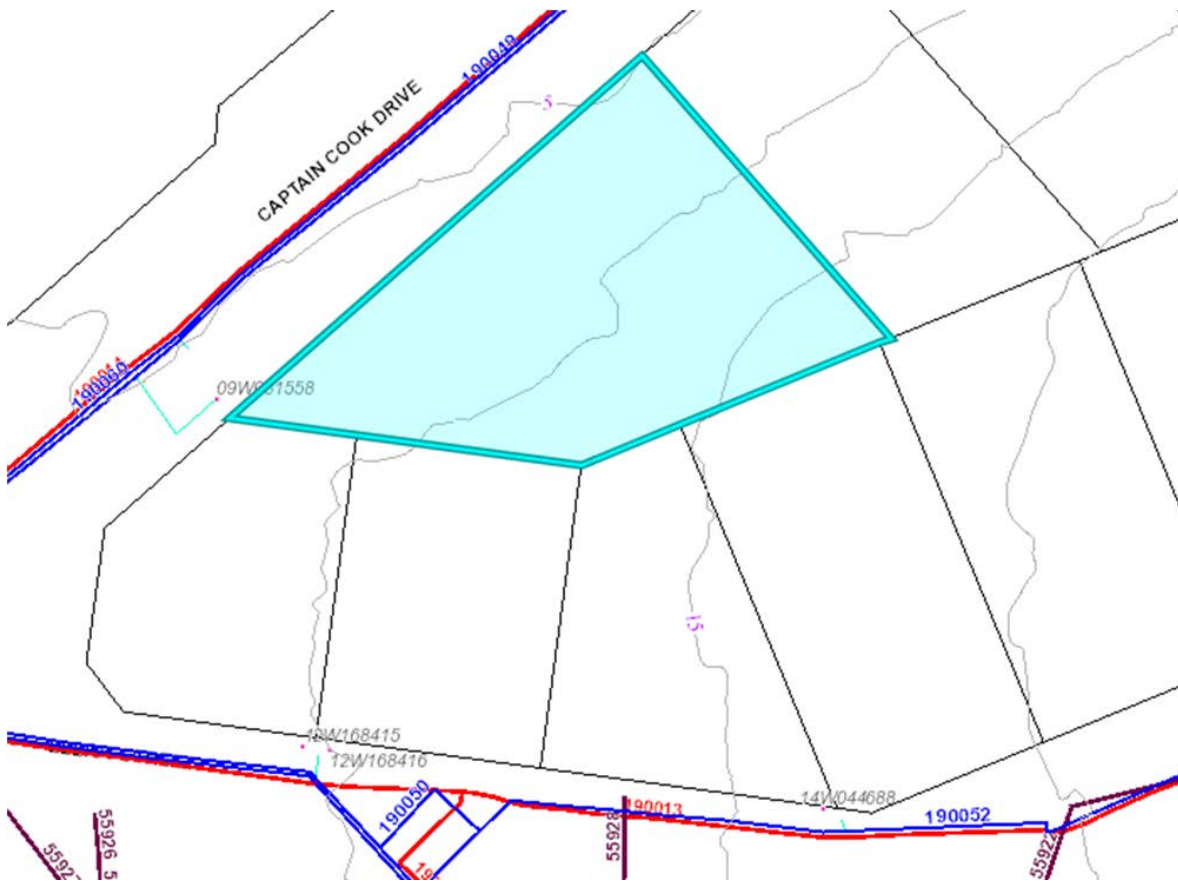


Figure Two: Council's Reticulated Sewer and Water Infrastructure

As per the superseded Planning Scheme, the site is located within the Medium Density Residential Zone, as outlined below in Figure Three.

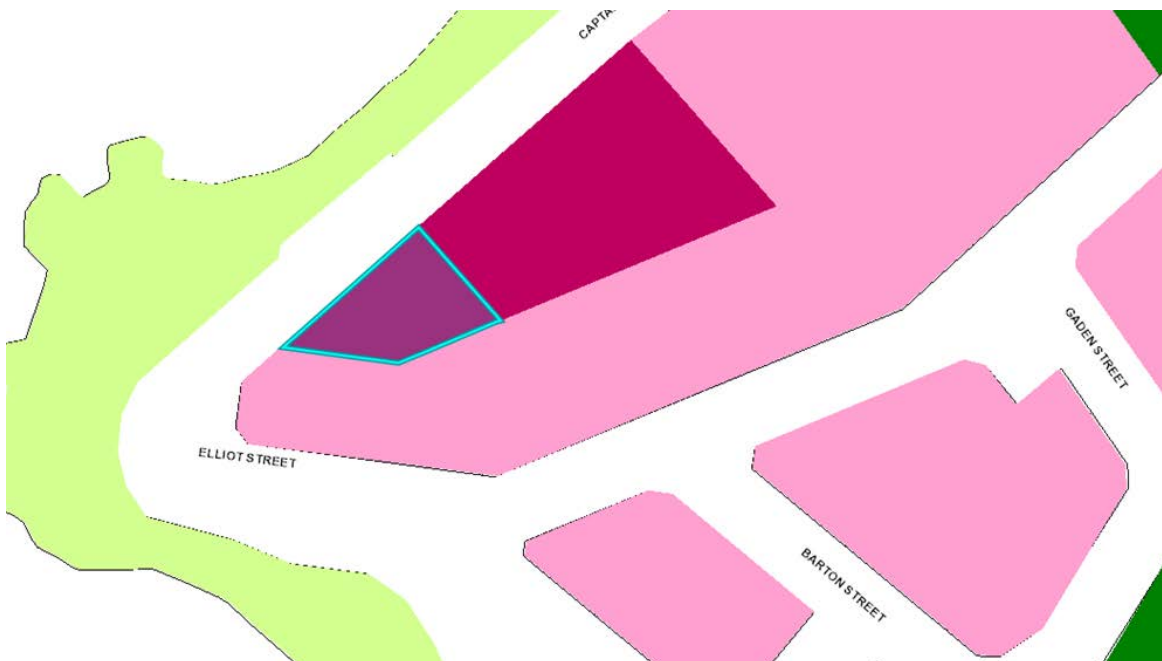


Figure Three: Subject Site Zoning (Medium Density Residential Zone)

Background:

Previous Approvals

Building and Plumbing Works Applications

The subject site has had various Development Applications for associated Building and Plumbing Works over the years. Table One below has provided a timeline summary of the associated Building and Plumbing Works:

Table One: Approved Building and Plumbing Applications

Development Application for Building and Plumbing Works	Approval
BP/56/1971	Dwelling House and Shop
BP/355/1977	Additions to Dwelling House and Shop
BP/249/1995	Awning Addition
BP/4275/2011	Retaining Wall (Privately Certified)
BP/1726/2012	Shade Sail (Privately Certified)
Development Application for Plumbing and Drainage Works	Approval
43517/2007/DA	Grease Trap Upgrade
BP/579/2009	Alteration to existing facility
BP/1313/2010	Toilet Amenities, Loading Dock and Waste Area
TW-430	Trade Waste License

Furthermore, it should be noted that the subject site has received several complaints pertaining to food licenses, noise, odour, traffic, septic malfunctions and obstruction of the footpath. With reference to BP/56/1971, the original Dwelling House and Shop constructed on the subject site was approved by Miriam Vale Shire Council on 16 August 1972 which permitted the building to be built to boundary and the awning to be located within the road reserve (Figure Four and Five).

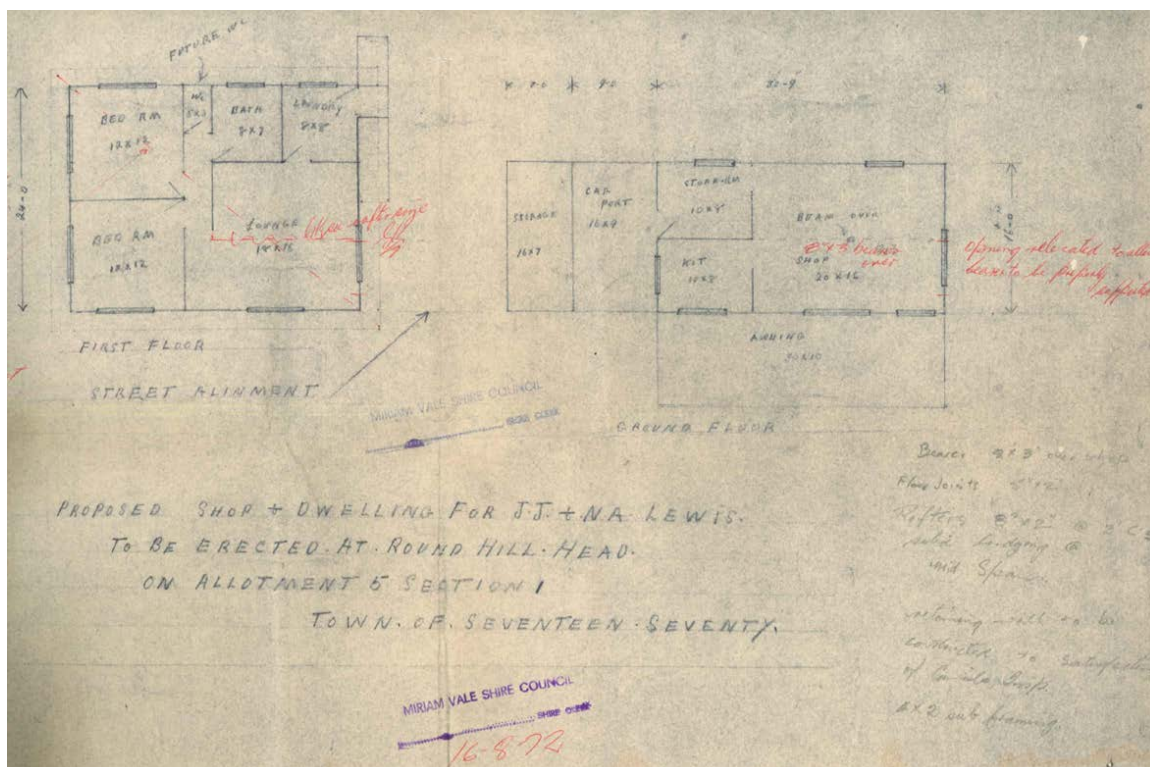


Figure Four: Approved Building Application 56/1971

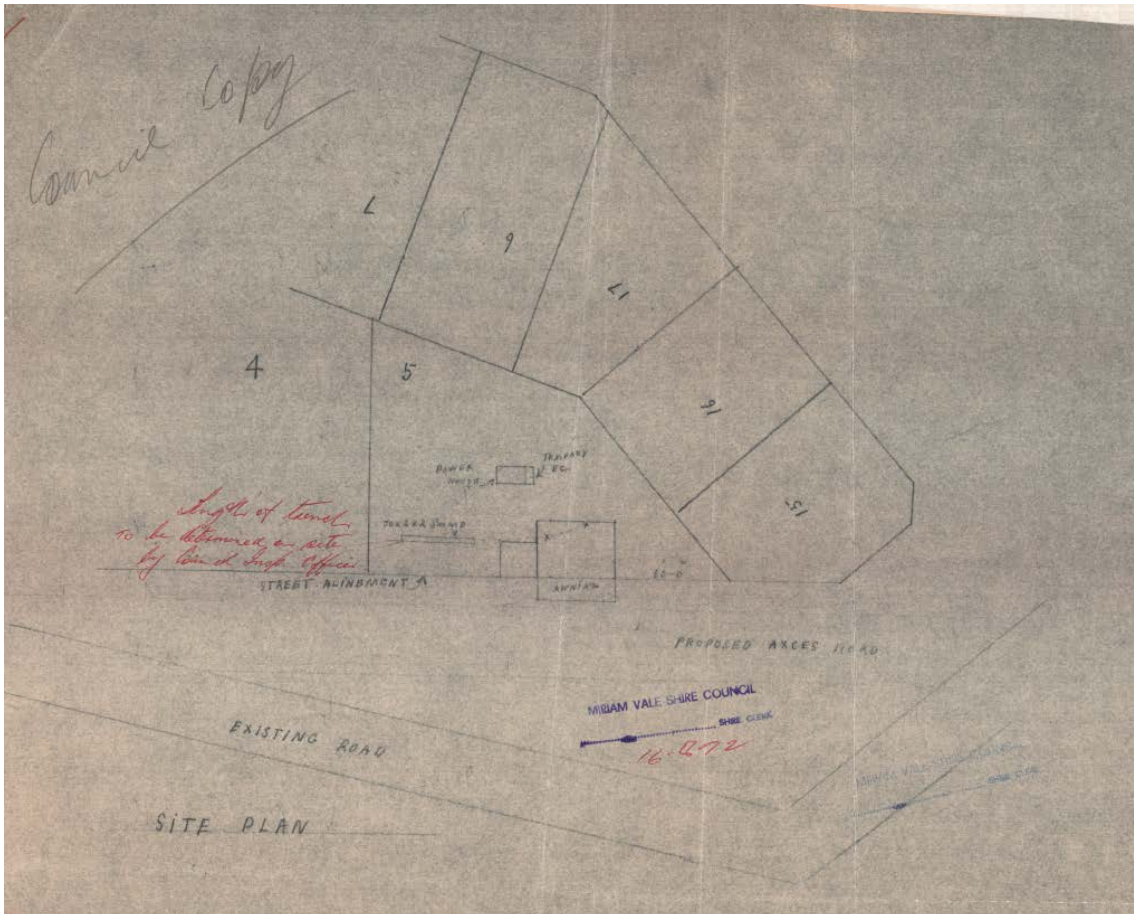


Figure Five: Approved Building Application 56/1971

In addition to this approval, an awning, retaining wall and shade structure were constructed in the road reserve with the appropriate approvals. Although this was also a concern raised within the Public Notification period conducted for Development Application 30/2017, the application does not propose to alter the current structures located within the road reserve. In addition to the structures having relevant approvals, Council has concurrently issued a request for the Applicant to seek an up to date permit to occupy the road reserve.

Planning Applications

Upon reviewing previous Development Applications lodged over the subject site, two applications were noted in 1989 and 1990.

Development Application 257/2000

The Applicant lodged a Material Change of Use for Units, Shops, Restaurant and Office over 574 and 576 Captain Cook Drive, Seventeen Seventy on 30 March 2000. The proposed development has been illustrated below in Figure Six. Council refused the Application on 21 February 2001 and the Applicant lodged an appeal against Miriam Vale Shire Council's decision on 30 March 2001. Court Appeal No. 1382 of 2001 was approved with conditions, however the Applicant did not commence the Development Permit and therefore, it has since lapsed.

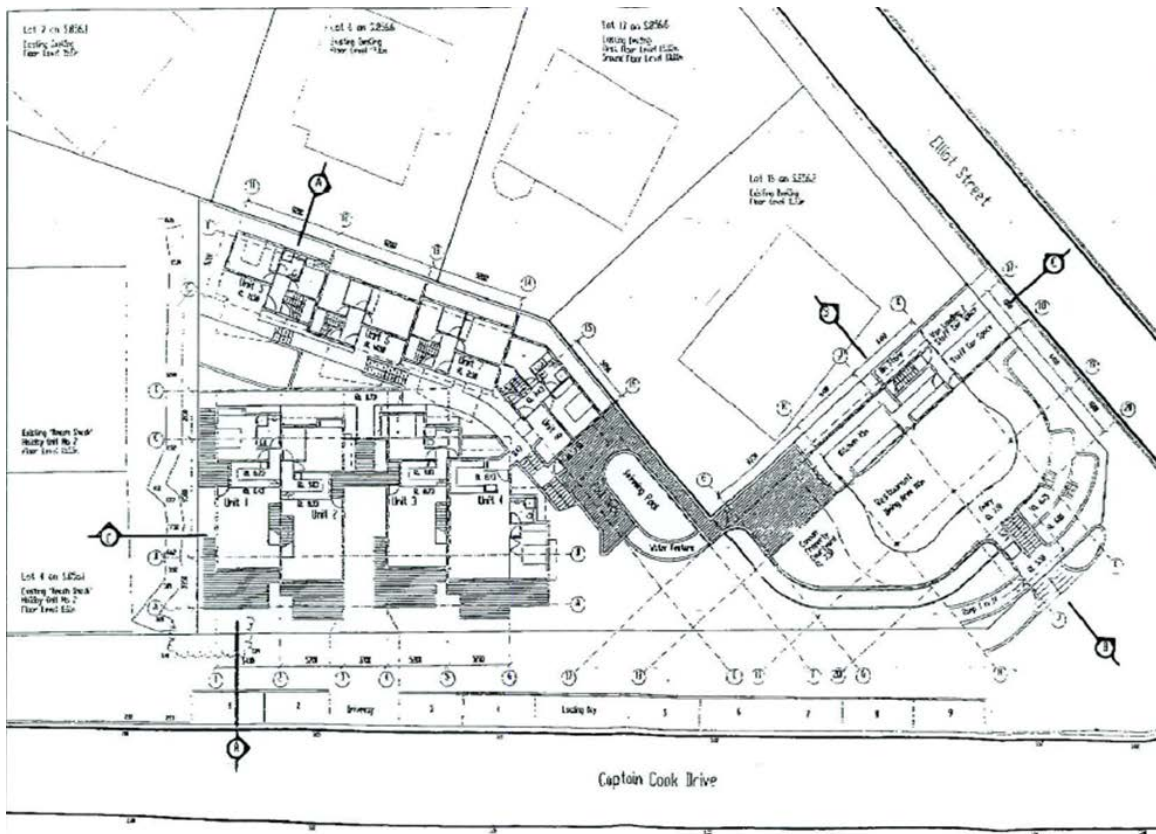


Figure Six: Lapsed Development Application 257/2000

Development Application 0205/2005

A Material Change of Use of premises for Catering Purposes (Restaurant) and Multiple Dwelling (9 Units) incorporating an existing Hotel, Shop, Catering Premises was received by Council on 5 November 2004. After assessment against the *Council of the Shire of Miriam Vale Planning Scheme 1999*, Council issued an approval, subject to conditions on 27 May 2005 (i.e. 27 May 2009 lapse date). The Applicant lodged a Request to Extend the Currency Period which Council refused on 16 June 2009. The Applicant lodged an appeal against Gladstone Regional Council (amalgamation occurred). Council were advised that the appellant discontinued the Court Appeal No. 2053 of 2009 on 5 March 2010. As a result, DA/0205/2005 lapsed.

Superseded Planning Scheme Consideration No. 34/2016

The Applicant lodged a Superseded Planning Scheme request on 11 October 2016 for a Material Change of Use to be assessed against the *Planning Scheme of Miriam Vale Shire 2009*. Council assessed the request by having regard to the differences in both the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 1* and the *Planning Scheme of Miriam Vale Shire 2009*, and if there was perceived loss of development rights. As a result, Council issued an approval on 1 November 2016 which permitted the Applicant to lodge the relevant Development Application within six (6) months (i.e. 1 May 2017).

Pre-lodgement Meeting

A pre-lodgement meeting between the Applicant and Council Officers was held on 29 March 2017 in relation to the proposed Material Change of Use of premises for Multiple Dwelling & Accommodation Building. The following items were raised in the meeting:

- As part of lodgement for a Development Application, provide photomontages of the proposed building from the adjoining public spaces to demonstrate compliance with the existing character and amenity of Seventeen Seventy;
- Provide a Traffic Management Plan to demonstrate compliance with the proposed crossover, car parking and signage;

- As part of lodgement for the development, the Applicant should provide a detailed Waste Management Plan which details site specific storage areas, collection points and frequency of collections; and
- Provide detailed Water, Sewer and Stormwater plans.

Current Application

Development Application 30/2017 was lodged with Council on 28 April 2017 and considered properly made on 2 May 2017. On 17 May 2017, Council issued an Information Request (IR) which covered concerns regarding building height and site coverage, economic need, visual amenity, stormwater, vehicle parking and movement, increased demand on Council's infrastructure and waste management. Council approved a request for extension to the Information Response Period on 17 October 2017 for a further 6 months (i.e. 17 May 2018).

In the process of responding to the IR, the Applicant requested a meeting with Council Officers on 6 November 2017 to discuss if the proposed changes were satisfactory. Council provided further advice regarding the proposal and outlined additional concerns. On 28 February 2018, the Applicant responded to the IR with amended plans and supporting material. To illustrate the changes in the proposed plans throughout this Development Application, a table has been provided below.

Table Two: Changes during the development process

	Lodgement Material	Information Request Response Material	Response to Submission
Building Height and Scale	4 storeys Approx. 9m above Natural Ground Level	3 storeys Approx. 8.5m above Natural Ground Level	3 storeys Approx. 8.5m above Natural Ground Level
Number of Units/Rooms	Hotel – 18 Apartments - 8	Hotel – 19 Apartments - 4	Hotel – 19 Apartments - 4
Setbacks	Side – 3m Rear – 3m Front – 0m	Side – 3m Rear – 3m Front – 0m	Side – 3m Rear – 3m Front – 0m
Car Parking	3 levels 31 car parking spaces Car ramp and lift	2 levels 29 car parking spaces Car ramp and lift	2 levels 29 car parking spaces Car ramp and lift
Access	Southern front corner	Northern front corner	Northern front corner
Colour Palette and Materials	Rendered Blockwork Hotel - Timber Balustrade Apartment – Glass Balustrade	Coloured Cladding Glass and Timber balustrade	Vertical and Horizontal Cladding Glass and Wire Balustrade with dividing green walls

In addition to Table Two, the original plans have been illustrated below in Figures Seven to Nine. To avoid confusion, the amended plans will be included in the proposal section of this report.

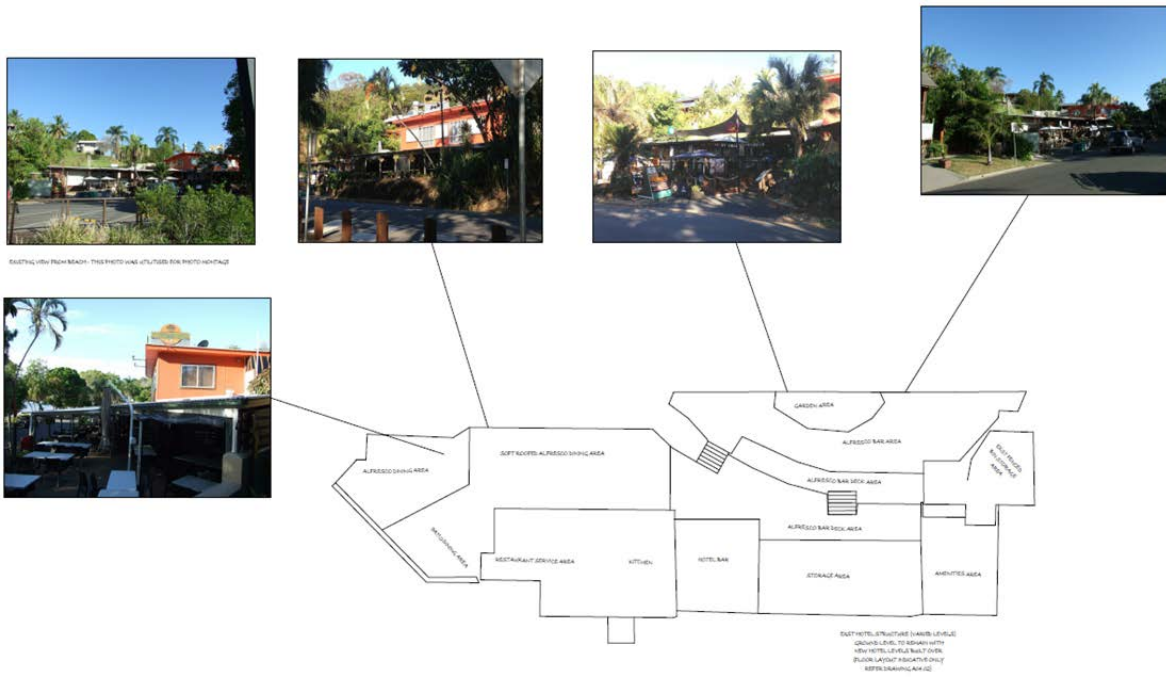


Figure Seven: Existing Floor Plan



Figure Eight: Original Rendered Elevation

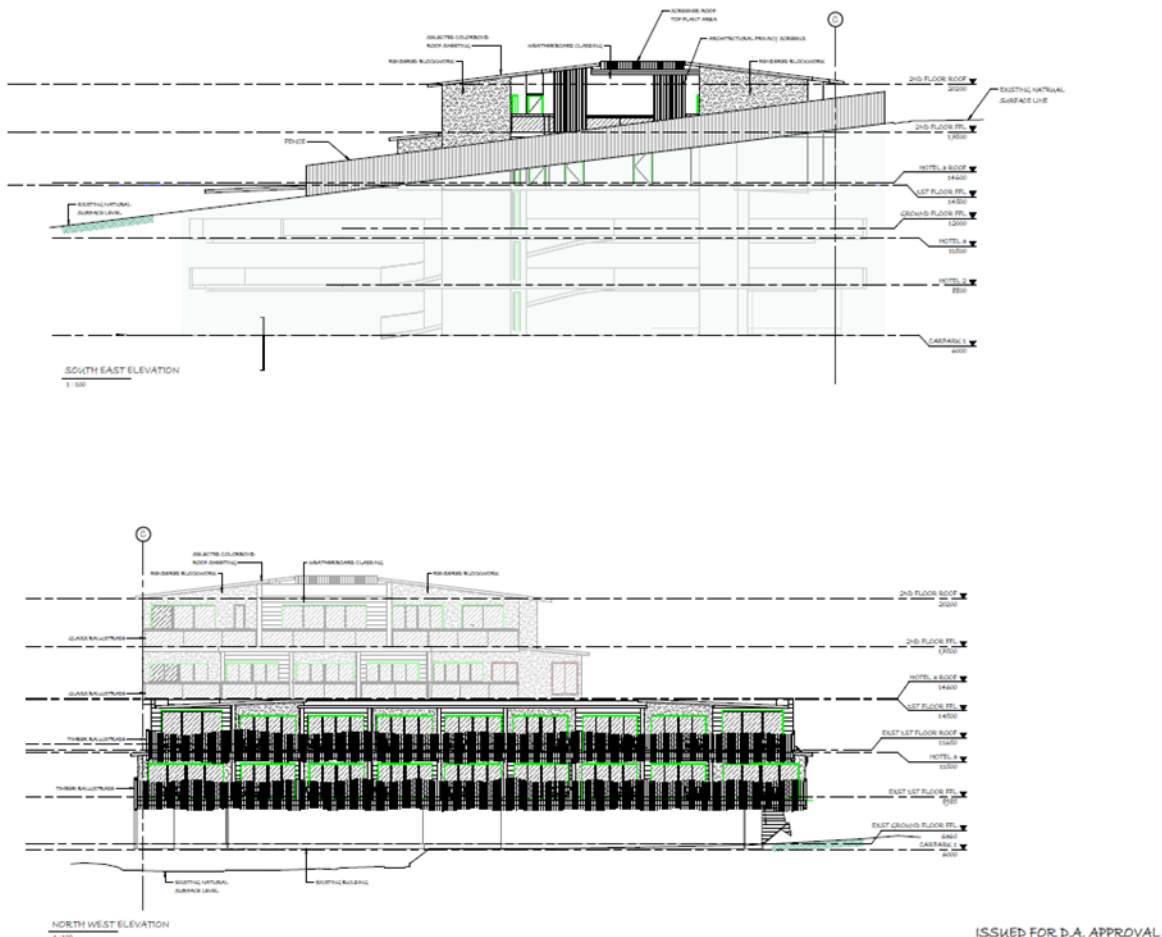


Figure Nine: Original Sections

After the Public Notification Period, Council issued a letter to the Applicant regarding inconsistencies with the Planning Scheme on 18 April 2018. The Applicant requested a meeting with Council Officers on 9 May 2018 to discuss the letter and present amended proposed plans. Council recommended that the Applicant should advise all Properly Made submitters of the changes.

On 1 June 2018, the Applicant issued a letter to all Properly Made submitters regarding the amended plans and also included a Public Forum date for the public to attend. To ensure the public had sufficient time to engage with the Applicant regarding the proposal, Council agreed to extend the Decision Making Period.

Proposal:

The proposal seeks to redevelop the existing Uses onsite by including additional Accommodation Building and Multiple Dwelling Uses. The existing Uses onsite will be retained and integrated into the ground floor. The Planning Scheme of Miriam Vale Shire defines these Uses as follows:

Accommodation Building: Means the use of premises comprising more than one rooming unit for the purposes of the accommodation of unrelated persons. The use includes uses commonly known as

- *Motels;*
- *Boarding-houses; or*
- *Guest houses; or*
- *Back packer hostel; or*
- *Unlicensed hotels; or*
- *Homes for disabled persons; or*
- *Homes for disadvantaged persons; or*
- *Serviced rooms; or*

- Residential clubs and attached accommodation for the family of the owner or the manager.

But excluding Bed and Breakfast, Caretaker's Residence, Dual Occupancy, Dwelling House, Hotel, Multiple Dwelling and Retirement Village.

Multiple Dwelling: Means the use of premises which comprise or are intended to comprise three or more self contained dwelling units on any one allotment such as flats, home units, townhouses and ancillary facilities, but does not include Accommodation Building, Caretaker's Residence, Dual Occupancy, Dwelling House or Hotel.

The Applicant has proposed to locate the Accommodation Building (an extension to the existing Use) on top of the existing structure, with onsite car parking located under the proposed Multiple Dwelling (Apartments) which are located towards to the rear of the subject site.

The Accommodation Building (Hotel) will comprise of nineteen (19) hotel rooms. The Applicant has revised the configuration of the proposed building to accommodate 15 hotel rooms over two floors located above the existing structure, with the remaining 4 rooms within the Multiple Dwelling. Figures ten (10) to 11 outline the proposed floor plan configuration.

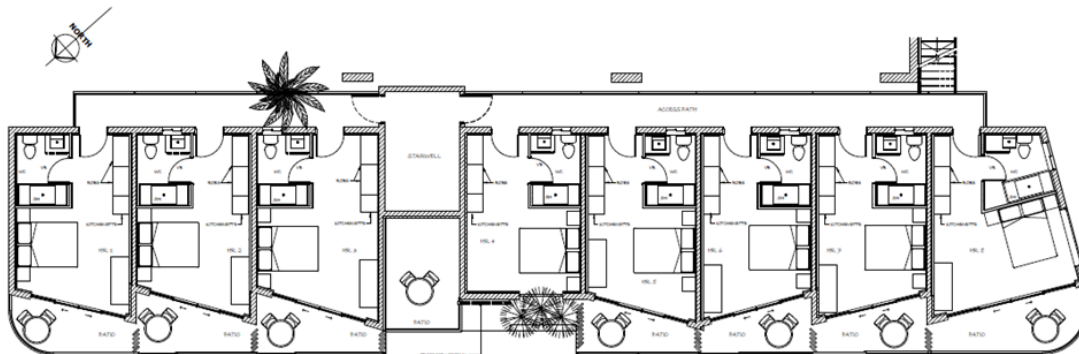


Figure Ten: Proposed Hotel First Floor Plan (8 rooms)

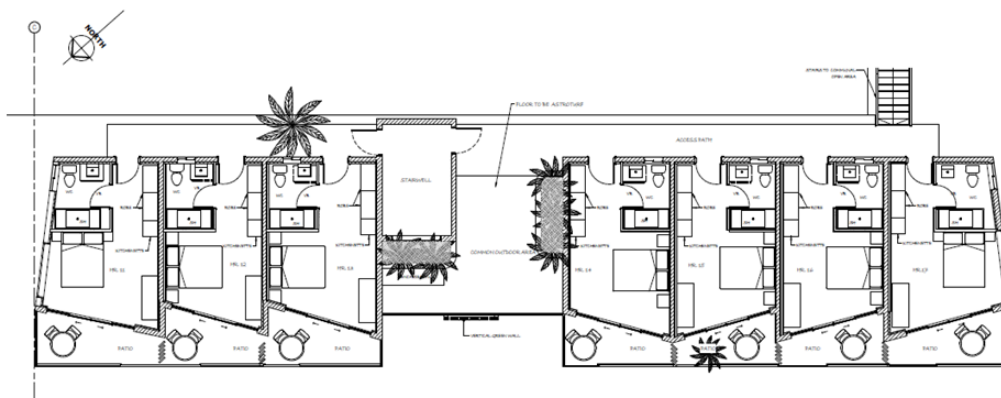


Figure 11: Proposed Hotel Second Floor Plan (7 rooms)

The Multiple Dwelling (Apartments) will include four (4) apartment rooms over two floors with the additional four (4) hotel rooms located on the first floor. Figures 12 to 13 illustrate the proposed floor plan alignment.

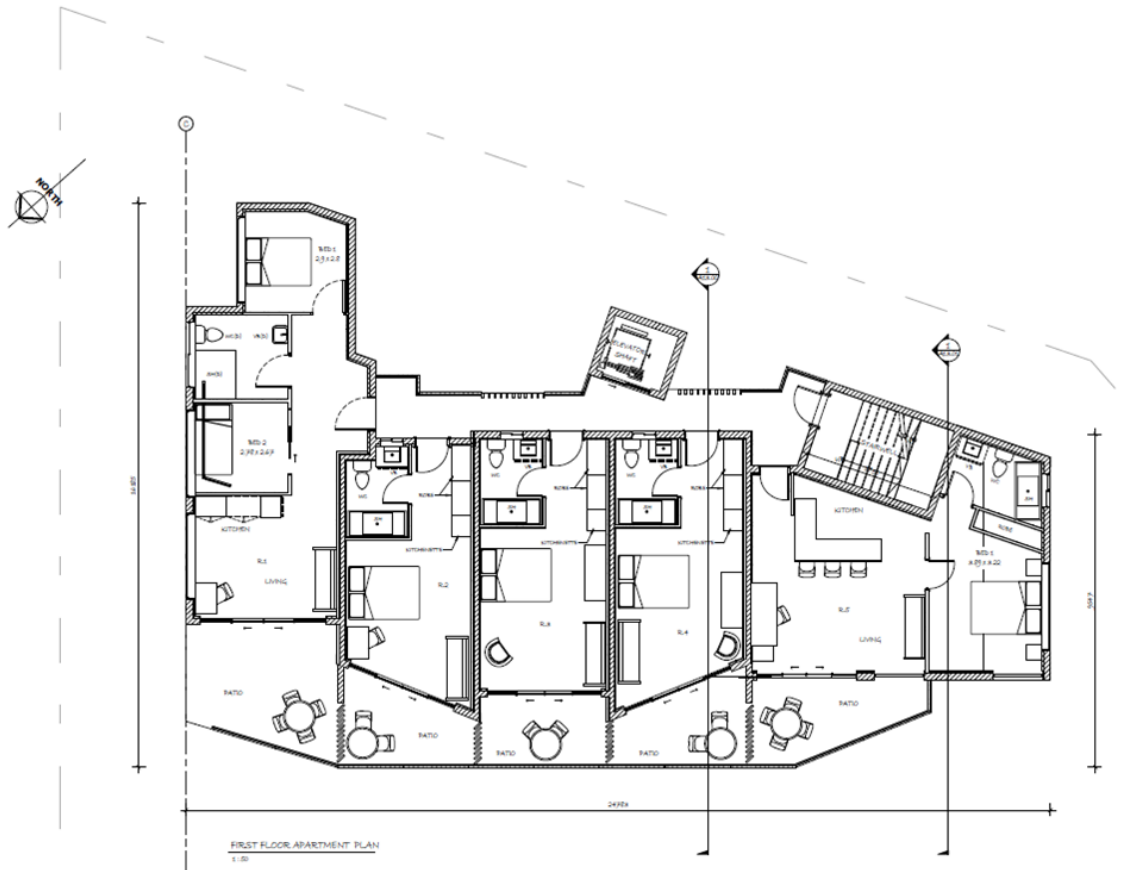


Figure 12: Proposed Apartment First Floor Plan (4 hotel rooms and 1 apartment rooms)

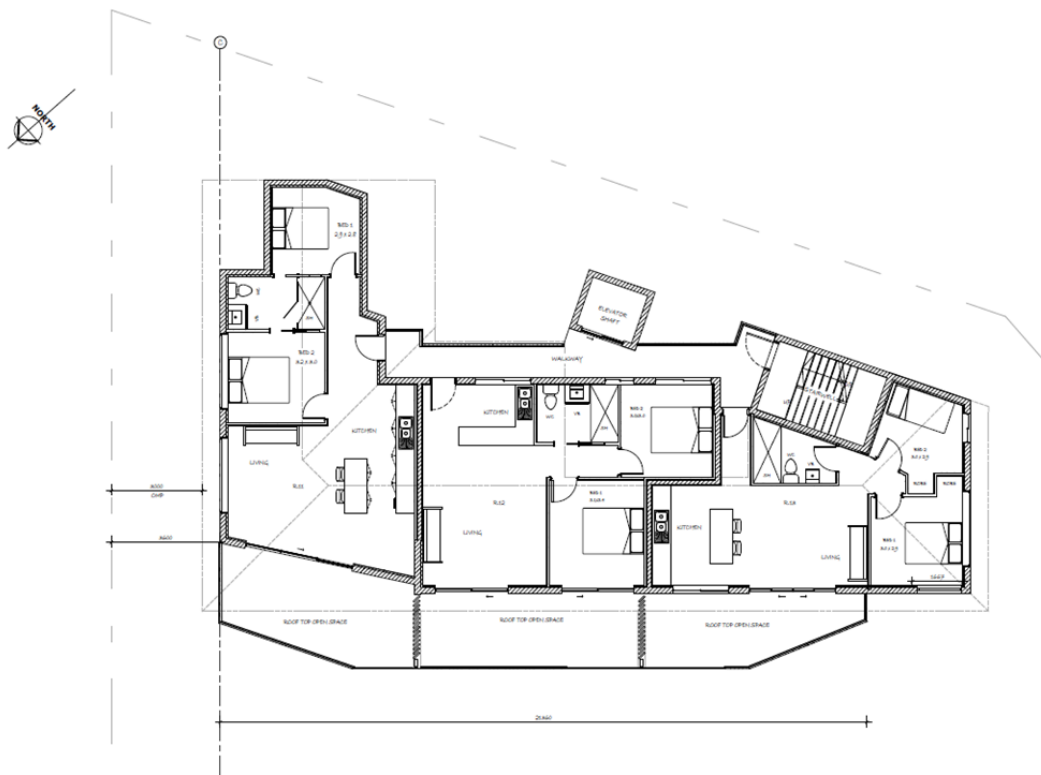


Figure 13: Proposed Apartment Second Floor Plan (3 apartment rooms)

From Council's Information Request, the Applicant amended the original plans to reduce the building height from natural ground level to remain under 8.5m. Additionally, Council also requested photomontages to clearly illustrate the overall development on the subject site. Below in Figures 14 to 17, the proposed plans showcase the development footprint and design.



Figure 14: Proposed Site Plan

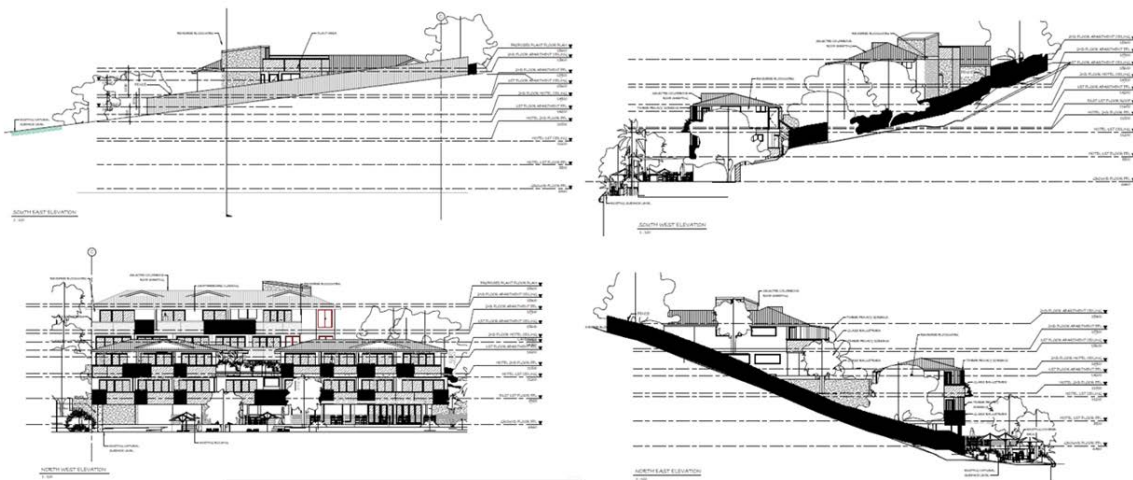


Figure 15: Proposed Site Elevations



Figure 16: Artistic View from Captain Cook Drive



Figure 17: Artistic Impression from Beach View

Furthermore, the Applicant amended the ground floor car parking to reduce the built form from three levels to two levels. As part of Council's Information Request, an item was raised to provide parking spaces that allowed for a car and boat/trailer. In addition to the car parking levels being reduced, the Applicant has proposed to install a car lift to manoeuvre vehicles from the ground floor to the first floor. The updated car parking levels can be viewed below in Figures 18 and 19.



Figure 18: Proposed Car Park Level One Plan

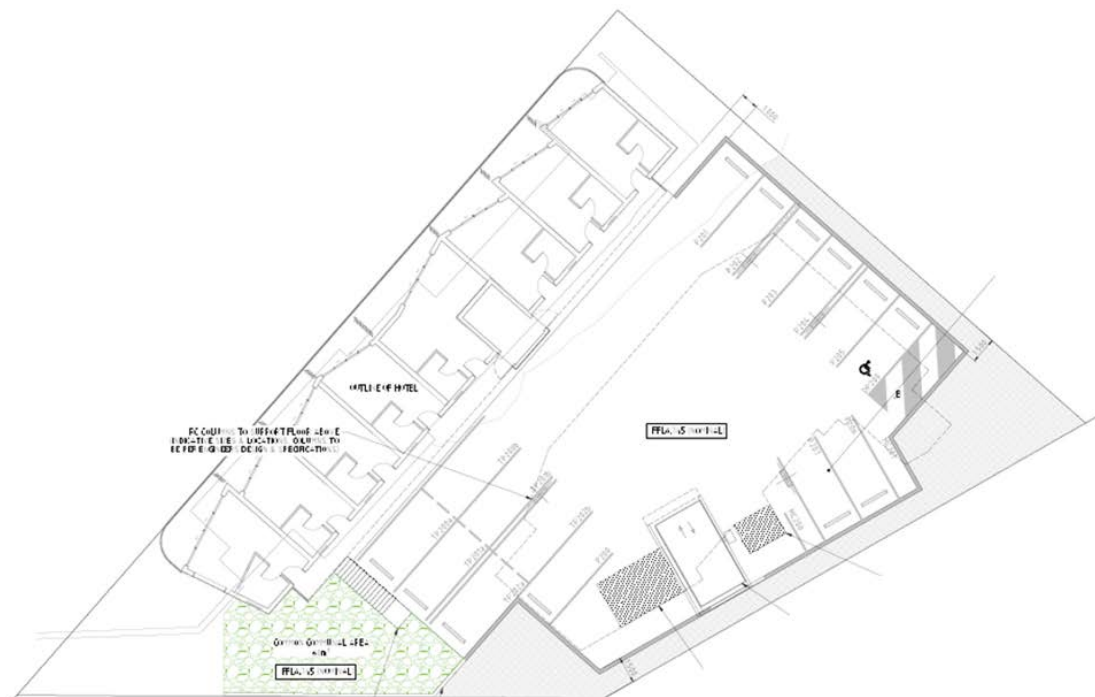


Figure 19: Proposed Car Park Level Two Plan

Adopted Infrastructure Charges Notice:

Existing Lawful Use		Proposed Use		
Planning Scheme Definition	GFA	Planning Scheme Definition	Amount	Stage
Liquor Shop, Snack Bar and Residence	281m2	Accommodation Building	19 bedrooms	N/A
		Multiple Dwelling	4 apartments	N/A

As part of any Decision Notice, an Adopted Infrastructure Charges Notice will be issued in accordance with the Act. As per the AIC, the proposed development charge totalling \$273,001.05 minus the applicable credit of \$27,261.58 will receive a total AIC charge of \$245,739.47.

Referral:

The Applicant was required to refer their application to the Department of State Development, Manufacturing, Infrastructure and Planning – State Assessment Referral Agency given the site's proximity to a Queensland Heritage Listed Place. DSDMIP responded on 29 June 2017 (REF SDA-0517-039289) with no objection to the proposed plan. However, a further compliance note was added regarding the proposed driveway being located in the road reserve which is listed as Queensland Heritage. The current application is for a MCU over the subject site which does not include the road reserve and associated owner consent. Therefore, the proposed driveway will require a separate application to DSDMIP from the Applicant with supporting owner's consent. To ensure this application is lodged, an advisory note has been as part of a recommended condition.

Public Notification and Submissions:

Public Notification was triggered as the application is categorised as Impact Assessment as prescribed by the Planning Scheme and the Act. The Public Notification period occurred between 9 March 2018 and 29 March 2018. During the Public Notification period, a total of 232 Properly Made submissions and 27 Not properly Made submissions were received by Council.

Due to the number of submissions received during the public notification period, the Applicant made minor changes to the proposed plans to address concerns raised and notified all the Properly Made submitters via formal correspondence. During this 30 day period, the Applicant held a community engagement meeting on 26 June 2018 in which Council received additional comments and not properly made submissions outside of the public notification period.

The submissions and Officer's response have been summarised below.

Objection Submissions	Officer's Response
Application Timeline	
This application has lapsed, therefore should be cancelled due to the time line from when the Council issued its Information Request letter dated 17/05/2017 and the response from the applicant dated 28/02/2018. The response was outside the issued 6 month period stated within the letter.	On 17 May 2017, Council issued an Information Request (IR). Council approved a request for extension to the Information Response Period on 17 October 2017 for a further 6 months (i.e. 17 May 2018). Therefore, the development application remains active.
Planning Scheme	
The proposed development does not meet any of the requirements of the GRC Planning Scheme – section 6.2.4.2.	Under section 95 of the Sustainable Planning Act 2009, an Applicant may request that a development be considered against a superseded planning scheme in lieu of paying compensation where there has been a significant loss in development rights.

	<p>Council has agreed to this consideration and as a result the application was lodged for assessment against the now superseded Miriam Vale Shire Council Planning Scheme.</p>
<p>The rationale for Council agreeing to the superseded request is unclear.</p>	<p>Council assessed the request by having regard to the differences in both the <i>Our Place Our Plan Gladstone Regional Council Planning Scheme Version 1</i> and the <i>Planning Scheme of Miriam Vale Shire 2009</i>, and if there was perceived loss of development rights. As a result, Council approved the request for consideration under the superseded scheme with the Applicant to lodge the subsequent Development Application within six (6) months.</p>
<p>Land Use</p>	
<p>The proposal is an over development which could possibly lead to an oversaturation of tourist accommodation for an area that is tagged as a 'Coastal Village' under the Miriam Vale Shire Strategic Framework and Desired Environmental Outcomes Planning Scheme. The amenity of the natural environment, which most local residents have come to value, love and enjoy as their lifestyle choice, are being compromised by this proposed development – built versus natural.</p>	<p>The proposed multiple dwelling and accommodation building has been designed to be generally compliant with the density requirements identified in the Medium Density Residential Zone. The development will provide apartments and tourist accommodation along the waterfront within the Seventeen Seventy area which is currently serviced by holiday houses and a caravan park. The proposal will offer an opportunity to increase Seventeen Seventy's local tourism by providing additional accommodation options within the community. Additionally, the application reflects sustainable infill development by utilising a large Medium Density Residential block and incorporating accommodation with the existing commercial use onsite.</p>
<p>Encroachments</p>	
<p>The proposed development is outside of the boundaries of Lot 5 S8562 and is built over the footpath. The development must be wholly located within the property boundary.</p>	<p>The proposed development is for a Multiple Dwelling and Accommodation Building only, which has been designed to be wholly located within the boundaries of Lot 5 S8562. The existing structures within the road reserve lodged and received approval from Miriam Vale Shire Council in 1971 (House & Shop), 1977 (Additions), 1995 (Awning), 2011 (Retaining Wall) and 2012 (Shade structure). Therefore, the structures have approval to be located within the road reserve. However, there is not a current permit to occupy for the commercial component operating within the road reserve. Council are currently working with the Applicant to lodge and maintain a permit to occupy on the site with State Government.</p>
<p>Character and Compatibility</p>	

<p>Redevelopment of the subject site is overdue; however, it needs to be done a scale and that is sympathetic to the character of the surrounding area. The proposed development is an overdevelopment of the site and completely out of character with the surrounding area, which prides itself on being a quiet, laid back village. 1770 is unique in that it has not succumbed to rampant development that other coastal towns have suffered. It is this very fact that distinguishes the township from other coastal towns.</p>	<p>The proposed development has been redesigned from its original proposal at the time of lodgement to achieve compliance with the requirements of the Planning Scheme. Given the development meets the built form probable solutions in terms of building height, site cover and communal open space, and the development can meet the specific outcomes in the sense of density and built form, the proposed development is considered to comply with the Scheme's intent and character to be established in the area.</p>
<p>The site is too small for such a large development, with a scale and form much greater than any surrounding development in the locality. This will have a negative impact on the overall area.</p>	<p>The Planning Scheme outlines that Multiple Dwelling development is to occur on lots larger than 800m² and with a frontage of more than 20m in this zone. The subject site is 1156m² with a road frontage of 51 metres. Therefore, it is considered that the subject site is sufficient to house the proposed development.</p>
<p>The local centre at 1770 would be identified as the Marina area. The remainder of the area is solely residential, with the exception of the current 'Tree Bar', but this would not be classed as a commercial centre nor does it need to become one of any larger portion, due to its current location within a residential precinct.</p>	<p>The Miriam Vale Shire Council Planning Scheme identifies both Accommodation Buildings and Multiple Dwellings as Residential uses. The Seventeen Seventy Locality Code further outlines that new Residential Uses (as identified in Part 1 of the Scheme) do not occur outside land in the Low Density Residential or Medium Density Residential Zones; and land adjacent to Captain Cook Drive in the area Zoned Medium Density Residential is developed for shops, restaurants and cafes on the ground level and residential development above ground level.</p>
<p>The proposed development is not considered to reflect any of the Overall Outcomes of the Seventeen Seventy Locality Code. The proposal does not fit the local character of the area and additional facilities are not required.</p>	<p>The Seventeen Seventy Locality Code - Overall Outcome (b) states that the township provides a range of services and facilities for the immediate coastal village community, including visitors and permanent residents. The proposed development will provide additional facilities in the Seventeen Seventy area for both visitors and residents. While Overall Outcome (g) outlines that new development does not adversely affect the existing amenity of the locality. The existing amenity and character of Seventeen Seventy is predominately Dwelling House with various designs. Although this proposal is increasing the residential scale to include additional Accommodation Buildings and Multiple Dwellings, the development has been designed in accordance with the Medium Density Residential Zone parameters. Additionally, the proposed building has been redesigned to reflect a</p>

	<p>building under 8.5 metres above natural ground level. This building height will remain consistent with the surrounding Dwelling Houses and therefore will complement the existing amenity of Seventeen Seventy area. In summary, the development complies with the Overall Outcomes of the Seventeen Seventy Locality Code.</p>
<p>The proposed development pertains more to the multi-storey residential blocks at Agnes Water. The development will be a detrimental feature taking over the entire end section of Captain Cook Drive and does not fit with any of the surrounding building characteristics.</p>	<p>The Miriam Vale Shire Council Planning Scheme indicates that the subject site is located within the Medium Density Residential Zone. As part of drafting the Planning Codes for the Medium Density Residential Zone, the Scheme has identified higher built form and design provisions, along with the nomination of greater intensity land uses than currently exist within the Seventeen Seventy locality. These provisions establish the 'character' for all future development within the Medium Density Residential Zone. As a result, the development is therefore granted additional development rights beyond the low density residential dwelling houses located within the surrounding area. These development rights allow for the creation of future developments more in keeping with the projected character expected of further development within the Medium Density Residential Zone.</p>
<p>The Applicant has not demonstrated overwhelming need for a development of this scale.</p>	<p>Given the proposed development meets the required probable solutions and specific outcomes the development does not need to justify overwhelming need for the development.</p>
<p>These buildings, on such a scale, are not in keeping with the amenity of other buildings in the local area, nor is the amount of site covered in keeping with other close by dwellings. Very little green space has been left on this block, making the built environment look overpowering, imposing and out of character to a coastal village montage.</p>	<p>The proposed development has been redesigned from its original proposal at the time of lodgement to achieve compliance with the requirements of the planning scheme. Given that the development meets the built form probable solutions in terms of building height, site cover and communal open space, and the development can meet the specific outcomes in the sense of density and setbacks, the proposed development is considered to comply with the Schemes intent and character to be established in the area. Therefore, the development has been designed to be consistent with the character expected of further development within the Medium Density Residential Zone.</p>
<p>There is clearly a difference between the proposed development and the character of the adjoining 1770 Beach Shacks development in terms of built form, scale and density.</p>	<p>When looking at the impacts of built form, the proposed development has a maximum site cover of 50%. In comparison, the 1770 Beach Shacks appear to have a 52% site cover, which is greater than that of proposed</p>

	<p>development. The scale and bulk of the development when viewed from the beach is also not dissimilar given both developments achieve a similar building height and level along the ridgeline. As such, it is considered that the proposed development and adjoining development reflect a similar overall built form, scale and density.</p>
<p>The development states that it will be a landmark for 1770. 1770 is itself a landmark. It is surrounded by Conservation/National Park and is recognised by the National Heritage Council as a place of significant historic and cultural importance, being registered as Cook’s landing place. Private land does not come under the confines of the Heritage regulations, but the overall impact on the amenity and visual character of the area will create serious detriment to the current low density coastal village atmosphere that exists.</p>	<p>The proposed development was referred to the Department of Environment and Heritage Protection (DEHP) at the time of lodgement due to its location adjoining a Queensland Heritage Place. DEHP assessed the proposed development and the potential impacts on the Queensland Heritage Place. DEHP provided an approval as the development met their assessment criteria.</p>
<p>Car Parking</p>	
<p>Proposed access to, and configuration of, new on-site carparking is not well considered. The proposal allocates all new carparking to sole use by on-site residents with no parking provided for staff, service/delivery vehicles or hotel patrons. Both the desirability and feasibility of this proposition is considered contentious especially given that the lower carpark is to be located at the hotel level and remote from the residential units it is intended to serve. Vehicular movement within the lower carpark can be expected to be chaotic as vehicles seek simultaneously to manoeuvre to access parking spaces or queue to enter/exit the single vehicle lift to the upper carparking level. User frustration can be expected to be further exacerbated by access issues associated with the 'tandem' parking spaces. This same scenario will be repeated in the upper carpark but with the mechanical lift providing the only means for vehicle access/egress.</p>	<p>As part of Council’s assessment and recommendation, a condition has been included requesting the Applicant to provide an amended car parking layout plan, certified by a RPEQ, that demonstrates compliance for car parking sizes for all 32 car spaces to be constructed to support the uses onsite. This recommended condition addresses the submitter’s concerns.</p>
<p>There has been no boat/trailer carparking provided within the facility.</p>	<p>To achieve boat and trailer parking on this site would be problematic. Additionally, incorporating boat and trailer facilities within the proposed underground car parking would require significant redesign of the structure to ensure the vehicles could access (height clearance) and manoeuvre (turning within the facility). Therefore, Council have assessed the development against Specific Outcome 1 and determined compliance via a recommended condition that does not include construction of boat and trailer parking.</p>

<p>Building Height</p> <p>The maximum number of storeys allowed under the Medium Density Residential Zone Code is 3. The actual structure, whilst showing 4 stories, actually takes up the space for nearly 5 and is completely unsympathetic to the character of the area.</p>	<p>The Medium Density Residential Zone Code outlines a maximum building height of 11m and 3 storeys above natural ground level. Natural Ground Level is defined as: the ground level that exists at the time of creation of the allotment and shown on the plan of survey. Furthermore, the Scheme defines a storey as: that space within a building between one floor level and the next floor level above, or if there is no floor above, the ceiling or roof above. A basement car park located 1 metre or more above natural ground level and an accessible roof terrace or garden with or without roof/shade structure (whether wholly or in part) will be counted as a storey. The proposed development maintains a maximum building height of 8.5m above natural ground level and a maximum of 3 storeys at all times. As a result, the proposed building height remains compliant with the Planning Scheme.</p>
<p>Earthworks</p> <p>The development proposal includes a requirement for excavation along the back boundary which will be over 10 metres deep in this fragile sand environment. Additionally, this is compounded by the fact that this excavation is deep into acid sulphate material, thus requiring the disposal of this contaminated material. Adjoining properties are at risk.</p>	<p>The associated earthworks required for the development will trigger lodgement of an Operational Works application to Council as the Assessment Manager. This application will require technical reports such as Acid Sulfate Soils Management Report, Slope Stability Report and a Construction Management Plan to be completed by a RPEQ to certify the earthworks and associated structures meet the relevant standards.</p>
<p>Infrastructure</p> <p>The current water and sewerage system is adequate for the existing residents. A large development will require a major and costly upgrade of the system. This upgrade must not be at the ratepayers expense, and require a major contribution from the developer.</p>	<p>As per a condition of this Development Permit, the Applicant will be required to lodge detailed plans demonstrating adequate capacity of the network including capacity during Peak holiday periods as part of the Operational Works application. Any associated upgrades to Council's networks would require all costs to be paid by the Applicant.</p>
<p>Setbacks and Buffers</p> <p>The proposed development does not provide the correct setbacks.</p>	<p>The proposed development meets the required setback of 3 metres for all side and rear property boundaries. Relaxation of the front 6m setback is considered reasonable and justifiable against the Specific Outcome when taking into consideration the existing established built form of the site. The established building line along Captain Cook Drive has also been built to boundary. Furthermore, the inclusion of balconies</p>

	along the property frontage allows for casual surveillance of the public parkland.
Noise & Odour	
The additional residents will increase noise and odour. The transference of the bulk bins to the kerb will be very loud, and 1500L of rubbish will give off offensive odours, particularly in hot weather. It is not an option for service vehicles to pull up in front of the development, as this will impede traffic flow. No 'on-street' loading zones can be allowed for, due to the dangerous nature of the road, the close proximity to a blind corner and lack of room.	To ensure the development provides adequate storage bins, odour control measures and safe service access, a condition has been recommended as part of this Development Permit to provide a Waste Management Plan as part of the Operational Works application.

Support Submission	Officer's Response
The proposed development is more attractive than what is there currently. It looks integral and blends with the vision that the tourist industry needs for the region. The proposal could be utilised for events and additional accommodation at 1770.	The development complies with the intent of the Seventeen Seventy Locality Code and overall planning scheme vision for a Medium Density Residential Zone by proposing coastal designed buildings that provide additional accommodation options for both visitors and tourists.

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 Outcome as well as recommending reasonable and relevant conditions to rectify any non-compliance:

Statutory Planning:

As per the SPP, a Local Government must consider all State Interests under Part E: State interest policies and assessment benchmarks where not reflected within the relevant Planning Scheme. The SPP has effect throughout Queensland and sits above regional plans and Planning Schemes in the hierarchy of planning instruments. An assessment against Part E: Assessment Benchmarks will be required as the Planning Scheme has not been integrated with the current SPP state interest policies. An assessment has been carried out against each applicable State Interest.

State Interest	Trigger	Assessment
Natural Hazards, Risk and Resilience	Flood Hazard Area	Complies – The proposal is located within the SPP mapping, however, the superseded Planning Scheme does not include identified flood hazard areas based on a localised flood study. Additionally, the proposal is located above an existing structure and on the upper rear of the site. As such, it is deemed the development does not increase flood risk to the development, property or people.
Natural Hazards, Risk and Resilience	Bushfire Prone Area	Complies – The proposal is located on an existing developed site. The current proposed development seeks to add an Accommodation Building above the current building and expand to include Multiple Dwellings towards the rear of the

		site. As a result, the proposal would reduce the existing vegetation, and thus, mitigate the risk for people and property on the site. In addition, the site will also be serviced by reticulated water and provide access for emergency services. Subsequently, it is considered that the development has mitigated the risks to an acceptable or tolerable level.
Natural Hazards, Risk and Resilience	Erosion Prone Area	Complies – Although the proposed development is located within the Erosion Prone Area, it is located outside the Coastal Management District. Therefore, the proposal complies with the benchmarks within the SPP. However, assessment against the Coastal Management Overlay has outlined compliance with the applicable benchmarks within the Planning Scheme.

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 Planning Scheme provisions:

- Strategic Framework;
- Acid Sulfate Soils Overlay Code;
- Biodiversity Overlay Code
- Low Density Residential Zone Code;
- Reconfiguring a Lot Code;
- Development Design Code; and
- Landscaping Code.

Strategic Framework – 2.1.1.3 Local Strategies for Coastal Villages

The strategic intent for Seventeen Seventy is to accommodate localised commercial growth for the needs of the permanent resident community, with a low level of development to cater for some tourist and visitor needs. Infill development will be a mixture of permanent and holiday accommodation, with low-rise unit development along the waterfront being limited to the area zoned Medium Density Residential development.

In response, the proposed development will provide low level apartment and tourist accommodation along the waterfront within the Seventeen Seventy area which currently is serviced by holiday houses (30) and a caravan park (1) which can be viewed via Figure 20 (note all this information was obtained via online accommodation websites). The proposal will offer an opportunity to increase Seventeen Seventy’s local tourism by providing additional accommodation options within the community.

This application reflects sustainable infill development by utilising a large Medium Density Residential block and incorporating accommodation with the existing commercial use onsite. Additionally, the development pays tribute to coastal architecture elements that will complement the prime waterfront location along Captain Cook Drive. Overall, the development is consistent with the strategic intent for the coastal villages.

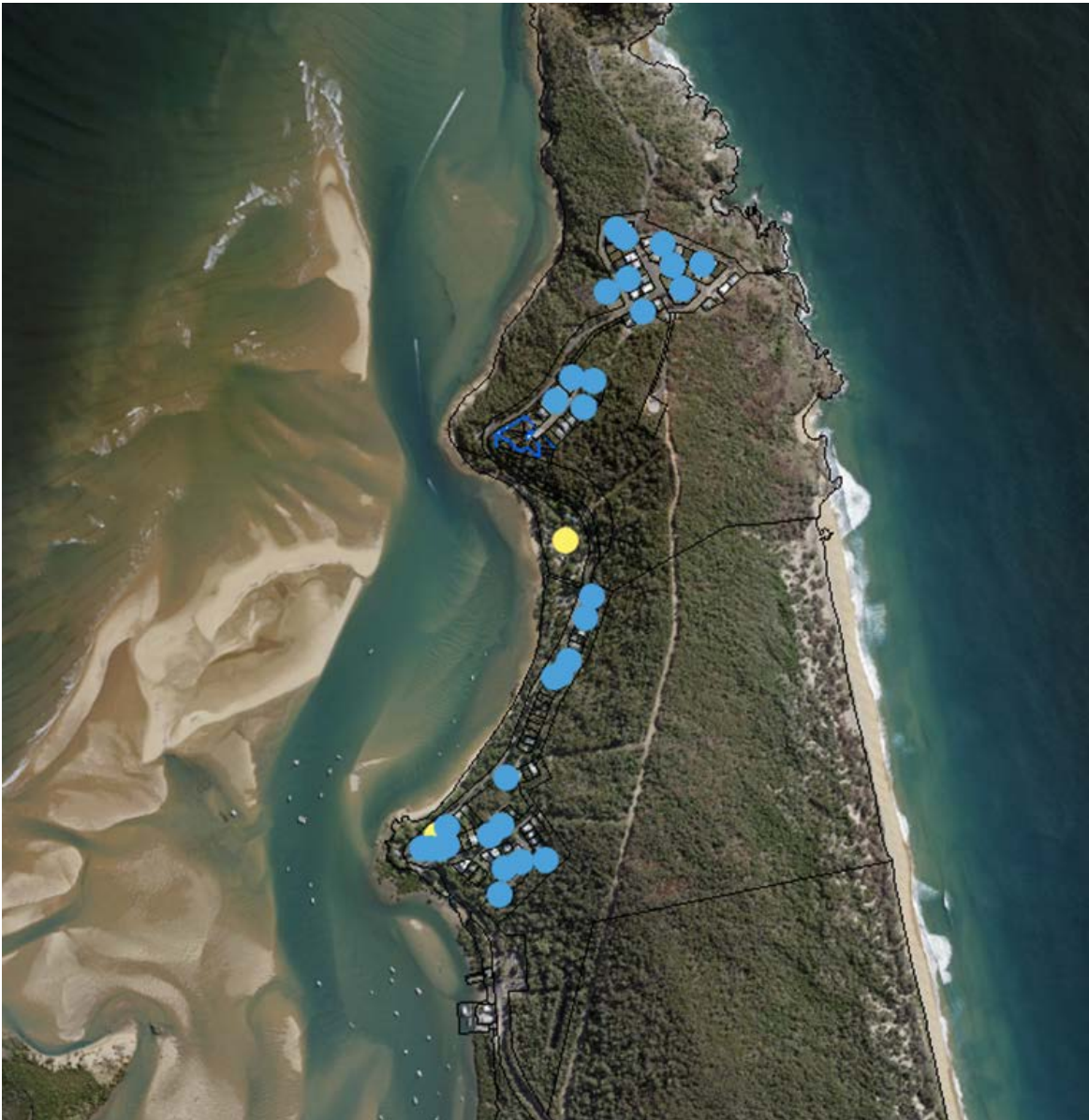


Figure 20: Existing accommodation options in Seventeen Seventy

Desired Environmental Outcomes

The Desired Environmental Outcome for Economic Development states *the Shire continues to develop, enhancing its role and position in the region. This growth continues to foster additional opportunities for employment and provides ongoing economic support to the rural, resources and tourism sectors. This can be achieved in preferred locations, growth in the range of products for tourists and visitor, including back-packer and tourism accommodation is supported.*

The subject site was envisaged for mixed use development within the Planning Scheme as only a few lots were located within the Medium Density Residential Zone along Captain Cook Drive. In addition to the development being appropriately located, the proposal supports economic development in Seventeen Seventy by providing additional accommodation facilities to support the local tourism industry while complimenting the current accommodation options. The application proposes to build the Accommodation Buildings above the existing uses onsite, while developing the rear to include apartments. This allows a mixed use development to operate commercial uses on the ground floor that will directly interact with visitors in the Seventeen Seventy area, while providing alternative accommodation in the upper floors and towards the rear of the subject site. Therefore, the proposal supports economic development within the Shire and Seventeen Seventy area.

The Desired Environmental Outcome for Residential Development states that *residential development in the Shire seeks to achieve a balance between growth in existing, established areas and the maintenance of local character and amenity*. This outcome can be achieved through a variety of diverse housing types and densities which *are located in areas intended for such development, and maintain and enhance existing local residential amenity*. The proposed residential development is a combination of Accommodation Buildings and Multiple Dwellings and is located within the Medium Density Residential Zone which supports residential uses. This application has incorporated coastal architectural elements to compliment the locality of Seventeen Seventy while adding to the diverse housing designs within the area.

The Desired Environmental Outcome for Development Generally requires that *development will maintain the health and safety of the Shire's residents and visitors, and the amenity and sense of community they enjoy by maintaining a scale, form and intensity appropriate for the locality*. The existing amenity and character of Seventeen Seventy is predominately Dwelling Houses with various designs. Although this proposal is increasing the residential scale to include additional Accommodation Buildings and Multiple Dwellings, the development has been designed in accordance with the Medium Density Residential Zone parameters. Furthermore, the Applicant has reduced the overall building height to reflect the *Our Place Our Plan Gladstone Regional Council Planning Scheme* which restricts all development within the Character Residential Zone to be less than 8.5m above natural ground level. Thus, resulting in a development that reflects similar building heights to the existing Dwelling Houses and other accommodation located along Captain Cook Drive and aligning with the built form parameters outlined in the current *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2 – Character Residential Zone Code*.

The Desired Environmental Outcome for Open Space, Natural Environment and Cultural Heritage states that *development ensures that the Shire's coastal, semi-rural and rural values and the natural environment and ecosystems are effectively managed such that areas of significant visual and ecological importance are conserved and rehabilitated*. The waterfront parkland has high visual and community values, not only for the locals, but for visitors and tourists in the Seventeen Seventy area. The subject site is located along Captain Cook Drive which adjoins the waterfront parkland. To determine if the proposed building would protrude above the coastal ridgeline and detract from the mainland coastal appearance, Council requested a photomontage of the development from public spaces. As per Figure Eighteen, the development can be viewed from the waterfront; however, the roofline is consistent with adjoining structures since the Applicant reduced the overall building height. To reduce the bulky appearance of the development, the Applicant has modified the design to break up the length of the façade and has included various coastal design elements to soften the visual impact from the waterfront area.

The Desired Environmental Outcome for Community Wellbeing ensures that *the promotion of a quality lifestyle, community identity and pride, and the maximisation of opportunities for social interaction, recreation and rural diversification and tourism (in appropriate areas)* are achieved through development. The subject site has an existing Restaurant and Hotel use that attracts and supports social interaction and tourism within the area. Furthermore, this application has proposed coastal architecture elements for the additional buildings to complement and enhance the Seventeen Seventy built form while promoting the coastal community identity.

The Desired Environmental Outcome for Infrastructure Provision states that *the maintenance of existing, and the provision of future planned infrastructure is necessary to support continued sustainable growth and development within the Shire*. To achieve this, development should ensure that *existing infrastructure is utilised and operated in a safe and efficient manner, including roads, water and sewerage systems, and energy supplies, and protected from inappropriate development*. The subject site has existing connections to Council's sewer and water network. To facilitate the increase in demand from the proposed development, a recommended condition has been included to provide adequate onsite storage that can accommodate the entire site, that feeds into the existing maceration tank and sewer connection, without increasing the load on Council's sewer network. In addition, the application has included onsite car parking and a driveway located at the northern corner. These elements will provide safe and efficient vehicle access to the subject site.

Potential Acid Sulfate Soils Overlay Code

The proposed development will require significant earthworks onsite to achieve the underground car parking facility. Although an Acid Sulfate Soil Investigation Report was not provided with the development application, the subject site is located within the potential area of Acid Sulfate Soils. As such, a condition has been recommended to provide an Acid Sulfate Soils Investigation report as part of the Operational Works application. This will allow Council the opportunity to assess the risk and determine if a Management Plan should be included if Acid Sulfate Soils are found to be present onsite.

Coastal Management Overlay Code

The subject site has an existing Liquor Shop, Snack Bar and Residence onsite that was built to the front boundary in the early 1970's. This current application seeks to incorporate Accommodation Buildings above the existing Residence and Multiple Dwellings towards the rear. Even though there are existing structures onsite, the lot is located within the Erosion Prone Area (Figure 21) and has outlined that extensive earthworks will be required to install the underground car parking facility. Additionally, the current SPP mapping indicates that the entire site is located within the Erosion Prone Area. Therefore, Probable Solution 1.1 states that *development resulting in a greater intensity of use clearly demonstrates coastal management outcomes are not comprised*. Due to the proposed earthworks required onsite, the development does not comply with Probable Solution 1.1. As a result, the development will be assessed against Specific Outcome 1.

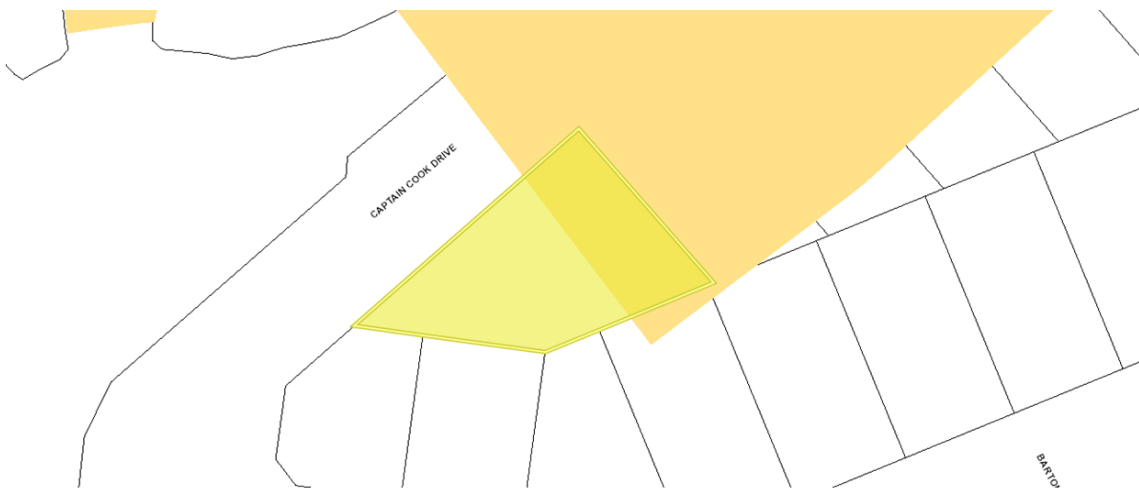


Figure 21: Coastal Management Overlay (Erosion Prone Area) Mapping

Specific Outcome 1 states that *development within the Coastal Hazard Management Zone is sited and designed to buffer the development from natural processes occurring in the coastal Zone, and incorporating suitable design measures to reduce risk to property and life*. The subject site is located approximately 30.5 metres from the revetment wall separating the waterfront parkland and beach (Figure 22). In addition to the revetment wall, there is a sealed council-controlled road adjoining the subject site. As such, the development has satisfactory buffers from the natural process of erosion.



Figure 22: Distance from existing revetment wall

Probable Solution 1.2 requires that *excavation does not increase the vulnerability of buildings and structures to erosion by tidal waters*. The subject site is currently not affected by tidal waters and is separated by significant infrastructure including Captain Cook Drive. In the case of a severe weather event, a condition has been included for the Applicant to provide an emergency evacuation plan and demonstrate a drainage system has the ability to effectively and efficiently remove any water that may enter the car park. As a result, the proposal satisfactorily complies with Probable Solution 1.2.

Probable Solution 2.1 requires that *buildings and structures associated with residential uses are post and beam constructions, and not concrete slab construction*. The proposed concrete slab construction is required to accommodate the basement carparking to meet the required provisions onsite. The building design of the overall development will present a consistent built form with the amenity of the Seventeen Seventy area.

Probable Solution 2.4 states that *provision is made for a 3 metre wide planting strip containing endemic coastal species as listed in Table 4.43.2.4, adjacent to the building envelope*. With reference to the submitted Landscape Plan, the proposed planting strip does not meet 3m in all instances, nor does it provide specific species details to ensure compliance. Therefore, a condition has been recommended to provide an amended Landscaping Plan that is certified by a suitably qualified person to comply with the planning scheme requirements.

Probable Solution 2.5 outlines that *cut and fill for retaining walls, driveway access and landscaped areas is no greater than 1.0 metre in depth*. This application did not include technical drawings to demonstrate how the proposed earthworks would be retained, noting that the retaining wall required to support the load from the rear of the site from the underground car parking would result in far more than 1 metre in depth. As such, the proposal will require assessment against Specific Outcome 2 due to noncompliance with Probable Solution 2.1 and 2.5.

Specific Outcome 2 requires that *development in the coastal zone has a scale and form in keeping with the predominant tree line and land form and is not visually intrusive when viewed from the beach or coastline*. After several changes to the proposed development, the Applicant has now reduced the overall height to be less than 8.5m above natural ground level while incorporating soft coastal architectural design elements that reduce the bulk impact visible from the coast line. Furthermore, the submitted photomontage demonstrated that the proposed development is in keeping with the adjoining Dwelling Houses' roof line. As a result, the development generally complies with Specific Outcome 2.

Hillslopes Protection Overlay Code

The subject site is partly mapped to have 15-30% slopes. The proposed development will require significant earthworks to construct the underground car parking facility. The location of the proposed earthworks is located within the mapped 15-30% slopes. To ensure the development does not increase the risk to people and property onsite and to the adjoining sites, a condition has been recommended for the Applicant to submit a Slope Stability Report along with other technical reports (i.e. RPEQ retaining wall) as part of the Operational Works application. These technical reports will be required to demonstrate compliance with the Hillslope Protection Overlay Code Probable Solutions 2.1(3).

Bushfire Hazard Overlay Code

The site has been identified with moderate bushfire hazard. However, as per Figure One, the site and surrounding residential sites have been cleared of dense vegetation. In addition, each lot has access to reticulated water. Therefore, the immediate risk of potential bushfire's has been reduced. With reference to Probable Solution 2.1, the benchmarks states that *premises are connected to a reticulated water supply having a minimum pressure and flow of 10 litres a second at 200 kpa which is available at all times for firefighting purposes*. To ensure that the site meets adequate water pressure for firefighting purposes, the subsequent Development Application for Operational Works will require the development to demonstrate compliance with the relevant standards.

Probable Solution 3.1 requires that *development involving Multiple Dwelling and Accommodation Buildings do not occur in areas having moderate, high or extreme bushfire risk*. The proposed development includes two Uses within the moderate Bushfire Hazard. Therefore, assessment will be made against Specific Outcome 3.

Specific Outcome 3 states that *development does not materially intensify the use of bushfire prone land*. As previously mentioned, the subject site and adjoining lots have been cleared of dense vegetation. This along with the availability of reticulated water, reduces the risk of bushfire hazard to a tolerable level.

Seventeen Seventy Locality Code

Specific Outcome 6 outlines that *development is located, designed and undertaken to avoid the adverse impacts of increased light, dust, odour and traffic experienced by occupants of surrounding uses*. To ensure compliance with these various impacts, conditions have been included to lodge additional information prior to Operational Works and Building Works.

Specific Outcome 8 states that *development within areas vulnerable to storm surge or inundation, high bushfire hazard, landslip or erosion should be avoided*. As per previous assessment of the relevant Overlays applicable to the subject site, the proposal is located within a vulnerable area. However, due to the subject sites location with significant infrastructure buffering the development from the beach, it was determined the proposal complies with the Coastal Management Overlay.

Specific Outcome 9 requires that *development conserves the cultural heritage values of places listed on the Queensland Heritage Register and other sites and structures which are of Indigenous and other cultural heritage significance*. The application was referred to DSDMIP for the site adjoining a Queensland Heritage Listed Place. DSDMIP responded with no conditions regarding the impact from the proposed development on the Queensland Heritage Listed Place. As such, the proposal complies with this Specific Outcome.

Acceptable Solution 11.1 states that *buildings do not protrude above any horizon or ridge line when viewed from any place readily accessible to the public*. With reference to the submitted photomontages, the proposal can be viewed from the coastal shoreline and surrounding properties. Additionally, the proposed landscaping would not reduce this visual impact. Therefore, the proposal will not comply and will be assessed against Specific Outcome 11.

Specific Outcome 11 requires that the *predominant natural character of the area shall be maintained and enhanced by appropriate urban form*. The existing site has a commercial business operating at

the front of the property with the rear being undeveloped. Due to the site topography, this undeveloped land created a buffer between the upper residential developments (one and two storey Dwelling Houses) when viewed from the public coastal areas. However, the proposal seeks to incorporate a stepped development that will be visible from the coastal viewpoints. The submitted Photomontage acknowledged that the development can be viewed from the waterfront; however, the development is consistent with other adjoining Dwelling House rooflines. Furthermore, the residential development has incorporated coastal design elements to reflect and complement the existing coastal character. As a result, the proposal provides appropriate urban form and thus complies with Specific Outcome 11.

Medium Density Residential Zone Code

Probable Solutions 5.1 and 5.2 states that *Multiple Dwellings and Accommodation Buildings are setback a minimum of 3 metres from side and rear boundaries, while any development is setback 6 metres from the primary road frontage.* As per the amended plans submitted with the Information Request Response, the extension to the existing front building is located on the front boundary with no setback provided. In this instance, a relaxation would be provided due to the existing structures onsite. Additionally, a condition has been recommended to construct a 3 metre wide landscaping strip along the side and rear boundaries to comply with the Coastal Hazard Overlay Code. This recommended condition will require the Applicant to provide additional setbacks to the structures, thus complying with the side and rear setbacks of this benchmark.

Multiple Residential Development Code

Probable Solution 4.1 requires that *commercial driveway crossings are provided for the development.* As previously discussed within the Referral Agency section of this report, the Applicant is required to submit a separate application with owners consent to DSDMIP for the proposed driveway crossover as the development will be located within a Queensland Heritage Place. Once DSDMIP provide a decision regarding the proposed driveway, the Applicant can lodge the subsequent Driveway Application to Council. Additionally, the Applicant would be required to remove and reinstate all current crossovers. As a result, a condition has been recommended for the Applicant to remove and reinstate all current crossovers and lodge a new driveway application.

Specific Outcome 6 states that *the premises are on a site with vehicle access from a road having adequate capacity for the traffic volumes expected to be generated.* The site gains access to Captain Cook Drive, which is classified as an Urban Residential/Commercial collector within Council's Road Hierarchy and can accommodate up to 3,000 vehicles per day. Therefore, the proposed development is within the parameters of the operational capacity of this road type.

As per the assessment in the Medium Density Residential Zone Code, the proposal did not comply with the minimum front setbacks. Consequently, the proposal will not comply with Probable Solution 8.1 and 8.2. Thus, assessment has been made against Specific Outcome 9 which states *building setbacks make efficient use of the site, provide amenity for residents and allow sufficient space for vehicle parking.* The development has been configured to ensure open space is available, car parking is provided onsite and the structures are located within the boundary. Furthermore, to ensure the existing building and all structures and gardens located within the road reserve are cohesive with the proposed coastal design, conditions have been recommended for detailed Streetscape Masterplan including Landscaping and pedestrian connectivity to and from the site via a constructed footpath. From the imposed conditions, the proposal generally complies with the intent of Specific Outcome 9.

Probable Solution 9.1 requires that *where the windows of a bedroom or living area look directly at similar room windows in an adjacent dwelling (including other dwellings on the site) or where the adjoining land is vacant and the zoning permits residential development, and where the windows in question are within a distance of 4 metres at ground level and 8 metres above ground floor, privacy is protected by:*

- Sill heights a minimum of 1.6 metres above floor level; or
- Fixed external screens; or
- 1.8m high fence (to screen ground floor windows).

The Applicant has suggested that screening will be provided for windows that overlook adjoining properties, however, a condition has been recommended to ensure this is incorporated.

With reference to Probable Solution 10.3, the benchmark states that *building bulk is consistent with the scale of development on the premises and on adjacent premises*. The proposed development adjoins houses which reflect a small scale, one to two storey Dwelling House. This application is, however, for Accommodation Building and Multiple Dwelling. Therefore, the scale and building bulk will not be consistent with the adjoining premises. As a result, the proposal will be assessed against Specific Outcome 11.

Specific Outcome 11 outlines that *appearance of building bulk is reduced by design elements*. The proposed residential development has incorporated coastal design elements, landscaping and reduced the overall building height to reduce the building bulk. As such, the proposal complies with Specific Outcome 11.

Probable Solution 12.1 requires that a *ground floor dwelling unit, ground floor private open space is provided with a minimum area of 35m² and minimum dimension of 3m*. While Probable Solution 12.2 states that for above *ground dwelling units, private open space is provided as a balcony with a minimum area of 15m² and a minimum dimension of 3m*. As per the plans, the Accommodation Building and Multiple Dwelling provide private patio/balconies, however they range from 7m² – 15m². As a result, the development does not conform to Probable Solutions 12.1 and 12.2. Therefore, Specific Outcome 13 will be assessed to determine compliance.

Specific Outcome 13 requires that *development provides sufficient private and communal open space for residents' needs*. As the proposal has provided private open space in addition to the communal space, it is deemed the development complies with Specific Outcome 13.

Probable Solution 15.4 states that *developments comprising eight or more dwelling units are provided with communal commercial skip bins with an additional collection day holding pad immediately inside the front boundary*. The proposed development is built to boundary with the extension of the footpath dining and driveway located in the road reserve. The Applicant has not demonstrated compliance with Probable Solution while maintaining line of sight and safety of the Captain Cook Drive road. Therefore, assessment has been made against Specific Outcome 16 which states *building design and layout allows for necessary infrastructure and service requirements. These areas must be located to prevent adverse impacts on neighbouring properties*. A condition has been recommended for the Applicant to provide a Waste Management Plan that demonstrates a service vehicle can safely access and exit the site. As a result of this condition, the development will comply with Specific Outcome 16.

Landscaping Code

Probable Solution 1.1 requires that *site design retains existing trees that are not within areas required for access, car parking or building construction*. The development would require significant earthworks and retaining walls to facilitate the proposal; this would result in existing vegetation to be removed. As such, the proposal does not comply with Acceptable Solution 1.1 and will be assess against Specific Outcome 1.

Specific Outcome 1 outlines that *existing Significant Vegetation is retained on site, where possible and new planting utilises native species*. As per the local and state government mapping, the subject site was not identified as significant vegetation. As a result, the proposal complies with Specific Outcome 1.

Acceptable Solution 3.3 states that for *land in the Low Density Residential, Medium Density Residential, Tourist Commercial, Commercial Services, Retail Showrooms, Local Business and District Business Zones, hard landscaping elements includes public features such as:*

- *seating;*
- *shade structures or shelters;*

- rubbish bins;
- drinking fountain;
- pathways;
- garden beds with planting;
- street trees;
- irrigation systems;
- street lighting; and
- play spaces

The proposal has been built to the front boundary which would not allow for landscaped areas within this location. However, with reference to the existing commercial Use onsite, some landscaping has been provided in the road reserve in the form of a garden bed located on top of the retaining wall. To ensure the existing and proposed structures and landscaping compliment the overall visual amenity, conditions have been recommended for the Applicant to submit a full Streetscaping Master Plan for the frontage of the site and a Landscaping Plan for the entire lot. This plan and relevant design elements are to ensure a continued theme for the development is consistent with the coastal character design elements for the area. As a result of this condition, the proposal is able to comply with Probable Solution 3.3.

Acceptable Solution 3.5 outlines that the *footpath is paved for the full length of the site (refer to Planning Scheme Policy No 1)*. As per a recommended condition, the current crossovers located on the site would be removed and reinstated as road reserve. As such, a footpath is recommended for public use from the site to the corner of Elliot and Captain Cook Drive, constructed within the reinstated road reserve. This would provide safe access from the residential area and public on street car parking to the premises and or the Air Sea Rescue Park. To ensure the footpath is provided and meets current standards, a condition has been included as part of this Development Permit.



Figure 23: Proposed footpath

As the footpath will encourage pedestrian movement to the subject site, an additional recommendation has been proposed to incorporate a designated pedestrian movement location from the site to the adjoining beachfront. The proposed location and design is to be submitted as part of the Streetscaping Master Plan and footpath design, with all associated costs borne by the Applicant. This will promote safe access and connectivity to the site.

Specific Outcome 3 states *that landscaping undertaken within the townships complements the existing streetscape character of the area and does not affect the overall functioning of the street*. As per previous assessment, a recommended condition has been included to amend the Landscaping Plan to include additional landscaped areas within the site. The full Landscaping Master Plan shall have regard to existing structures (such as the retaining wall) within the road reserve and

within the subject site to compliment the area. As such, the overall function of Captain Cook Drive would not be affected from landscaped areas. Therefore, this would achieve compliance with Specific Outcome 3.

To achieve Probable Solution 7.1, a condition has been included to construct an appropriate irrigation system for the landscaped areas.

Parking & Access Code

Probable Solution 1.1 states that *car parking is provided as per Schedule 1 to this Code*. As per Schedule 1, the following table outlines the prescribed minimum requirements and the supplied parking spaces as per the Applicant's plans.

Prescribed Parking Rate	Required Parking	Proposed Parking
<u>Accommodation Building</u> <ul style="list-style-type: none"> 1 space per rooming unit An additional and separate area of parking is to be provided for boats and trailers at a rate of 1 boat or trailer space per 10 dwelling or rooming units or part thereof. 	19 car parking spaces 2 boat and trailer spaces Service Vehicle space	19 car parking spaces 0 car + boat trailer space
<u>Multiple Dwelling</u> <ul style="list-style-type: none"> 2 spaces per two or more-bedroom dwelling unit An additional 1 visitor space per 10 units (or part thereof), with a minimum of 2 visitor spaces. 	8 car parking spaces 2 visitor car parking spaces	8 car parking spaces 2 visitor car parking spaces
Total	29 car spaces 2 boat and trailer spaces 2 visitor car parking spaces Service Vehicle space	29 car parking spaces 4 motorcycle spaces 0 boat and trailer space, visitor car parking space and service vehicle space

With reference to the required car parking rates, the Applicant has not provided three car spaces and two boat and trailer spaces. The existing use was assessed and determined to comply with the standards at the time of its relevant approvals in the 1970's. As such, the current proposal will be assessed against Specific Outcome 1 which states *sufficient car parking spaces are provided on the site to accommodate the amount and type of vehicle traffic likely to be generated by the proposed use*, as it does not meet the minimum requirements listed in the above table.

In response, a comparison of the superseded and current planning scheme was conducted to determine an appropriate car parking amount for the development. As per the current planning scheme, the development would require the construction of 27 car parking spaces, with no requirement for boat and trailer car parking. As such, it is considered reasonable not to include the prescribed boat and trailer rate. With reference to the superseded planning scheme, the car parking rate requires the Applicant to construct two (2) visitor spaces and a service vehicle space. To ensure the required car parking spaces are provided, a condition has been proposed as part of this development permit to ensure the total of 32 car parking spaces are provided in accordance with the superseded scheme.

Probable Solution 6.1 states *that car parking spaces are designed in accordance with Planning Scheme Policy No 1*. The Applicant has proposed to provide car parking spaces in accordance with user class 1 (e.g. Employee or commuter parking – generally all day parking) which is not consistent

with the proposed development use. In addition, the supply of tandem parking spaces is not considered acceptable, unless in the situation where two (2) spaces are provided for one dwelling. The applicant has provided 12 tandem spaces for the development. With reference to the user class, the development can only construct eight (8) tandem spaces for the Multiple Dwelling units (2 bedrooms). Additionally, the Applicant has proposed a car lift to maneuver vehicles between the two (2) car parking levels. As the Applicant has not provided detailed specifications in regard to the proposed car lift, Council has requested more detailed information at Operational Works lodgement stage. Therefore, to comply with Probable Solution 6.1, a condition has been included for the Applicant to provide amended plans demonstrating that parking is to be provided in accordance with the appropriate user class and standards.

Probable Solution 7.1 requires that *service vehicle loading areas are designed in accordance with Planning Scheme Policy No 1*. As per the provided plans, the car parking facility does not incorporate a designated area for service vehicles. The Applicant has proposed onsite bin storage with servicing (refuse collection) to be carried out at the front of the development. As such, the development generally complies with Probable Solution 7.1.

Additionally, Probable Solution 10.1 states that *development incorporates the provision of loading Zones and loading bays in accordance with Schedule 1 to this Code; and Rear service access for service vehicles*. The proposed development does not include the provision of loading zones nor loading bays. Therefore, the proposed development does not meet Probable Solution 10.1 and will require assessment against Specific Outcome 10.

To ensure the development complies with Specific Outcome 10 which states *adequate provision shall be made for servicing of premises*, a condition has been imposed to provide a Waste Management Plan. The Waste Management Plan shall identify safe access points for service vehicles to utilise, suitable waste capacity provided onsite for the proposed development and detailed requirements upon the Applicant to comply. This condition will ensure that the service vehicles will access and the site in a safe and efficient manner.

Works Services & Infrastructure Code

Probable Solution 2.1 states *the development is connected to Council's reticulated sewer supply system where the premises are within Area A of the Water and Sewerage Defined areas on Map 2.1.1. Or where within Area B of the Water and Sewerage Defined areas as indicated on Map 2.1.1, the development is provided with on-site water services in accordance with Planning Scheme Policy No 1*. Whilst the proposed development is located outside of the mapping extents of Area A and B, the site has existing connections to Council's water and reticulated sewer network. Therefore, Probable Solution 2.1 is not relevant to this development. However, recommended conditions have been included as part of this report to ensure all proposed infrastructure and loading onto Council's networks are at the Applicant's cost.

Probable Solution 3.1 outlines that *a reticulated stormwater drainage system is provided for developments to connect into in accordance with Planning Scheme Policy No 1*. The Applicant provided a Stormwater Management Plan, however details such as the size, proposed connections and associated volumes of the detention/retention tank were not included. Additionally, the Stormwater Management Plan did not articulate an emergency evacuation plan or appropriate drainage system in the car park. Therefore, a condition has been imposed to provide an amended Stormwater Management Plan that includes additional details for the proposed detention/retention tanks and a detailed emergency evacuation plan.

Specific Outcome 6 requires that *filling and excavation does not result in the instability of a site or adjacent land*. As previously assessed, a condition has been recommended to provide a Slope Stability report as part of Operational Works application.

Probable Solution 7.2 requires that *filling and excavation does not result in an increase in flow of water across a site on any other land or a transport corridor*. While Probable Solution 7.3 states that *filling and excavation does not result in an increase in the volume of water or concentration of water*

in a watercourse and overland flow paths. As per previous assessment, a recommended condition has been included to provide a Site Based Stormwater Management Plan. Therefore, this would achieve compliance with Probably Solutions 7.2 and 7.3.

Summary

After consideration of the Development Application and assessment against the Planning Scheme benchmarks, it is considered that the proposal complies with the Planning Scheme of Miriam Vale Shire 2009 subject to reasonable and relevant conditions. As such, it is recommended to approve this application.

Anticipated Completion Date:

N/A

Officer's Recommendation:

That DA/30/2017 for a Material Change of Use for an Accommodation Building and Multiple Dwelling on land described as Lot 5 S 8562, situated at 576 Captain Cook Drive, Seventeen Seventy, be approved subject to the following conditions:

Approved Documentation

1. Development is to be carried out generally in accordance with the submitted application including the following plans and supporting documentation except where amendments are required to satisfy the conditions of this approval:

Drawing Number	Revision	Description	Author	Date
GD0997-A00.01	I	Artistic View Photomontage	Gladstone Drafting	02.05.18
GD0997-A00.02	J	Artistic View 2	Gladstone Drafting	04.05.18
GD0997-A00.03	J	Artistic View 3	Gladstone Drafting	04.05.18
GD0997-A00.04	J	Artistic View 4	Gladstone Drafting	04.05.18
GD0997-A00.05	J	Artistic View 5	Gladstone Drafting	04.05.18
GD0997-A01.01	G	Existing Floor Plan	Gladstone Drafting	16.10.17
GD0997-A04.00	F	Proposed 1 st Floor Apartment Plan	Gladstone Drafting	05.10.17
GD0997-A04.01	F	Proposed 2 nd Floor Apartment Plan	Gladstone Drafting	05.10.17
GD0997-A04.03	I	Proposed 2 nd Floor Hotel Plan	Gladstone Drafting	02.05.18
GD0997-A04.02	J	Proposed 1 st Floor Hotel Plan	Gladstone Drafting	04.05.18
GD0997-A04.04	G	Proposed Plant Floor Plan	Gladstone Drafting	16.10.17
GD0997-A11.00	G	Building Elevations – Sheet 1	Gladstone Drafting	16.10.17
GD0997-A11.01	G	Building Elevations – Sheet 2	Gladstone Drafting	16.10.17
GD0997-C01	G	Site Plan	Gladstone Drafting	20.10.17
GD0997-CO2	C	Cross Section	Gladstone Drafting	20.10.17
GD0997-C12	A	Sight Distance Diagram	Gladstone Drafting	12.12.17

Special Condition

2. A Streetscaping Master Plan is to be developed and submitted as part of the Operational Works application and shall include, but not limited to the following elements:-
 - a. A functional and aesthetically pleasing interface to further activate Captain Cook Drive frontage;
 - b. Landscaping;
 - c. Proposed street furniture, artwork and lighting;
 - d. Render surface treatments and improvement/alterations to existing retaining walls;
 - e. Delineated safe pedestrian access along the full frontage of the site; and
 - f. A delineated safe pedestrian point to cross to Air Sea Rescue Park.
3. As part of the Development Application for Operational Works, the Applicant is to submit and have approved by Council an amended Site Based Stormwater Management Plan. The amended Site Based Stormwater Plan should demonstrate the following:
 - a. How all impervious areas are connected to the detention/retention tank;
 - b. Proposed size of the detention/retention tank outlet to Council's stormwater network; and
 - c. Schematic Plan detailing proposed detention and retention storage volumes and associated inlets and outlets.
4. Prior to the lodgement of any Development Application for Operational Works, the Applicant is to submit and have approved by Council an amended car park plan with a total of 32 spaces, prepared and certified by a Registered Professional Engineer of Queensland, experienced in this type of work, which demonstrates:
 - a. The provision of a total of 29 User Class 2 car parking spaces in accordance with AS2890 and signed for use by residents/motel.
 - b. The maximum provision of eight (8) tandem parking spaces for the four (4) two (2) bedroom Multiple Dwelling units. In these instances, the spaces are to be suitably signed, to ensure each tandem space arrangement is utilised by individual apartment residents.
 - c. The provision of two (2) visitor car parking spaces in accordance with AS2890 that are suitably signed to ensure they are only utilised by visitors.
 - d. The provision of a service vehicle space as determined by the Waste Management Plan. The service vehicle space must be clearly signed and constructed in accordance with AS2890.
 - e. The provision of Disabled Car Parking is adequately located to ensure compliance with AS2890.6, including all shared areas.
 - f. Detailed manufacturing and maintenance specifications on the proposed car lift, including emergency evacuation measures.
5. Prior to the lodgement of any Development Application for Building Works, demonstrate that the existing structures onsite are to be incorporated into the construction of the development to include the proposed colour palette and building materials to demonstrate a consistent onsite development.
6. Upon commencement of the use, service deliveries must occur within the timeframes of 7am-8pm, to minimise noise impacts to the adjacent residential uses.

Operational Works

7. A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction. The Development Application for Operational Works is to include the following:
 - a. Earthworks (including retaining walls);
 - b. Road works (including signage and footpaths);

- c. Water Infrastructure;
 - d. Sewer Infrastructure;
 - e. Stormwater Management (quantity, quality, flood and drainage control);
 - f. Landscaping, environmental protection and associated works.
8. Development Applications for Operational Works shall be designed and constructed in accordance with Australian Standards, the Engineering Design Planning Scheme Policy or any other applicable standards at the time of lodgement. Prior to the commencement of the use, all Operational Works conditioned by this approval must be accepted "on maintenance" by Council.

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

Acid Sulfate Soils

9. As part of any Development Application for Operational Works, the Applicant must submit an Acid Sulfate Soil Investigation and Management Report, for approval by Council. The Management Report is to:
- a. Be prepared by a suitably qualified person experienced in the area of Acid Sulfate Soils
 - b. Determine whether the proposed works will expose/disturb Acid Sulfate Soils;
 - c. Detail the measures to be undertaken to reduce the risk of Acid Sulfate Soils during construction and operation; and
 - d. Be in accordance with the Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland 1998 as per the Queensland Acid Sulfate Soil Technical Manual.

Steep Land

10. As part of any Development Application for Operational Works, the Applicant must submit a Site-Specific Geotechnical Report, for approval by Council. The report must:
- a. Be prepared by a suitably qualified person experienced in the area of geology;
 - b. Certify that the stability of the site, including associated buildings and infrastructure, will be maintained during both the construction and operational life of the development;
 - c. Certify that the site is not subject to risk of landslide activity originating from other land, including land above the site;
 - d. Certify that the development will not increase the risk of landslide on the other land; and
 - e. Be in accordance with the Landslide Risk Management – Australian Geomechanics *Journal*.

Building, Plumbing and Drainage Works

11. 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 any existing structures. The removal is to occur prior to any Building Works for the approved Development.
12. 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.

13. 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.
14. Prior to the commencement of the use, all plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.
15. Prior to the commencement of the use, the development is to incorporate a variety of at least four different textures, colours and designs within the external façade of the building generally in accordance with the approved plans. 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.
16. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.
17. Prior to the commencement of the use, all lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining sites.
18. Prior to building work proceeding beyond the first floor level, certification is to be received from a Cadastral Surveyor that the first floor level is in accordance with the approved plans in the form of a Form 16.
19. The Applicant is to demonstrate the complete development does not exceed the height in accordance with the approved plans. Certification of the development height is to be provided by a Cadastral Surveyor in the form of a Form 16 and provided prior to the issue of the Building Final Certificate.
20. As part of Building Works, where a habitable room window is within 9m of another habitable room window or private open space of another Dwelling House either on the premises or an adjacent premise:
 - a. Windows are provided with fixed translucent glazing, such as frosted or textured glazing, for any part of the window less than 1.5m above floor level; or
 - b. Windows are provided with fixed with permanent external screens that are:
 - i. Solid translucent screens; or
 - ii. Perforated panels or trellises that have a maximum of 50% openings, with a maximum opening dimension of 50mm, and that are permanently fixed and durable; and
 - iii. Offset a minimum of 300mm from the wall of the building.

Water Infrastructure

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

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

Sewerage Infrastructure

23. Prior to the commencement of the use, all sanitary drainage is to drain into a new 1050mm diameter privately owned maintenance hole within the development site, before connection to Council's sewerage infrastructure. Connection to Council's infrastructure is to be via a maceration tank (including appropriate sized storage tanks and provision of a duty standby pump arrangement), details of which are to be submitted as part of the Operational Works application. The location and size of the sewer service is to be determined in consultation with Council at Operational Works stage.
24. 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

25. Prior to the commencement of the use, all stormwater infrastructure is to be constructed on the site generally in accordance with the approved amended Site Based Stormwater Management Plan outlined in Condition 3, including quantity and quality infrastructure. The stormwater infrastructure is to be in accordance with the Engineering Design Planning Scheme Policy under the Gladstone Regional Planning Scheme, Queensland State Planning Policy and Queensland Urban Drainage Manual (QUDM).
26. As part of any Development Application for Operational Works, the Applicant is required to demonstrate a drainage system that has the ability to effectively and efficiently remove any water that may enter the car park ensuring safe and efficient access for vehicles and pedestrians. Furthermore, an appropriate emergency evacuation plan for the car park is to be submitted. Details of the emergency evacuation plan and drainage system must be provided with the Operational Works application.

Transportation Services

27. Prior to the commencement of the use, a total of 4 bicycle spaces are to be constructed onsite within 30m walking distance to the entry of the use. All bicycle spaces are to be constructed in accordance with AS2890.3 (2015).
28. Prior to the commencement of the use, all existing disused invert crossings are to be reinstated with kerb and channel, type match existing, in accordance with Council's Standard Drawing Residential Driveway Slab and Tracks.

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

29. Prior to the commencement of the use, a 6m wide Commercial Driveway is to be constructed in accordance with Council's Standard Drawing Urban Commercial/Industrial Driveway.

Advisory Note: The Applicant is to obtain approval from the Department of State Development, Manufacturing, Infrastructure and Planning for construction of the driveway located within a Queensland heritage Place, prior to lodging a Driveway Application to Council.

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

30. Prior to the commencement of the use, any damage to the driveway crossing and kerb and channel shall be repaired at the owner's expense and to Council's Standard Drawing Urban Commercial/Industrial Driveway.

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

31. Prior to the commencement of the use, all grassed footpath areas disturbed by the development are to be top dressed and turfed following completion of construction activity.
32. Prior to the commencement of the use, any manholes located on the proposed driveway are to be covered with Class D Covers to AS 3996 and are to be maintained at finished surface levels and remain accessible at all times.
33. As part of any Development Application for Operational Works, the Applicant is to construct a minimum 1.5m wide concrete footpath from the corner of Elliot Street to 576 Captain Cook Drive for the full extent in accordance with Council's Standard Drawing Concrete Pathway/Bikeway Details.

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

Retaining Walls

34. As part of any Development Application for Operational Works, any existing and new retaining walls which are visible from the road reserve, must receive a surface treatment such as rendering or cladding to improve the visual amenity of the development. The treatments must complement the proposed colour pallet of the proposed building. Details of the proposed colour scheme and materials are to be submitted as part of the Streetscaping Master Plan.

Landscaping

35. As part of any Development Application for Operational Works, a full Landscaping Plan is to be provided for the entire site in accordance with the Plant Species List of the Miriam Vale Shire Planning Scheme 2009 and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification. The side and rear boundaries of the subject site are to provide a landscaping with a minimum width of 3m. The full Landscaping Plan is to be certified by a Landscape Architect.

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

36. Prior to commencement of the use, all landscaping areas are to be constructed with an appropriate irrigation system. Details of the irrigation system are to be provided as part of the full Landscaping Plan.
37. Prior to the commencement of the use, construction of an 1.8m high screen fence to side and rear boundaries, the details of which are to be submitted with any Development Application for Building Works.

Waste Management

38. As part of any Development Application for Operational Works, a Waste Management Plan is to be submitted and approved by Council. The Waste Management Plan should include but not be limited to the following:
- a. Demonstrate safe, sufficient and effective storage and servicing of the waste bins; and
 - b. Provide control measures to reduce odour from the onsite waste bins;
39. 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.
40. Prior to the commencement of the use, open storage areas shall be adequately screened so as not to detract from the visual amenity of the area. One way of achieving compliance with this condition is as follows:
- a. Outdoor storage areas are situated in locations not visible from the street; and
 - b. A 1.8m solid screen fence is located around storage areas.

Lawful Commencement

41. 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.
42. Upon receipt of confirmation from Council that all conditions of this Development Permit are considered compliant, the Applicant is to notify Council within 20 business days that this approved use has lawfully commenced.

END OF CONDITIONS

Advice to Applicant:

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

The Applicant is to obtain a Permit to Occupy the road reserve for commercial activities. This permit is to remain current throughout the operation of commercial activity within the road reserve.

The Applicant is to obtain and maintain a Trade Waste Permit to discharge trade waste to the Sewer in accordance with Council's Trade Waste Approval Process.

The Applicant is to obtain and maintain a Food Business License and Liquor License in accordance with the Act.

Attachments:

1. Submissions received for DA/30/2017

Tabled Items:

Nil

Report Prepared by: Planning Officer

G/3.7. PEOPLE CULTURE AND SAFETY

Nil.

G/3.8. FINANCE GOVERNANCE AND RISK

G/3.8.1. REVIEW OF COMPLAINTS INVOLVING THE CHIEF EXECUTIVE OFFICER POLICY

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 18 September 2018

File Ref: CM28.2

Purpose:

This report seeks Council's adoption of a revised Complaints involving the Chief Executive Officer Policy.

Officer's Recommendation:

That Council:

1. Repeal P-2014-33 - Dealing with Complaints Involving the Chief Executive Officer Policy; and
2. Adopt P-2018-23 - Dealing with Complaints involving the Chief Executive Officer Policy.

Background:

It is a requirement of the *Crime and Corruption Act 2001* that Council have a policy in place for dealing with complaints involving the Chief Executive Officer.

This Policy was due for review on the 16 December 2017 and has been revised to take into consideration the legislative requirements, changes that have occurred in Council's organisational structure and changes recommended by the Crime and Corruption Commission (CCC). Delays in the review have resulted due to awaiting advice from the CCC.

The changes to the Policy are shown in yellow highlight in the marked up version of the proposed policy attached.

Consideration:

The purpose of the policy is to establish clear guidelines for managing and reporting real or suspected corrupt conduct involving the Chief Executive Officer as the 'public official' as defined in the *Crime and Corruption Act 2001*. The proposed policy contains minor amendments to the existing policy to clarify responsibilities and authorities for persons nominated to deal with complaints involving the Chief Executive Officer.

Communication and Consultation (Internal/External):

Preparation of the policy must include consultation with the chairperson of the CCC. Accordingly, this consultation has occurred with the CCC providing initial feedback on the existing policy and requesting amendments to be incorporated into the revised policy. These amendments are included in the proposed policy attached to this report.

Internal consultation has occurred with the Executive Team.

Legal Environmental and Policy Implications:

The *Crime and Corruption Act 2001* requires in section 48A for units of public administration (which include local governments) to have a policy in place for dealing with complaints involving the public official. A public official is defined to include the Chief Executive Officer of the Local Government.

Financial and Resource Implications:

Nil.

Commentary:

Nil.

Summary:

Nil.

Anticipated Completion Date:

Within two weeks of adoption.

Attachments:

1. P-2014-33 - Dealing with Complaints Involving the Chief Executive Officer Policy
2. P-2018-23 – Dealing with Complaints Involving the Chief Executive Officer Policy
3. Marked Up Version – Proposed P-2018-23 – Dealing with Complaints involving the CEO Policy

Tabled Items:

Nil.

Report Prepared by: Manager Governance

G/4. COUNCILLORS REPORT

Nil.

G/5. URGENT BUSINESS

Nil.

G/6. NOTICE OF MOTION

Nil.

G/7. CONFIDENTIAL ITEMS

G/7.1. TENDER 29/19 ASPHALT OVERLAY - VARIOUS PATHWAYS

Responsible Officer: General Manager Operations

Council Meeting Date: 18 September 2018

File Ref: RD1.3, PE8.3

Reason for Confidentiality:

This report is **CONFIDENTIAL** in accordance with Section 275 (1) of the Local Government Regulation 2012, the meeting is to be closed to the public to discuss business relating to the following: -

- (e) contracts proposed to be made by it.

G/7.2. REQUEST FOR CONCESSION

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 18 September 2018

File Ref: RV4.4

Reason for Confidentiality:

This report is **CONFIDENTIAL** in accordance with Section 275 (1) of the Local Government Regulation 2012, the meeting is to be closed to the public to discuss business relating to the following: -

(d) rating concessions.

ATTACHMENTS