



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING AGENDA

**TO BE HELD AT THE BAFFLE CREEK COMMUNITY CENTRE
COAST ROAD, BAFFLE CREEK**

On 7 August 2018

Commencing at 10.00am

**Roslyn Baker
CHIEF EXECUTIVE OFFICER**

Table of Contents

| ITEM | PAGE |
|---|-----------|
| G/1. MAYORAL STATEMENT OF CURRENT ISSUES..... | 3 |
| G/2. CONFIRMATION OF MINUTES | 4 |
| G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR DATE | 4 |
| G/2.2. CONFIRMATION OF SPECIAL BUDGET MEETING MINUTES FOR 24 JULY 2018..... | 5 |
| G/3. OFFICERS' REPORTS..... | 6 |
| G/3.1. OFFICE OF THE CEO..... | 6 |
| G/3.1.1. INTERNATIONAL PARKS AND LEISURE CONGRESS 2018 ATTENDANCE REQUEST | 7 |
| G/3.1.2. 2018 BIO INTERNATIONAL CONVENTION ATTENDANCE REPORT..... | 9 |
| G/3.1.3. INLAND RAIL CONFERENCE 2018 ATTENDANCE REPORT | 11 |
| G/3.2. STRATEGY AND TRANSFORMATION..... | 13 |
| G/3.3. STRATEGIC ASSET PERFORMANCE | 14 |
| G/3.3.1. REQUEST TO RENAME PATERSON 2 RESERVOIR NAMING..... | 14 |
| G/3.3.2. NAMING OF RESERVOIR LOCATED AT KIRKWOOD..... | 18 |
| G/3.4. OPERATIONS | 21 |
| G/3.5. COMMUNITY DEVELOPMENT AND EVENTS..... | 22 |
| G/3.6. CUSTOMER EXPERIENCE | 23 |
| G/3.6.1. DEVELOPMENT APPLICATION 20465/2006 REQUEST FOR MINOR CHANGE TO CONDITIONS FOR RECONFIGURING A LOT 1 INTO 109 LOTS AT BROADACRES DRIVE, TANNUM SANDS | 23 |
| G/3.6.2. DEVELOPMENT APPLICATION 22/2017 REQUEST TO NEGOTIATE DECISION NOTICE FOR A PRELIMINARY APPROVAL S242 - MCU (CHANGE IN DENSITY) AND DEVELOPMENT PERMIT FOR ROL (1 INTO 61 LOTS) AT 105 STOWE ROAD, CALLIOPE..... | 31 |
| G/3.6.3. DEVELOPMENT APPLICATION 1/2018 REQUEST TO NEGOTIATE DECISION NOTICE FOR MATERIAL CHANGE OF USE FOR A LOW IMPACT INDUSTRY AT 58 HUGHES ROAD, WURDONG HEIGHTS | 45 |
| G/3.7. PEOPLE CULTURE AND SAFETY..... | 62 |
| G/3.8. FINANCE GOVERNANCE AND RISK | 63 |
| G/3.8.1. ADOPTION OF SHOW HOLIDAY 2019 | 63 |
| G/3.8.2. GLADSTONE AIRPORT CORPORATION - STATEMENT OF CORPORATE INTENT 2018/2019..... | 67 |
| G/3.8.3. AMENDMENT TO 2018/2019 FEES AND CHARGES | 70 |
| G/4. COUNCILLORS REPORT..... | 73 |
| G/5. URGENT BUSINESS..... | 74 |
| G/6. NOTICE OF MOTION | 75 |
| G/7. CONFIDENTIAL ITEMS | 76 |

G/1. MAYORAL STATEMENT OF CURRENT ISSUES

Nil.

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 17 JULY 2018

Responsible Officer: Chief Executive Officer

Council Meeting Date: 7 August 2018

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 17 July 2018.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 17 July 2018 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 17 July 2018.

Tabled Items:

Nil.

Report Prepared by: Executive Assistant

**G/2.2. CONFIRMATION OF SPECIAL BUDGET MEETING MINUTES FOR
24 JULY 2018**

Responsible Officer: Chief Executive Officer

Council Meeting Date: 7 August 2018

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the Special Budget Meeting held on 24 July 2018.

Officer's Recommendation:

That the minutes of the Special Budget Meeting of Council held on 24 July 2018 be confirmed.

Attachments:

1. Minutes of the Special Budget Meeting of Council held on 24 July 2018.

Tabled Items:

Nil.

Report Prepared by: Executive Assistant

G/3. OFFICERS' REPORTS

G/3.1. OFFICE OF THE CEO

Nil.

G/3.1.1. INTERNATIONAL PARKS AND LEISURE CONGRESS 2018 ATTENDANCE REQUEST

Responsible Officer: Chief Executive Officer

Council Meeting Date: 7 August 2018

File Ref: CM6.1

Purpose:

Approval is sought for Cr O'Grady to attend the International Parks and Leisure Congress from 14 – 17 October 2018 in Melbourne.

Officer's Recommendation:

That Council authorise Cr O'Grady's attendance at the International Parks and Leisure Congress from 14 – 17 October 2018 in Melbourne.

Background:

The International Parks and Leisure Congress is co-hosted by World Urban Parks and Parks and Leisure Australia, with the theme of the congress being Future of Spaces and Places in Cities. The 4-day congress intends to address the impact urban growth and density will have on our parks, leisure and sport globally.

The Awards of Excellence Gala Dinner will be held during the congress to celebrate the best of Australia's parks, sport and leisure industry. Gladstone Lions Park, as a regional winner for the Park of the Year Award progresses to the national awards which are to be presented at the Gala Dinner.

Consideration:

Nil.

Communication and Consultation (Internal/External):

Mayor, Councillors and Chief Executive Officer.

Legal Environmental and Policy Implications:

Approval by resolution for attendance at this conference is required under Section 6.2. of P-2017-27 Councillor Expenses Reimbursement and Provision of Facilities Policy as the following criteria has not been met:

1. Registration costs are more than \$1,000; and
2. The conference is to be held outside of Queensland.

Under section 6.11 of this Policy 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. Approval to attend this conference will also grant a leave of absence from a General or Committee Meeting.

Financial and Resource Implications:

Total estimated costs including registration of \$1,850.00, travel, accommodation, and some meals and incidentals is estimated at \$4,045.00

Commentary:

Nil.

Summary:

Nil.

Anticipated Completion Date:

17 October 2018.

Attachments:

1. International Parks and Leisure Congress 2018 Program

Tabled Items:

Nil.

Report Prepared by: Executive Assistant to the Councillors

G/3.1.2. 2018 BIO INTERNATIONAL CONVENTION ATTENDANCE REPORT

Responsible Officer: Chief Executive Officer

Council Meeting Date: 7 August 2018

File Ref: CM7.2

Purpose:

To brief Council on the ideas and content presented at the 2018 Bio International Convention which was attended by Mayor Burnett on 30 May – 8 June 2018 in Boston, USA.

Officer's Recommendation:

That Council note the Conference Attendance report by Mayor Burnett on the 2018 Bio International Convention.

Background:

The Bio International Convention is the world's largest and most prestigious biotechnology event with industry leaders from more than 74 countries in attendance. More than one-third of attendees arrived from outside of the U.S. ready to share their extensive knowledge and establish vital relationships.

Consideration:

Nil.

Communication and Consultation (Internal/External):

Mayor, the Chief Executive Officer and Councillors.

Legal Environmental and Policy Implications:

Attendance approved by resolution at Councils General Meeting 15 May 2018 in accordance with Councils Expenses Reimbursement and Provision of Facilities Policy section 6.2.

Financial and Resource Implications:

Total convention attendance cost inclusive of all travel, accommodation and meals was \$10,936.77.

Commentary:

Nil.

Summary:

The BIO International Convention is hosted by the Biotechnology Innovation Organisation (BIO), which represents more than 1,100 biotechnology companies, academic institutions, state biotechnology centers and related organisations across the United States and in more than 30 other nations. The key benefits of attending the 2019 BIO International Convention was access to global biotech and pharma leaders via BIO One-on-One Partnering, exposure to industry though-leaders with over 500 education sessions at your fingertips, and the unparalleled networking opportunities with 16,000+ attendees from 74 countries.

The convention was held over eight days with partnering meetings, international pavilions, networking receptions, education sessions and company presentations. This event included informative sessions on topics that reflect current industry demands, as well as workshops and opportunities for innovation, to provide an open forum for attendees to collaborate and identify solutions facing them and their industry.

Anticipated Completion Date:

7 August 2018.

Attachments:

1. GRC Conference Attendance Report
2. Mayoral BIO International Convention Schedule
3. BIO 2018 Program

Tabled Items:

Nil.

Report Prepared by: Executive Assistant to the Councillors

G/3.1.3. INLAND RAIL CONFERENCE 2018 ATTENDANCE REPORT

Responsible Officer: Chief Executive Officer

Council Meeting Date: 7 August 2018

File Ref: CM7.2

Purpose:

To brief Council on the ideas and content presented at the 2018 Inland Rail Conference which was attended by Councillor Hansen on 18 – 19 July 2018 in Parkes, NSW.

Officer's Recommendation:

That Council note the Conference Attendance report by Cr Hansen on the 2018 Inland Rail Conference 2018.

Background:

The Inland Rail will complete the 'spine' of the national freight network between Melbourne and Brisbane via regional Victoria, New South Wales and Queensland. It's the largest freight rail infrastructure project in Australia, with early works to start this year and is expected to be operational in 2024-2025.

Consideration:

Nil.

Communication and Consultation (Internal/External):

Mayor, the Chief Executive Officer and the Councillors.

Legal Environmental and Policy Implications:

Attendance approved by resolution at Council's General Meeting 17 July 2018 in accordance with Councils Expenses Reimbursement and Provision of Facilities Policy section 6.2.

Financial and Resource Implications:

Total conference attendance cost inclusive of conference registration, travel, accommodation and meals was \$2,499.00.

Commentary:

Nil.

Summary:

The two-day Conference brought together key players involved in the Inland Rail project to discuss how this nationally significant infrastructure project will transform the movement of freight in Australia, what it means for the Australian freight industry and the benefits it will deliver for national freight customers.

The Conference also considered how the Inland Rail Project could inform the development of the National Freight and Supply Chain Strategy, which is to be finalised in late 2018.

Anticipated Completion Date:

7 August 2018.

Attachments:

1. Inland Rail Conference 18-19 July 2018 – Parks, NSW – Conference Report
2. Inland Rail 2018 Conference Program

Tabled Items:

Nil.

Report Prepared by: Executive Assistant to the Councillors

G/3.2. STRATEGY AND TRANSFORMATION

Nil.

G/3.3. STRATEGIC ASSET PERFORMANCE

G/3.3.1. REQUEST TO RENAME PATERSON 2 RESERVOIR NAMING

Responsible Officer: General Manager Strategic Asset Performance

Council Meeting Date: 7 August 2018

File Ref: WS5.1

Purpose:

The purpose of this report is for Council to consider naming the new water reservoir, located at 26 Glenlyon Road, West Gladstone

Officer's Recommendation:

That Council:

1. Formally adopt the name "Hetherington Reservoir" for the reservoir located on Lot 390 CTN 1947, Gladstone; and
2. Endorse signage to be erected with this name in accordance with Council's engineering standards.

Background:

Council is commissioning a new water reservoir located at 26 Glenlyon Road (Lot 390 CTN 1947), West Gladstone.

The location of this reservoir is shown as the yellow shaded area in Figure 1.



Figure 1: Location of Reservoir 26 Glenlyon Road (Lot 390 CTN1947), West Gladstone

This reservoir serves the same water supply zone as the existing Paterson Street Reservoir and has been known during the concept and construction as "Paterson 2" reservoir. The name of Paterson 2 is not considered appropriate for long term usage due to a number of reasons including:

- Distance of this reservoir from Paterson Street;
- The reservoir being on a different site to the existing Paterson Street reservoir;
- Non-compliance with current adopted asset labelling and SCADA (Supervisory Control and Data Acquisition) standards which numerically labels multiple storage tanks on a common site e.g. The three tanks at one site in Agnes Water are named Agnes Water Reservoir 1, Agnes Water Reservoir 2 and Agnes Water Reservoir 3;
- Future confusion when planned second storage tank is constructed on either the original Paterson Street site or at this site. If the name Paterson 2 is kept, the storage tanks will become Paterson 2 1, Paterson 2 2 and on the original Paterson site, the storage tanks will become Paterson 1 and Paterson 2;

Council's records indicate that this site was previously known in 1981 as the "Hetherington Reservoir" as part of Gladstone City Council's water planning, as shown in Attachment 1. Council's records also indicate that this part of the West Gladstone locality was previously known as Hetherington.

Consideration:

When naming assets consideration is given to names existing on the 'Approved Place Names Register'.

The name "Hetherington" is included as part of Council's Approved Place Names Register and is currently in use as naming Hetherington Street, West Gladstone. The Naming of Infrastructure Assets Policy (P-2015/13) section 8.2 Uniqueness states:

Name duplication within the local government area will be avoided.

This requirement is linked to the requirement that names (section 8.1):

Allow Emergency Services to easily locate properties, cattle yards, utility sites, monuments, parks & rest stops.

Currently approved names available for use in the Gladstone City area, appropriate for this location, and their sources are shown in attachment 2.

Communication and Consultation (Internal/External):

This report was developed in consultation with Operations' Water Services unit.

Legal Environmental and Policy Implications:

The names recommended as part of this report are consistent with Council's Naming of Infrastructure Assets Policy (P-2015/13).

Appropriate naming of this reservoir is required to prevent ambiguity in legal agreements between Gladstone Regional Council and Gladstone Area Water Board relating to the supply of water to this reservoir.

Financial and Resource Implications:

Nil

Commentary:

The Naming of Infrastructure Asset Policy suggests that name duplication be avoided to avoid confusion and ensure clear communication. In this case the site is uniquely identified by its address of 26 Glenlyon Road and proposed property name of Hetherington Reservoir. The reservoir name will primarily be utilised by Gladstone Regional Council staff and has a formal address on Glenlyon Road for emergency services communication.

Other names included on the approved place name register have not been suggested for consideration, due to a number of reasons including:

- Approved by Calliope Shire Council or Miriam Vale Shire Council;
- Theme based names associated with other areas of Gladstone City;
- Reserved for use by developments; and
- Associated with other areas of the Gladstone Region.

Summary:

The newly constructed reservoir located at Lot 390 CTN 1947, 26 Glenlyon Road, West Gladstone requires naming to prevent confusion in operations and ambiguity in legal agreements relating to supply of water to this reservoir.

Council may adopt the informal name for this reservoir, "Hetherington Reservoir" by resolving:

That Council:

1. *Formally adopt the name "Hetherington Reservoir" for the reservoir located on Lot 390 CTN 1947, Gladstone; and*
2. *Endorse signage to be erected with this name in accordance with Councils engineering standards.*

Council may also choose to adopt another name from the approved place name register by resolving:

That Council:

1. *Formally adopt the name " _____ Reservoir" for the reservoir located on Lot 390 CTN 1947, Gladstone; and*
2. *Endorse signage to be erected with this name in accordance with Councils engineering standards.*

Anticipated Completion Date:

30 November 2018.

Attachments:

1. W 2968 Hetherington Reservoir
2. Names for Reservoirs

Tabled Items:

Nil.

Report Prepared by: Manager Asset Governance

G/3.3.2. NAMING OF RESERVOIR LOCATED AT KIRKWOOD

Responsible Officer: General Manager Strategic Asset Performance

Council Meeting Date: 7 August 2018

File Ref: WS5.1

Purpose:

The purpose of this report is for Council to consider naming the new water reservoir, located on Kirkwood Road (Lot 319 CL40130), Kirkwood.

Officer's Recommendation:

That Council:

1. Formally adopt the name "Kirkwood Reservoir" for the water reservoir located on Kirkwood Road (Lot 319 CL40130), Kirkwood; and
2. Endorse signage to be erected with this name in accordance with Council engineering standards.

Background:

Council is commissioning a new water reservoir located on Kirkwood Road (Lot 319 CL40130), Kirkwood.

The location of this reservoir is shown as the yellow shaded area in figure 1.

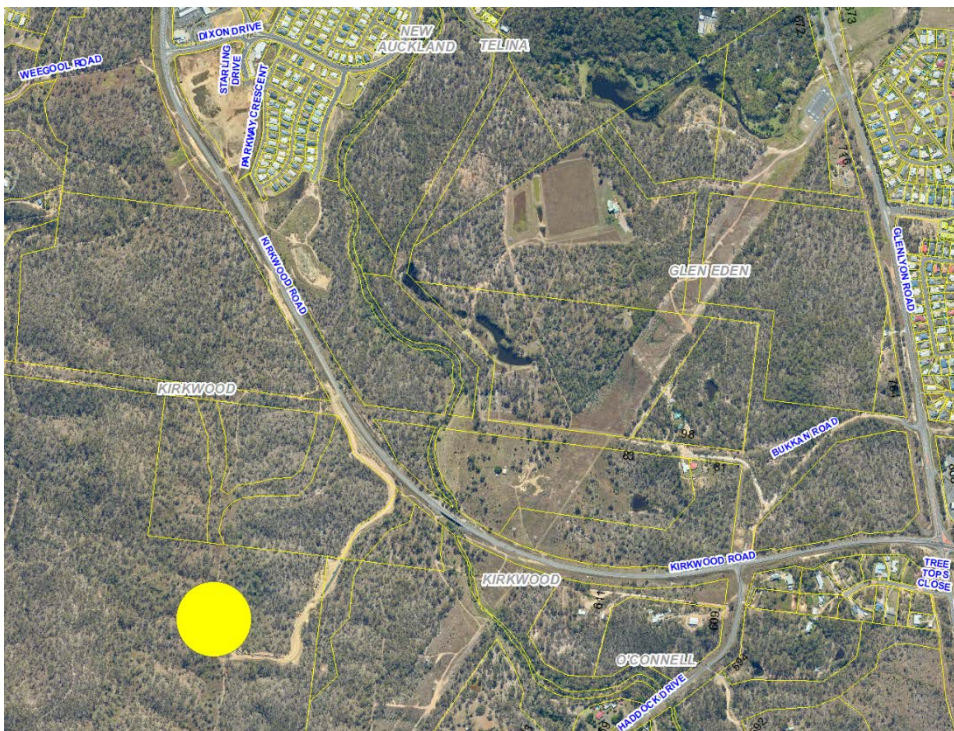


Figure 1: location of reservoir Lot 319 CL40130, Kirkwood

This reservoir will service Zone D and has been known during the concept and construction as "Kirkwood Reservoir". This name is due to the site being adjacent to Kirkwood Road and in the Kirkwood Locality.

Consideration:

When naming assets consideration is given to names existing on the 'Approved Place Names Register'.

The name "Kirkwood" is included as part of Council's Approved Place Names Register and is currently in use as naming Kirkwood Road, Kirkwood. The Naming of Infrastructure Assets Policy (P-2015/13) section 8.2 Uniqueness states:

Name duplication within the local government area will be avoided

This requirement is linked to the requirement that names (section 8.1):

Allow Emergency Services to easily locate properties, cattle yards, utility sites, monuments, parks & rest stops

In this instance, naming the reservoir Kirkwood Reservoir is unlikely to introduce confusion, as the reservoir will be accessed from Kirkwood Road.

Currently approved names available for use in the Gladstone City area, appropriate for this location, and their sources are shown in attachment 1.

Communication and Consultation (Internal/External):

This report was developed in consultation with Operation's Water Services unit.

Legal Environmental and Policy Implications:

The names recommended as part of this report are consistent with Council's Naming of Infrastructure Assets policy (P-2015/13)

Appropriate naming of this reservoir is required to prevent ambiguity in legal agreements between Gladstone Regional Council and Gladstone Area Water Board relating to the supply of water to this reservoir.

Financial and Resource Implications:

Nil

Commentary:

The Naming of Infrastructure Asset Policy suggests that name duplication be avoided to avoid confusion and ensure clear communication. Officers consider that given the main access to the reservoir is via Kirkwood Road there will be minimal confusion created by this naming.

Although the reservoir is currently noted as being located on Haddock Drive (as it has street frontage to this road) the main constructed access to the reservoir and site is via Kirkwood Road. As such officers are currently in the process of applying to have a rural street address on Kirkwood Road allocated. This rural address will be used as the emergency services address for this reservoir.

Other names included on the approved place name register have not been suggested for consideration for this site, due to a number of reasons, including:

- Approved by Calliope Shire Council or Miriam Vale Shire Council;
- Theme based names associated with other areas of Gladstone City
- Reserved for use by developments; and
- Associated with other areas of the Gladstone Region.

Summary:

The newly constructed reservoir located at Lot 319 CL40130, Kirkwood Road, Kirkwood requires naming to prevent confusion in operations and ambiguity in legal agreements relating to supply of water to this reservoir.

Council may adopt the informal name for this reservoir, "Kirkwood Reservoir" by resolving:

That Council

1. *Formally adopt the name "Kirkwood Reservoir" for the reservoir located Lot 319 CL40130, Kirkwood Road, Kirkwood; and*
2. *Endorse signage to be erected with this name in accordance with Council engineering standards.*

Council may also choose to adopt another name from the approved place name register by resolving:

That Council

1. *Formally adopt the name "_____ Reservoir" for the reservoir located at Lot 319 CL40130, Kirkwood Road, Kirkwood; and*
2. *Endorse signage to be erected with this name in accordance with Council engineering standards.*

Anticipated Completion Date:

30 November 2018.

Attachments:

1. Names for reservoirs

Tabled Items:

Nil.

Report Prepared by: Manager Asset Governance

G/3.4. OPERATIONS

Nil.

G/3.5. COMMUNITY DEVELOPMENT AND EVENTS

Nil.

G/3.6. CUSTOMER EXPERIENCE

G/3.6.1. DEVELOPMENT APPLICATION 20465/2006 REQUEST FOR MINOR CHANGE TO CONDITIONS FOR RECONFIGURING A LOT 1 INTO 109 LOTS AT BROADACRES DRIVE, TANNUM SANDS

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 7 August 2018

File Ref: DA/20465/2006; DB1.7

Development Application:

| | |
|-----------------------------|---|
| Application Number: | DA/20465/2006 |
| Applicant: | RMBL Investments C/- Town Planning Alliance |
| Owner: | Mid Coast Lands Pty Ltd & Mid-Coast Holdings Pty Ltd & Mid-Coast Projects Pty Ltd |
| Date Of Receipt: | 19 February 2018 |
| Location: | Lot 5001 Broadacres Drive, Tannum Sands |
| RPD: | Lot 5001 SP 289431 |
| Area: | 184.5 Ha |
| Current Use Of Land: | Residential Subdivision & balance lot |
| Zoning: | Low Density Residential & Emerging Communities |
| Proposal: | Request for Minor Change - Reconfiguring a lot (109 Lots and Balance lot) - Stage 1 |

Purpose:

The purpose of this report is to decide the Request for Minor Change to an existing approval for DA/20465/2006 pertaining to the construction of a footpath from the development site to Silverton Drive, Tannum Sands.

Executive Summary:

The subject request is in relation to DA/20465/2006 which forms Stage 1 (108 residential lots plus 1 park allotment and the balance area) of the residential estate known as 'The Sands'. This application was originally approved on 6 July 2007, however since this time, two (2) Permissible Change approvals have been issued in September 2012 and July 2014.

The current Request for Minor Change was lodged as a result of compliance action commenced by Council officers in late 2017 in regard to non compliance with Special Condition 6 which required the provision of a pathway from the subject development along Old Tannum Sands Road to Silverton Drive within 2 years of Council endorsing the Survey Plan for Stage 1A (ie. Survey Plan signed 1 October 2014 therefore pathway required by 1 October 2016).

The Request has been assessed in accordance with Sections 78 & 81 of the *Planning Act 2016* as well as the consideration Council must make regarding the relevance of the condition. As such it is recommended that the Request for Minor Change be refused given the community expectations and safety concerns in delaying the provision of the pathway.

Subject Site:

The subject site is known as 'The Sands Estate' which is a partially commenced residential estate that will ultimately include up to 2,000 dwellings. The below images indicate the subject site in the context of the Tannum Sands area as well as the current approval layout for Stage 1.

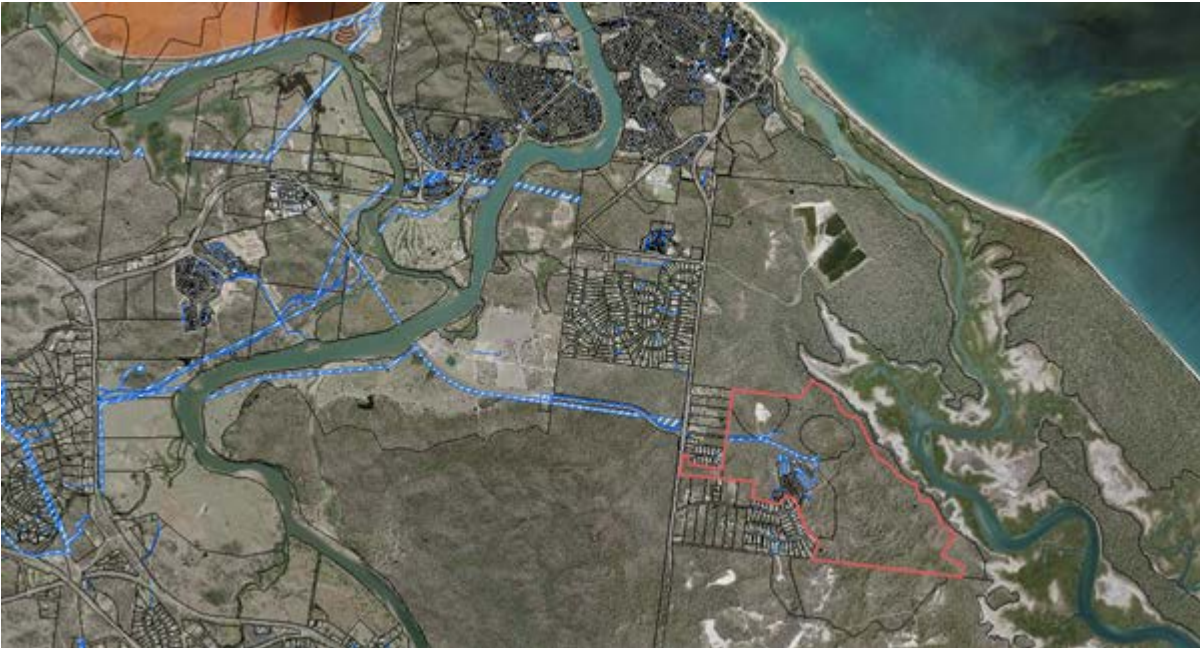


Figure One: Location of Subject Site

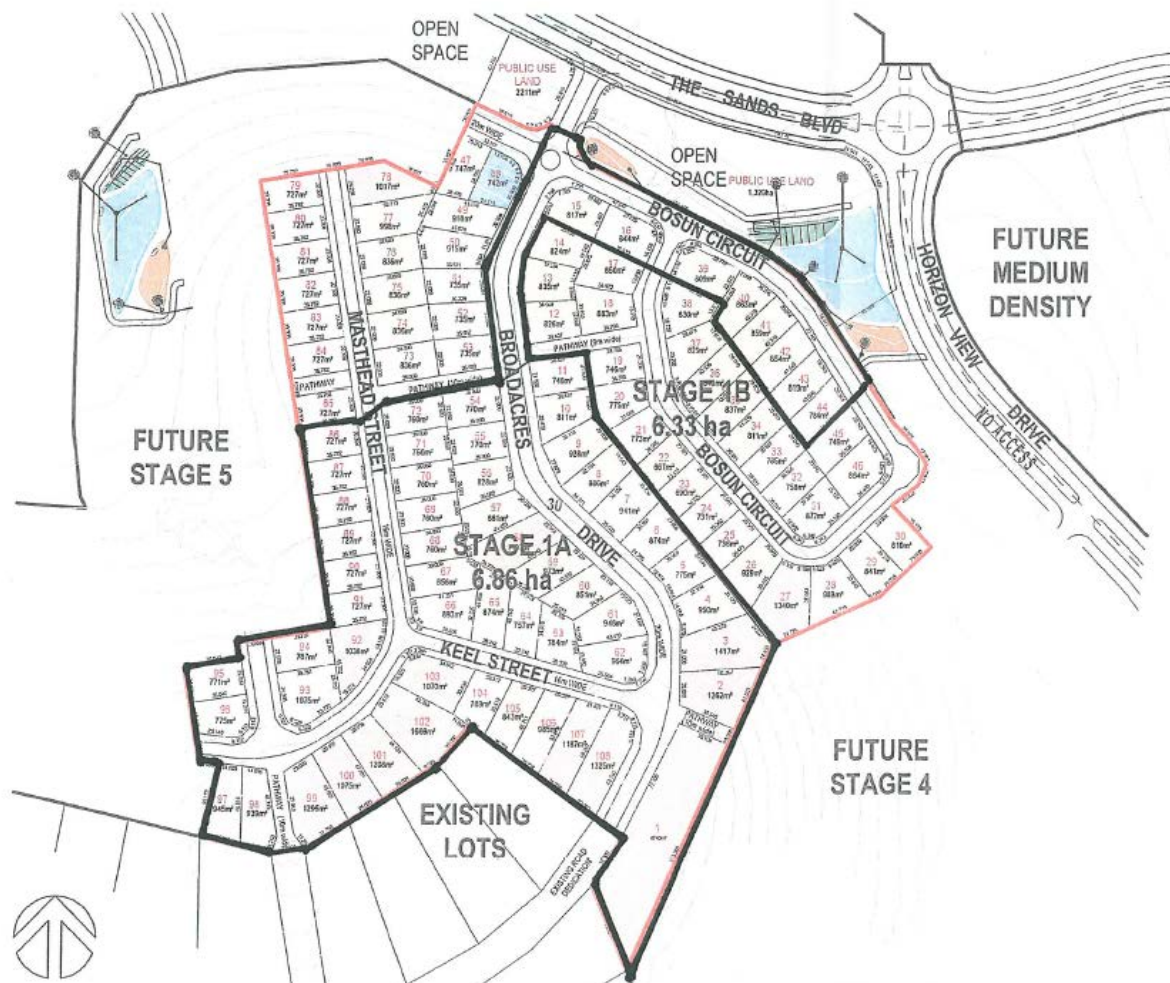


Figure Two: Stage One Approved Layout (Stage 1A completed)

Background:

The subject Development Permit forms Stage One of the overall 'The Sands' estate with a summary of the associated permits as follows:

- PA (DA/20390/2004) for a residential community of a maximum 2,000 Dwelling Units (in accordance with Tannum Waters Residential Community Development Plan) originally approved on 2 December 2005. This approval enjoys a 15 year currency period (ie. 2020);
- ROL (DA/20465/2006) Stage 1 for 108 residential lots plus 1 park allotment and the balance area – in 3 Stages originally approved on 6 July 2007. Since this time, two (2) Permissible Change approvals were issued in September 2012 and July 2014; and
- ROL (DA/20595/2007) Stage 2 for 115 lots plus balance lot approved on 28 October 2009. It is noted that the ROL (DA/20595/2007) for Stage 2 has since lapsed in 2013.

It is noted that the Request for Permissible Change for DA/20465/2006, which was approved on 10 July 2014, allowed the amendment to Condition 6 which is now:

Reconfiguring a Lot Special Condition 6 - Condition 31 of the Modified Decision Notice dated 28 November 2012 for the Preliminary Approval overriding the planning scheme requires that the Developer construct a bikeway along Tannum Sands Road to connect the development to Silverton Drive. The route of the bike path shall be along the eastern side of Tannum Sands Road from Brodacres Drive to Applin Place where upon it crosses Tannum Sands Road to run along the western side of Tannum Sands road to link up with the bikeway at Silverton Drive. A formalised road crossing shall be constructed across Tannum Sands Road in the vicinity of the northern end of Applin Place and constructed at the first stage of the development.

The construction and completion of the bikeway along Tannum Sands Road is required within the first two (2) years of signing and sealing of Stage 1A of the development, as there are concerns that the construction of the bikeway along Broadacres Drive onto Tannum Sands Road (as required by Special Condition 5) will lead to inexperienced riders riding on the shoulder of Tannum Sands Road in a 100 km/h speed zone. The road shoulder also narrows off significantly, and has vertical geometry issues in the vicinity of Pacific Ranch. Another key point is that riders will have to cross Tannum Sands Road at some point, as the attractors for cyclists are on the opposite of Tannum Sands to the development, and this should occur in a safe manner at the best location.

Council acknowledges that the cost of a fully sealed bikeway constructed to the required standard is significant, as is the life of a young person. Priority must be given to safety, in particular the construction of an off road track and a cyclist crossing of Tannum Sands Road.

It is also noted that the Preliminary Approval DA/20390/2004 includes the following condition:

Condition 31 - Bicycle and pedestrian pathways and facilities are to be constructed throughout the development and provide connections throughout the site as well as to the adjacent site to the north and the bikeway required to be constructed along Tannum Sands Road to connect to the existing path way at Silverton Drive. Bikeways shall comply with the requirements of the Part 14 of AUSTRROADS' "Guide to Traffic Engineering Practice - Bicycles". The proposed Roads and Transport Standard may be used as a guide for the construction of such works.

Since the issuing of the most recent Modified Decision Notice for DA/20465/2006 on 10 July 2014, no Operational Works applications have been lodged to Council and no progress has been made to construct the pathway as per the above requirements. As per this condition, the pathway was to be provided within 2 years of Council endorsing the Survey Plan for Stage 1A (ie. Survey Plan signed 1 October 2014 therefore pathway required by 1 October 2016). As such the development is currently non compliant with the conditions of approval. There are currently 62 residential lots created as part of Stage 1A, however only 15 of these lots have dwellings completed on them to date.

Correspondence from Council to the Applicant in regard to this non compliance has been sent in late 2017 after verbal attempts were unsuccessful. This has lead to the Request for Minor Change now being lodged.

Proposal:

The applicant has proposed, as part of their Request for Minor Change, that;

On 16 May 2018 the applicant lodged a minor change request in order to change Special Condition 6 of DA/20465/2006 as follows:

"Due to significant market downturn and economic volatility in the region since the application was first lodged, the saleability of the lots has been greatly reduced. We therefore request that the issue be resolved by extending the construction date of the bike path until 30 June 2021 as detailed in Appendix 1 – Schedule of Works, or alternatively by the sale of the 90th allotment, whichever comes sooner...."

We request that the condition be amended as follows:

Please find specific details of the requested changes requested below:

Condition 31 of the Modified Decision Notice dated 28 November 2012 for the Preliminary Approval overriding the Planning Scheme requires the Developer construct a bikeway along Tannum Sands Road to connect the development to Silverton Drive. The route of the bike path shall be along the eastern side of Tannum Sands Road from Broadacres Drive to

Applin Place where upon it crosses Tannum Sands Road to run along the western side of Tannum Sands Road to link up with the bikeway at Silverton Drive. A formalised road crossing shall be constructed across Tannum Sands Road in the vicinity of the northern end of Applin Place and constructed at the first stage of the development.

*The construction and completion of the bikeway along Tannum Sands Road is required by **30 June 2021 OR before the settlement of sale of the 90th lot to be sold in Stage 1 of the development, whichever comes sooner. Note: this denotes the 90th lot to be sold from the developer in Stage 1, and does not refer to the sale of Lot 90.** ~~within the first two (2) years of signing and sealing of Stage 1A of the development, as there are.~~ **The reasoning for this is because there are** concerns that the construction of the bikeway along Broadacres Drive onto Tannum Sands Road (as required by Special Condition 5) will lead to inexperienced riders riding on the shoulder of Tannum Sands Road in a 100km/h speed zone. The road shoulder also narrows off significantly, and has vertical geometry issues in the vicinity of Pacific Ranch.*

Another key point is that riders will have to cross Tannum Sands Road at some point, as the attractors for cyclists are on the opposite of Tannum Sands to the development, and this should occur in safe manner at the best location.

The Schedule of Works, as referred to above, details the expected actions that will occur from 2018-2022 to ensure the pathway will be completed by 2022.

This request, including the Schedule of Works has been attached to this report in its entirety.

Referral:

The application was originally referred to three (3) State Departments; the Department of Natural Resources and Water, The Department of Transport and Main Roads and the Environmental Protection Agency. The State Assessment Referral Agency (SARA) is now the single authority for Development Application referrals to the Queensland Government.

It is noted that this Minor Change will not impact on the current Referral Agency Conditions.

Assessment:

Assessment against Definition of a “Minor Change”

The application is considered to meet the definition of a Minor Change under Schedule 2 of the *Planning Act 2016*, on the following grounds:

The proposal would not result in “Substantially Different Development”

The proposed changes will not result in the creation of a “Substantially Different Development” as defined in the *Development Assessment Rules 2017*, Schedule 1, as it does not involve a new use or parcel of land, does not significantly change the built form or the operation of the approved development.

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

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

The proposal would not result in a referral to a Referral Agency, other than to the Chief Executive, if there were no referral agencies for the development application

The proposed change would not result in a referral to any additional referral agencies, other than the Chief Executive, if proposed today.

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

The proposed change would not result in a referral to any additional referral agencies, other than the Chief Executive, if proposed today.

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

Proposed change will not trigger assessment against any additional matters described under section 55(2).

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

The application was originally Code Assessable and therefore no Public Notification was required. The proposed Change would not trigger the application to be Impact Assessable.

Assessment of the Change Application (Minor Change)

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

The information the applicant included with the application

As detailed in the 'Proposal' section of this report and the attached applicants request.

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

The applicant was Code Assessable originally, so was not Publicly Notified.

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

Not Applicable.

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

Not Applicable.

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

An assessment of the proposed changes is to be carried out against the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* which is now in place. Should this Request be part of a fresh Development Application, the proposal would trigger assessment against the following Planning Scheme Codes;

- Emerging Community Zone Code;
- Low Density Residential Zone Code;
- Reconfiguring a Lot Code; and

- Development Design Code.

For clarity and conciseness, this will focus purely on the Request for Minor Change subject matter, which is the timing of the provision of the pathway.

The Reconfiguring a Lot Code requires that;

PO6 - Reconfiguration is designed to ensure integration with the surrounding locality, having regard to: a) connections to surrounding streets, pedestrian and cycle networks and other infrastructure networks

PO7 - Reconfigurations are designed to ensure: b) pedestrian movement is encouraged

PO26 - Reconfiguration includes appropriate pedestrian and cycle infrastructure that: a) provides a high level of connectivity and permeability that links residential areas with schools; centres, community activity uses; parks, employment areas and public transport stops b) provides for safe street crossings and for safety between pedestrians and cyclists c) is designed taking into account topography and convenience for users, and d) meets disability access standards.

The Development Design Code also requires that;

PO13 - Footpaths provide pedestrian and bicycle access to site, which is designed to: a) provide safe movement; b) avoid unnecessary conflict between pedestrians, bicycles and motor vehicles; c) include durable and stable materials; and d) match any adjacent footpath.

As such, it is evident that if this proposal were to be considered under the current Planning provisions, the requirement for the pathway would remain a reasonable and relevant condition.

Any another matter that the responsible entity considers relevant.

It is understood that the applicants request is not to remove the requirement for the pathway in its entirety, it is to defer its provision for a further four (4) years, or until the 90th lot is sold. The first stage of the development has been created with only 15 homes built to date. However, by further deferring the provision of the pathway, this could result in, at best, up to 62 homes being constructed and occupied or at worst, 89 homes being constructed and occupied prior to the pathway being provided.

This results in the potential of a significant number residents, including children, being located within the estate with no safe passage into the Tannum Sands township and its services. This presents a significant safety risk and a liability that could potentially fall onto Council.

Given the community expectations in regard to the timing of the provision of the pathway, combined with the potential safety concerns in delaying the pathway whilst the 62 residential lots continue to be built upon it is considered that Council cannot support the proposal to defer the provision of the pathway.

As such, the request is recommended to be refused.

Anticipated Completion Date:

The relevant Decision Notice for this Request will be issued as soon as practicable after the determination at Councils General Meeting.

Officer's Recommendation:

That the request for a Changed Decision Notice (Minor Change) for Development Application 20465/2006 for a Material Change of Use of Premises for Reconfiguring a lot (109 Lots and Balance lot) - Stage 1 be refused given the following reason:

1. The provision of the pathway is considered an immediate safety concern that requires compliance with Special Condition 6.

Attachments:

1. Applicants Request for Minor Change

Tabled Items:

Nil

Report Prepared by: Coordinator Planning Services

**G/3.6.2. DEVELOPMENT APPLICATION 22/2017 REQUEST TO NEGOTIATE
DECISION NOTICE FOR A PRELIMINARY APPROVAL S242 - MCU (CHANGE
IN DENSITY) AND DEVELOPMENT PERMIT FOR ROL (1 INTO 61 LOTS) AT
105 STOWE ROAD, CALLIOPE**

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 7 August 2018

File Ref: DA.22.2018; DB1.7

Development Application:

Application Number: DA/22/2017
Applicant: Atkinson Homes Gladstone Pty Ltd C/- Bael Building Design
Owner: Atkinson Homes Gladstone Pty Ltd
Location: 105 Stowe Road, Calliope QLD 4680
RPD: Lot 20 SP 189737, East Stowe
Area: 41.5 hectares
Current Use Of Land: Dwelling House
Zoning: Rural Zone Code
Proposal: Preliminary Approval s242 – Material Change of Use (Change in Density from Rural to Rural Residential) and Development Permit for Reconfiguring a Lot (1 into 61 lots) (Staged)
Planning Scheme: Calliope Shire Planning Scheme 2007
Public Notification Period: 16 November 2017 – 16 January 2018
Number Of Submissions: Three (3) Properly Made Submissions

Purpose:

The purpose of this report is to consider the request for a Negotiated Decision Notice to Development Application 22/2017 for Preliminary Approval s242 – Material Change of Use (Change in Density from Rural to Rural Residential) and Development Permit for Reconfiguring a Lot (1 into 61 lots) (Staged) on land at 105 Stowe Road, Calliope approved at Council's General Meeting on 6 March 2018. The Applicant lodged representations against Condition 2, 6, 12, 13 and 17, and the Adopted Infrastructure Charge Notice to negotiate the intent of the imposed conditions for both Operational Works and the restricted development timeframe.

Executive Summary:

A Development Application for a Preliminary Approval - Material Change of Use for Change of Density from Rural to Rural Residential and a Development Permit for Reconfiguring a Lot (1 into 61 lots) (Staged) on land described as Lot 20 SP 189737 located at 105 Stowe Road, Calliope was approved on 6 March 2018 at Council's General Meeting with reasonable and relevant conditions.

After receipt of the Decision Notice, the Applicant lodged representations against Condition 2, 6, 13 and 17, and the Adopted Infrastructure Charge Notice on 9 March 2018. The request to amend the aforementioned conditions has been considered against the superseded *Calliope Shire Planning Scheme 2007*. From the justification provided by the Applicant through the lodged representations, the request to amend the conditions is considered generally consistent with the provisions of 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 105 Stowe Road, Calliope and more formally known as Lot 20 SP 189737. The subject site has a total site area of approximately 41.5 hectares and 70 metres of road frontage to Stowe Road. Figure One provides an aerial view of the subject site.



Figure One: Aerial View of the Subject Site

As per the superseded Planning Scheme, the site is located within the Calliope Rural Locality Code as outlined below in Figure Two.



Figure Two: Subject Site Zoning (Rural Locality Zone)

The site is in close proximity to Council's water services as per Figure Three.

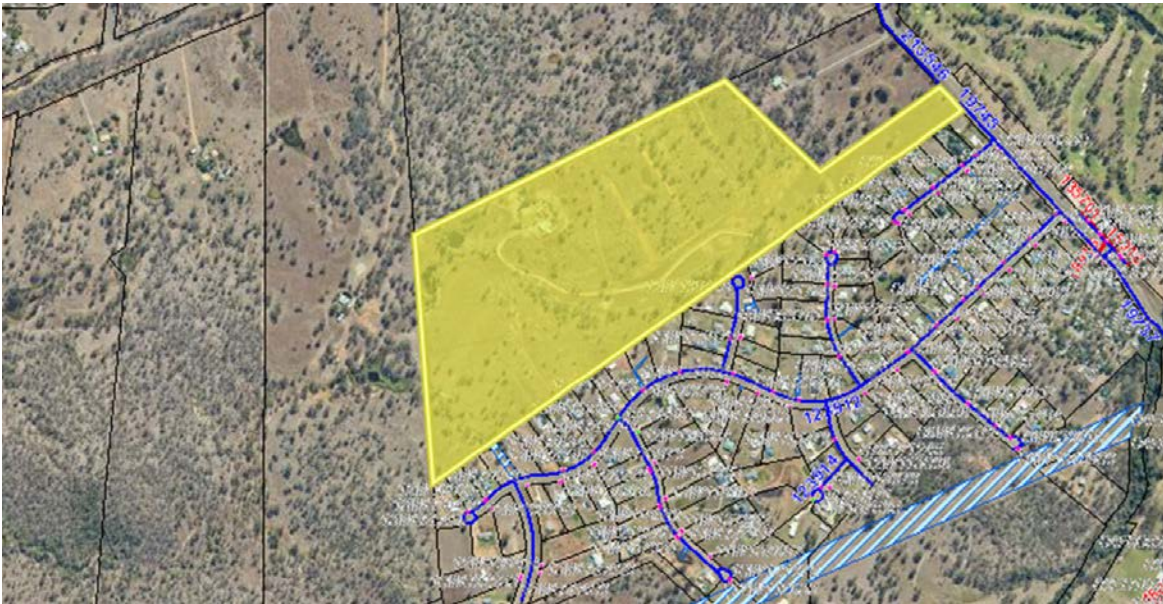


Figure Three: Council's Water Infrastructure

Background:

Previous Approvals

- *Development Application No. 2568/2007* - Material Change of Use for Rural Residential and Reconfiguring a Lot (1 into 61 lots) - The Development Permit has since lapsed.
- *Operational Works No. 20670* - in conjunction with DA/2568/2007 - The Development Permit has since lapsed.
- *Superseded Planning Scheme Consideration No. 32/2016* - A Superseded Planning Scheme Consideration was lodged with Council on 11 October 2016 requesting a future Development Application to be assessed under the superseded Calliope Shire Planning Scheme 2007 (SPS/32/2016). The request was assessed and approved by Council on 18 October 2016.

Current Application

Development Application 22/2017 was lodged with Council on 28 March 2017, considered Properly Made on 10 April 2017. After assessment of the proposal against the Planning Scheme, a Development Permit was issued on 6 March 2018. After receipt of the Development Permit, the Applicant suspended the Appeal Period to make representations. On 4 May 2018, the Applicant lodged representations against Condition 2, 6, 12, 13 and 17.

Approved Proposal:

The Applicant sought a Preliminary Approval for a Material Change of Use - Change in Density (Rural to Rural Residential) and Development Permit for Reconfiguring a Lot (1 lot into 61 lots) (Staged). The reconfiguration will result in 61 new lots with dimensions between 4,000m² – 39,000m². All proposed lots will achieve lawful point of access via the proposed internal road network. Figure Four provides an illustration of the approved Plan of Reconfiguration and staging.

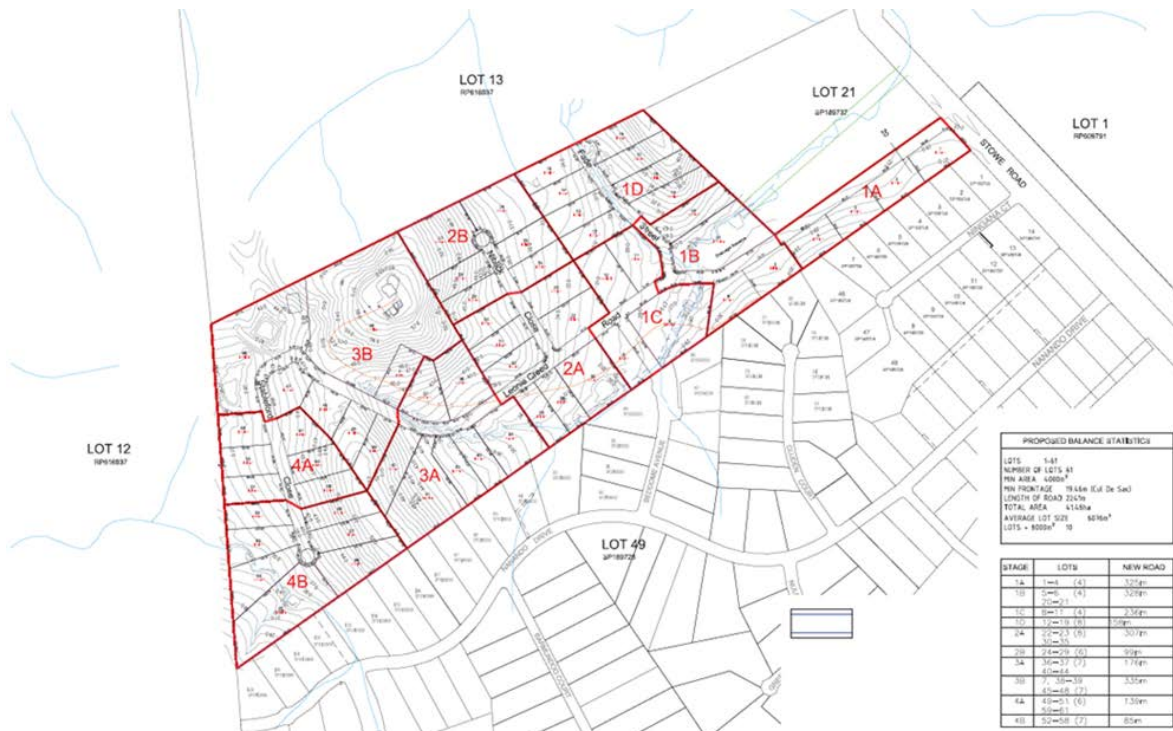


Figure Four: Approved Plan of Reconfiguration

Adopted Infrastructure Charges Notice:

| Existing Site/s | | Proposed Number | | |
|-----------------|-------|-------------------|-------------------------------------|----------|
| Zone | Lot/s | Zoning | Lot/s | Stage |
| Rural | 1 | Rural Residential | 4 lots | Stage 1A |
| | | | 3 lots + 1 lot for Drainage Reserve | Stage 1B |
| | | | 4 lots | Stage 1C |
| | | | 8 lots | Stage 1D |
| | | | 8 lots | Stage 2A |
| | | | 6 lots | Stage 2B |
| | | | 7 lots | Stage 3A |
| | | | 7 lots | Stage 3B |
| | | | 6 lots | Stage 4A |
| | | | 7 lots | Stage 4B |
| | | | (Total = 61 lots) | |

The Applicant lodged representations against the Adopted Infrastructure Charge stating the following:

Applicant's Comments

The proposal is for a total of 61 lots. Lot 21 is proposed to be developed as a reserve for stormwater drainage and storage and will not be suitable for sale or to establish a dwelling. We request that the adopted infrastructure charge notice be amended to reflect the removal of Lot 21 and fees associated with Stage 1B be amended to reflect 3 lots only.

Council Officer's Response

The original AIC calculation was based upon 61 Rural Residential lots. It is confirmed that charges are not incurred for parkland lots. As such, in accordance with the above amended Adopted Infrastructure Charge table, the Applicant will only be charged for the creation of 60 Rural Residential Lots. Therefore, a Negotiated Adopted Infrastructure Charge Notice will be issued totalling \$1,593,000.

Applicant's Comments

During initial discussions with Council Officers it was established that infrastructure charges were \$16,000 per new lot. We all acknowledge that these charges can increase but, in this case, charges have increased by 169% in the period from when a request to lodge a superseded planning scheme application was approved and the Development Application was lodged. This increase is not sustainable for a developer. We have to ask the question why the charges were increased in this area by such a substantial amount after Council was made aware that an application was being lodged.

Given that an application for assessment under a superseded planning scheme was lodged on 13th October 2016 we request that the infrastructure charges applicable at that time be applied to this application. Or we request the ability to negotiate a fair and sustainable infrastructure charge.

Affordable housing is a great concern in the Gladstone Regional Council area and such a large increase will ultimately be passed on the property buyers and will reduce the attractiveness of the development.

Council Officer's Response

As per Council's Adopted Infrastructure Charge Policy and the Act, development only attracts an AIC when a Development Permit/s are issued. The request to lodge under a Superseded Planning Scheme does not constitute a Development Permit, instead it allows the Applicant to receive development rights under a superseded Planning Scheme. Therefore, the Charging Policy in force at that time cannot lawfully be used to calculate the applicable charge. As the Development Permit was lodged on 27 March 2017 under the current Adopted Infrastructure Charge Resolution (No.1) – 2015 – Amendment No.2 which was endorsed on 8 March 2017, the AIC for this Development Permit will remain under Amendment No.2.

Referral:

The representations lodged against Council's Decision Notice will not require a Change Application to the Referral Agency to amend their Decision Notice. As a result, SARA's Decision Notice dated 24 November 2017 remains current.

Public Notification and Submissions:

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

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 has four years to complete the development in its entirety upon the relevant period taking effect prior to the Development Permit lapsing.

Applicant's Comments

This condition allows for an unreasonable timeframe and completely negates the need to stage the development. Our proposal will be to spend some time now developing the Operational Works plans for Stage 1A and lodging for approval within the next 2 years. We can then commence operational design of Stage 1B to be lodged and approved prior to the completion of Stage 1A and so forth. This way the number of properties available can be controlled by the Developer to ensure that supply does not exceed demand and lower the value of the development. We request this condition be amended to state the Applicant has 4 years to complete Stage 1 and the approval will remain current as long as there is a current development approval for work on site.

Council Officer's Comments

Although the Applicant had proposed four stages to complete the Development Permit, this condition was recommended to demonstrate compliance against Overall Outcome F as per Council's assessment against the Calliope Rural Locality Code within the Planning Scheme and the Applicant's supporting Needs Assessment that stated the 61 lot development was allowing for a 4 year supply of rural residential lots, in an otherwise "no market-ready lot supply" within Calliope. Condition 2 was included to ensure that the proposed development was completed within four years in its entirety once the development is in effect. Additionally, it was noted that if this application was being considered against the current *Our Place Our Plan Gladstone Regional Council Planning Scheme*, then the provisions of assessment around need would not be met by this proposal and it would likely be recommended for refusal.

In response to the Applicant's justification and consideration against Calliope Rural Locality Code, it is recommended that Condition 2 be amended to allow a reasonable timeframe for the applicant to lodge the subsequent Operational Works and Survey Plan Endorsement applications, however inclusion for Stage 1A (comprising of 4 lots) as requested by the Applicant is not considered acceptable. As such the amended condition is proposed as follows:

Stages 1A – 1D are to be completed within 4 years from the subject approval taking effect. If the Applicant has not completed Stages 1A-1D within 4 years, the balance stage(s) of the Development Permit will lapse. The development is to be completed in its entirety within 10 years from the subject approval taking effect.

This will ensure that the first twenty (20) Rural Residential lots located within the front portion along Stowe Road are completed in their entirety within four years. The suite of Stage 1 would also include the construction of Lot 21 reserved for drainage purposes and the connection from Bedoome Avenue into this estate. As part of Operational Works application for the suite of Stage 1, the Applicant would be required to construct all necessary infrastructure into the proposed Estate that would allow all subsequent staging connections for water. Additionally, the Applicant would be required to construct a Channelised Right Turn treatment with a Short Turn Slot [CHR(S)] must be provided at the intersection of the Dawson Highway and Bloomfield Street.

The balance lot will include the existing Dwelling House until the remainder stages were commenced (Figure Five) within 10 years of the Development Permit taking effect. If the proposed development was not acted upon for the remainder of stages (Stages 2A – 4B) within 10 years, this would allow the existing Dwelling House to remain on an approximate 29 hectare Rural Lot.

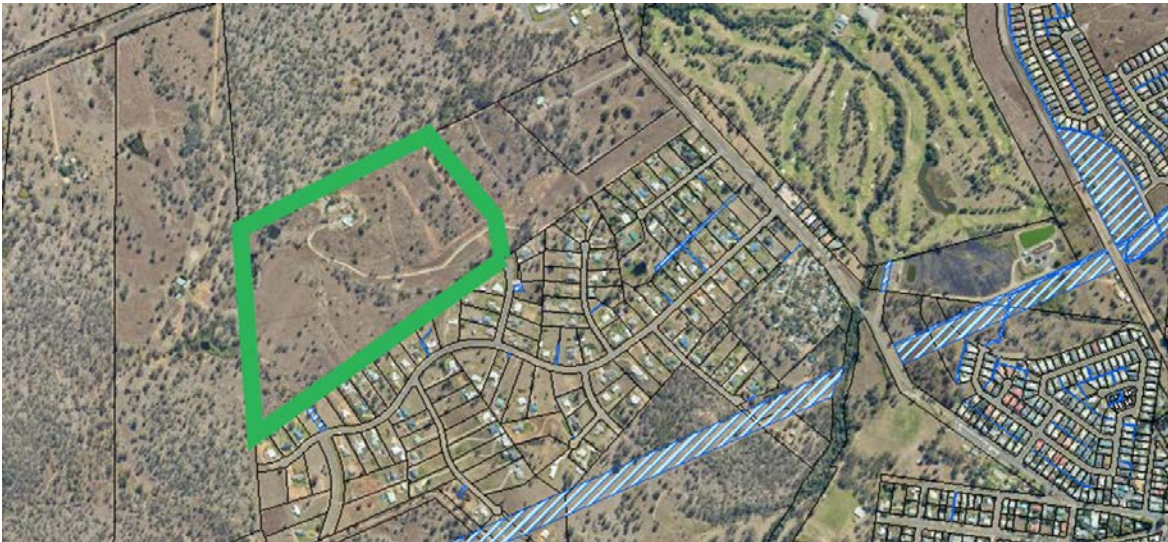


Figure Five: Estimated Balance Lot within 105 Stowe Road, Calliope

Condition 6

As part of Operational Works, building envelopes are to be constructed for each lot. The building envelopes are to be of a regular shape, have a minimum area of 1,000sqm, have a minimum dimension of 18m and not be located on land steeper than 16%. All building envelopes are to be located outside of any waterways, channels and have safe access to the public road without crossing the waterway.

Applicant's Comments

We acknowledge the need for building envelopes on new properties that are affected by slopes in excess of 16% or include a waterway and we are prepared to provide a suitable building envelope on those properties. However, we believe it is an unnecessary restriction on the remaining properties. The remaining properties should be free from building envelopes so the Owners are free to locate and design the dwellings of their choice dependent on their personal preferences. There are no legitimate safety concerns on these properties that would prevent them from establishing a dwelling in the location of their choice with due regard to planning and building codes. To clarify we are assuming that a building envelope differs from a building pad. On properties subject to slopes in excess of 16% or with waterways will be provided with a 1,000sqm building envelope with an 18m x 18m minimum flat dwelling building pad. We request that this condition be revised and reworded.

Council Officer's Response

It is acknowledged that the current wording requires all lots, regardless of their site constraints, to provide building envelopes. As such, it is recommended to amend Condition 6 to require only the proposed lots that are constrained by Steep Land or Waterways to include a building pad as part of an Operational Works application. This amended condition will still ensure compliance with Development on Steep Land Overlay Code – Acceptable Outcome 3. Therefore, the amended condition is proposed as follows:

As part of Operational Works, building pads are to be constructed for each lot which contains land steeper than 16% and/or within a mapped waterway. The building pads are to be of a regular shape, have a minimum area of 1,000sqm, have a minimum dimension of 18m and not be located on land steeper than 16%. All building pads are to be located outside of any waterways, channels and have safe access to the public road without crossing the waterway.

Condition 12

As part of any Development Application for Operational Works, the Applicant is to provide an amended Traffic Impact Assessment Report with the following amendments:

- a. Increase the number of vehicles generated by the development in the PM peak analysis that reflects the minimum requirement of 10 vehicles per day per lot for a low-density subdivision in accordance with the Road and Transport Standard 2005; and
- b. Remodel the Blomfield Street and Dawson Highway intersection as the merging lanes are significantly shorter in the existing intersection design; and
- c. Demonstrate that the proposed development will not adversely impact on the existing conditions on Council's road network by providing a traffic intersection analysis of the following intersections:
 - i. Stowe Road and Nanando Drive intersection;
 - ii. Archer Street and Bedford Road Intersection; and
 - iii. Archer Street, Blomfield Street and Pujolas Street Inter section.

Advisory Note: The Road and Transport Standard 2005 within the Calliope Shire Planning Scheme 2007 can be located at <http://tpscheme.gladstonerc.qld.gov.au/formercalliopeshire/index.html>.

Applicant's Comments

Remodel the Bloomfield Street and Dawson Highway intersection as the merging lanes are significantly shorter than the existing intersection design. I request that this condition be removed. I have spoken to my designing Engineer who has confirmed that all modelling has been completed with the current existing conditions and no intersection or merging lane has been reduced in size.

Council Officer's Comments

The submitted SIDRA site layout for the Bloomfield Street and Dawson Highway show both northern and southern legs of the Dawson Highway merging lanes as greater than 200m, however current existing conditions of the merging lanes range from 35m to 55m in length, with no lane provision existing for the left turn movement on the western leg of Bloomfield Street. Although the SIDRA output results for the queue distance post development may have minor consequences to the output, it is recommended that the merging lanes are amended to reflect the true existing conditions on the site. Therefore, it is recommended that Condition 12 remains in its current form.

Condition 13

As part of Operational Works, all Rural Residential Collector roads located within the development are to be designed to a minimum carriageway width of 8 metres and reserve width of 22 metres with maximum grades of 10% in accordance with the Road and Transport Standard 2005.

Advisory Note: The Road and Transport Standard 2005 within the Calliope Shire Planning Scheme 2007 can be located at <http://tpscheme.gladstonerc.qld.gov.au/formercalliopeshire/index.html>.

Applicant's Comments

There are no rural residential collector roads proposed as part of this development and we request that this condition be deleted.

Council Officer's Comments

In accordance with the Road and Transport Standard 2005, Rural Residential Collector Road was required for the proposed 'Leonie Creed Road', to allow for potential bus routes, as the extent of the development is over the maximum desirable distance to the nearest bus stop (located on Stowe Road, approximately 250m south east of the development entrance and approximately 1750m from the back of the development). As per the Road and Transport Standard 2005, Rural Residential Access Streets can cater to a maximum capacity of 100 lots and 1000 vehicles per day. Due to the size of the development, a Rural Residential Access Street is sufficient to service the development. Given the low risk that the development would be considered as part of a bus route, it is recommended that the Condition be deleted.

Condition 17

As part of any Development Application for Operational Works, the Applicant is to provide to Council for approval, plans detailing the upgrade of the closest existing bus stop to the development on Stowe Road in accordance with current Engineering Standards, including lighting, shelter, line marking and/or resealing or extension of the dedicated bay. Upon approval of this plan, the Applicant is to upgrade and construct the bus stop as part of Operational Works.

Applicant's Comments

We do not believe that this condition is relevant or legal to impose on the Applicant. It is fair to assume that Council is responsible for the repair, maintenance and/or upgrade of any existing bus stop and this should occur as routine by Council to avoid any possible litigation that may come from personal injury or damage. It is unclear where the closest existing bus stop is to this development and with the current public transport routes it is unclear whether the occupants from this development will even use said bus stop. We request that this condition be deleted and that Council accept the responsibility for the repair, maintenance and upgrade of existing public bus stops.

Council Officer's Comments

It is reasonable to assume that a Rural Residential development would encourage families into the community, and therefore the existing bus stop would be utilised by the development and surrounding catchment. Notwithstanding this, an existing bus stop is available on Stowe Road that currently has a narrow pullover lane and shelter (Figure Six). To ensure the existing bus stop can be adequately utilised by the surrounding catchment and this development, it is recommended that condition 17 remains in its current form to enable closer review at the Operational Works stage, particularly in conjunction with the other roadworks required as a result of the development.



Figure Six: Existing bus stop along Stowe Road

Summary:

After consideration and assessment of the representations against the Planning Scheme, it is recommended that condition 2 and 6 be amended, condition 12 and 17 remain as per the original Decision Notice, and condition 13 be deleted.

Anticipated Completion Date:

N/A

Officer's Recommendation:

That the request for a Negotiated Decision Notice to Development Application 22/2017 for a Preliminary Approval - Material Change of Use for Change of Density from Rural to Rural Residential and a Development Permit for Reconfiguring a Lot (1 into 61 lots) (Staged) on land described as Lot 20 SP 189737, situated at located at 105 Stowe Road, Calliope, be recommended for approval. The approval is subject to reasonable and relevant conditions as follows:

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 |
|----------------|----------|---|---------------------------------|------------|
| 3287-2C | 2 | Concept and Subdivision – Proposal Plan | Fredriksen Maclean & Associates | 18/09/2017 |

And supporting documents

| Document Number | Revision | Description | Author | Date |
|-----------------|----------|--|----------------------------|------------|
| 17028 | 0 | Calliope Rural Residential Need Assessment | Foresight Partners Pty Ltd | 2/11/2017 |
| G1711/1:1171016 | B | Golf Club Estate DA/22/2017 | Cox Andrews Engineers | 31/10/2017 |

Special Conditions

2. **Stages 1A – 1D are to be completed within 4 years from the subject approval taking effect. If the Applicant has not completed Stages 1A-1D within 4 years, the balance stage(s) of the Development Permit will lapse. The development is to be completed in its entirety within 10 years from the subject approval taking effect.**

Operational Works

3. A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction. The Development Application for Operational Works is to include the following:
 - a. Earthworks (including retaining walls);
 - b. Road works (including signage and footpaths/cycle ways);
 - c. Water Infrastructure;
 - d. Stormwater Management (quantity, quality, flood and drainage control);
 - e. Street lighting, electrical and telecommunications; and
 - f. Landscaping, environmental protection and associated works.
4. Development Applications for Operational Works shall be designed and constructed in accordance with Australian Standards and the Engineering Design and Infrastructure Standards Planning Scheme Policy applicable at the time of application 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 standards that apply to this reconfiguration are as follows:

- a. *Roads and Transport Standard 2005;*
- b. *Stormwater Drainage Design Standard 1989; and*
- c. *Water Supply Standard 2006.*

Acid Sulfate Soils

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

Steep Land

6. **As part of Operational Works, building pads are to be constructed for each lot which contains land steeper than 16% and/or within a mapped waterway. The building pads are to be of a regular shape, have a minimum area of 1,000sqm, have a minimum dimension of 18m and not be located on land steeper than 16%. All building pads are to be located outside of any waterways, channels and have safe access to the public road without crossing the waterway.**
7. As part of Operational Works, driveways are to have a maximum grade of 16%. For driveways with grades steeper than 16%, the Applicant is to provide to Council for approval, plans detailing the grade, location and construction details (including type of sealed pavement) for each affected driveway.

Advisory Note: The Road and Transport Standard 2005 within the Calliope Shire Planning Scheme 2007 can be located at <http://tpscheme.gladstonerc.qld.gov.au/formercalliopeshire/index.html>.

Water Infrastructure

8. As part of Operational Works, 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.
9. As part of Operational Works, 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.

Stormwater Infrastructure

10. The Applicant is to submit for approval by Council a Site Based Stormwater Plan for the total development as part of any future Development Application for Operational Works. The plan must address both quantity and quality aspects of stormwater management, be in accordance with the Engineering Design Planning Scheme Policy under the Calliope Shire Planning Scheme and be certified by a RPEQ experienced in this type of work.

Transportation Services

11. As part of the lodgement for Survey Plan Endorsement, all assets entering Council ownership that require naming (including roads and parks) are to be named in accordance with Council's Naming of Infrastructure Assets Policy (P-2015/13), as amended. A formal requested for naming (including completion of the applicable form) is to be submitted prior to acceptance of the works associated with creation of these assets on maintenance.

Advisory Note: Council's Policy Naming of Infrastructure Assets (P-2015/13) is located at www.gladstone.qld.gov.au/naming-roads-and-assets.

12. As part of any Development Application for Operational Works, the Applicant is to provide an amended Traffic Impact Assessment Report with the following amendments:
 - a. Increase the number of vehicles generated by the development in the PM peak analysis that reflects the minimum requirement of 10 vehicles per day per lot for a low-density subdivision in accordance with the Road and Transport Standard 2005; and
 - b. Remodel the Blomfield Street and Dawson Highway intersection as the merging lanes are significantly shorter in the existing intersection design; and
 - c. Demonstrate that the proposed development will not adversely impact on the existing conditions on Council's road network by providing a traffic intersection analysis of the following intersections:
 - i. Stowe Road and Nanando Drive intersection;
 - ii. Archer Street and Bedford Road Intersection; and
 - iii. Archer Street, Blomfield Street and Pujolas Street Inter section.

Advisory Note: The Road and Transport Standard 2005 within the Calliope Shire Planning Scheme 2007 can be located at <http://tpscheme.gladstonerc.qld.gov.au/formercalliopehire/index.html>.

13. **Deleted.**

14. As part of Operational Works, all Rural Residential Access roads located within the development are to be designed to a minimum width of 6 metres, reserve width of 20 metres with maximum grades of 10% in accordance with the Road and Transport Standard 2005.

Advisory Note: The Road and Transport Standard 2005 within the Calliope Shire Planning Scheme 2007 can be located at <http://tpscheme.gladstonerc.qld.gov.au/formercalliopehire/index.html>.

15. As part of Operational Works, a turning facility is to be provided at the end of every terminating road within the development and must have a minimum radius of 9 metres and an approach of 15 metres.
16. As part of Operational Works, a temporary turning facility is to be provided at the end of every through road that is temporarily finished for Stages 1A, 1B, 1C, 2A, 3A, 3B and 4A. The temporary turning facility may be designed and constructed in accordance with the Road and Transport Standard 2005.

Advisory Note: The Road and Transport Standard 2005 within the Calliope Shire Planning Scheme 2007 can be located at <http://tpscheme.gladstonerc.qld.gov.au/formercalliopehire/index.html>.

17. As part of any Development Application for Operational Works, the Applicant is to provide to Council for approval, plans detailing the upgrade of the closest existing bus stop to the development on Stowe Road in accordance with current Engineering Standards, including lighting, shelter, line marking and/or resealing or extension of the dedicated bay. Upon

approval of this plan, the Applicant is to upgrade and construct the bus stop as part of Operational Works.

18. As part of Operational Works, street trees are to be constructed along the frontage of both sides of the proposed internal road network, at a rate of 1 tree per 20m in accordance with the Planning Scheme requirements at the time of lodgement for Operational Works.

Electrical, Telecommunication and Gas services

19. As part of Operational Works, all electrical (and telecommunication) conduits are to be installed (including conduits under roads, under concrete pathways and beneath retaining walls etc.) together with the associated infrastructure (including electrical pits, light pole and sub-station footings etc.) as part of the Operational Works.
20. As part of the Operational Works, all electrical works are to be constructed in accordance with Rural Residential Street Lighting Council Policy (P-2014/32). Details are to be provided as part of any Development Application for Operational Works.
21. As part of 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) 49311012.

22. As part of 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.

Survey Plan Endorsement

23. As part of the lodgement for Survey Plan Endorsement, the Applicant is to provide at no cost to Council, one copy of the fully executed Easement Documentation (in accordance with Council's Standard Easement Document) for the following:
 - a. Drainage easement(s) in favour Council having a minimum width of 4m, with Council Infrastructure located within a central zone of the easement, to be at least 1 met re from the edge of the easement.

Advisory Note: Council's Standard Easement Document Form 9 Version 4 can be obtained through Council's Development Services Department.

24. At the time of registration of the Survey Plan(s), the Applicant is to dedicate at no cost to Council the following lots:

- a. Proposed Lot 21 for the purpose of Drainage Reserve.

25. Lodgement of Survey Plan Endorsement must include the following:

- a. Completion of Council's Survey Plan Lodgement Form S1;
- 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, Easement Documentation each fully executed for the lodgement with the Titles Office;
- e. Payment of any outstanding rates and charges in accordance with Schedule 18, Item 2(1)(c) of the Planning Regulation 2017; and

- f. Payment of any outstanding Adopted Infrastructure Charges.

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

END OF CONDITIONS

Advice to Applicant:

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

Attachments:

1. Applications Representations

Tabled Items:

Nil.

Report Prepared by: Planning Officer

G/3.6.3. DEVELOPMENT APPLICATION 1/2018 REQUEST TO NEGOTIATE DECISION NOTICE FOR MATERIAL CHANGE OF USE FOR A LOW IMPACT INDUSTRY AT 58 HUGHES ROAD, WURDONG HEIGHTS

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 7 August 2018

File Ref: DA/1/2018 and DB1.10

Development Application:

Application Number: 1/2018
Applicant: Evo Portables c/- Zone Planning Group
Owner: Michael Anthony Higgins
Request Lodged: 29 June 2018
Location: 58 Hughes Road, WURDONG HEIGHTS QLD 4680
RPD: Lot 100 RP 620400
Area: 28.82 hectares
Current Use Of Land: Dwelling House and Secondary Dwelling
Zoning: Rural
Proposal: Low Impact Industry
Submissions Close Date: *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2*
Public Notification Period: 14 March 2018 to 6 April 2018
Number Of Submissions: One (1) Properly Made Submission

Purpose:

The purpose of this report is to assess the Change Representations made against the Decision Notice for Development Application 1/2018 for a Material Change of Use of Premises for a Low Impact Industry use at 58 Hughes Road, Wurdong Heights.

Executive Summary:

Development Application 1/2018 for a Material Change of Use of Premises for a Low Impact Industry use at 58 Hughes Road, Wurdong Heights, was lodged with Council on 11 January 2018 for assessment against the *State Planning Policy July 2017* (the SPP), and the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* (the Planning Scheme) under the *Planning Act 2016* (the Act). The original development application occurred in response to an existing unlawful use of Low Impact Industry on the subject site whereby Council, and the Applicant worked to achieve compliance via the lodgment and assessment of this Development Application.

The proposal triggered referral to Ergon Energy, Powerlink and the Department of State Development, Manufacturing, Infrastructure and Planning (the DSDMIP). Each Advice Agency and Referral Agency supported the application subject to conditions.

Council approved the development, subject to conditions, at its 15 May 2018 meeting.

Following receipt of the Development Permit, the Applicant lodged representations against Conditions 6, 8, 26, 27 and 28 on 29 June 2018. In addition, acceptance of the requested amendment of Condition 8 necessitates amendment of Condition 1 in regard to the relevant drawings. The request to amend the above conditions is considered consistent with the provisions of the current Planning Scheme, with minor adjustments, and therefore has been recommended for approval with a Negotiated Decision Notice to be issued replacing the original Decision Notice.

Subject Site:

The subject site is located at 58 Hughes Road, Wurdong Heights, more formally known as Lot 100 on RP620400 forming two part lots separated by Hughes Road. The site has a total area of 28.82 hectares with dual road frontage of 372m to Gladstone Benaraby Road and 413m to Hughes Road. Both part lots are burdened by several easements for bulk water supply owned and operated by the Gladstone Area Water Board (the GAWB) and high voltage energy distribution lines on behalf of Ergon Energy and Powerlink. The site borders an electricity substation and ancillary high voltage energy distribution lines owned and operated by Ergon Energy. The subject lot is bordered by the North Coast Railway Line to the West. The site is void of Council reticulated services with the majority of Hughes Road unsealed other than the intersection of Hughes and Gladstone Benaraby Roads.

For this application, the proposal is located within the Southern lot only which is bounded by various road reserves (Hughes Road, Gladstone Benaraby Road) and is approximately 7,200m² in size. The Southern part lot is improved by a Dwelling House and Secondary Dwelling whilst surrounding lots consist of large rural parcels used predominately as Dwelling Houses and peri rural grazing land. Figure one provides an illustration of the subject site and its surrounds.

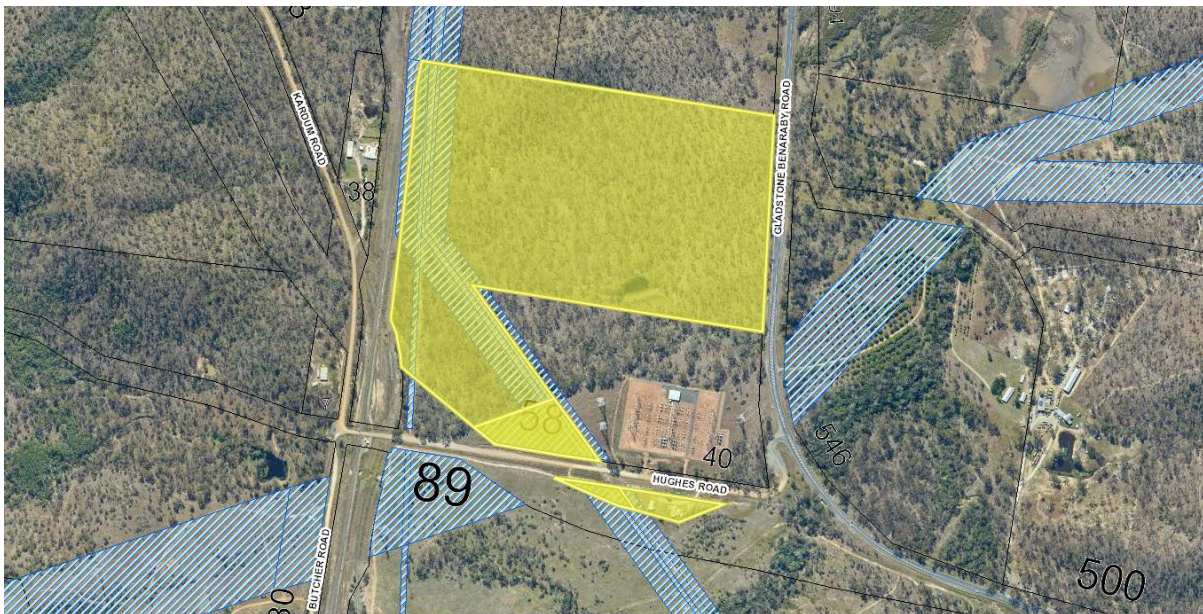


Figure One: Subject Site and Surrounding Area

Under the Planning Scheme, the subject site is within the Rural Zone. Surrounding lots are similarly zoned Rural and Limited Development (Major Industry Buffer Precinct) to the east

Background:

The site is subject to three current Development Permits for Building and Plumbing and Drainage Works as follows:

- BP/29/2015 – Dwelling House with Deck and Garage approved on 28 January 2016;
- BP/1276/2015 – Granny Flat approved on 22 December 2015; and
- BP/1277/2015 – Plumbing Works – Dwelling House and Granny Flat approved on 17 December 2015.

Council approved the development, subject to conditions, at its 15 May 2018 meeting. Following receipt of the Development Permit, the Applicant lodged representations against Conditions 6, 8, 26, 27 and 28 on 29 June 2018.

Current Approval vs. Proposed Change:

The current approval is for a Low Impact Industry Use. The total development footprint includes 960m² for a new industrial shed. The new shed located approximately 4m from the Hughes Road frontage. Building height is proposed at 6.56m with a total of 15 vehicle parking spaces located to the South-East of the lot.

Under the original application the Applicant proposed to remove the existing Dwelling House and the Secondary Dwelling from the subject lot. The Applicant now proposes to relocate the existing Dwelling House and Secondary Dwelling to the northern portion of the subject lot which is on the northern side of Hughes Road.

The Applicant was advised on 4 July 2018, that this requested change would result in an increased Adopted Infrastructure Charge from \$11,340 to \$27,840. This would occur as a credit was applied for the removal of the Dwelling House and Secondary Dwelling from the site. Additionally, it was raised that as the relocation of the Dwelling House and the Secondary Dwelling to the northern portion of the lot was not considered as part of the development application, this application may trigger a further Code Assessable Material Change of Use development application due to the overlays affecting the subject lot.

The northern lot is affected by the following overlay mapping:

- Acid Sulphate Soils (5-20m AHD);
- Airport Environs Overlay (Outer Horizontal and Airport Buffer 13km);
- Biodiversity (MSES – Wildlife Habitat and MSES – Regulated Vegetation);
- Bushfire Hazard Overlay (Potential Impact Buffer, Medium and High Potential Bushfire Intensity);
- Regional Infrastructure (Ergon 132Kv line);
- Steep Land; and
- Transport (Railway Corridor and State Controlled Road).

There is a location in the northern lot that is only affected by the Airport Environs Overlay and the Medium Potential Bushfire Intensity layer of the Bushfire Overlay (marked on Figure Three with a blue dot). In this location, there is a possibility that the Applicant could position a Dwelling House and Secondary Dwelling which meets the requirements of an "Accepted Development Subject to Requirements" development. If the proposal did not meet the relevant Acceptable Outcomes of any of the codes, the proposal for a Material Change of Use for a Dwelling House and Secondary Dwelling would trigger a Code Assessable Development Application.

Figure Two provides an illustration of the approved proposal in context of the site and its surrounds, whilst Figure Three illustrates areas with the least constraints in regard to overlays.



Figure Two: Approved use in context of site and surrounds

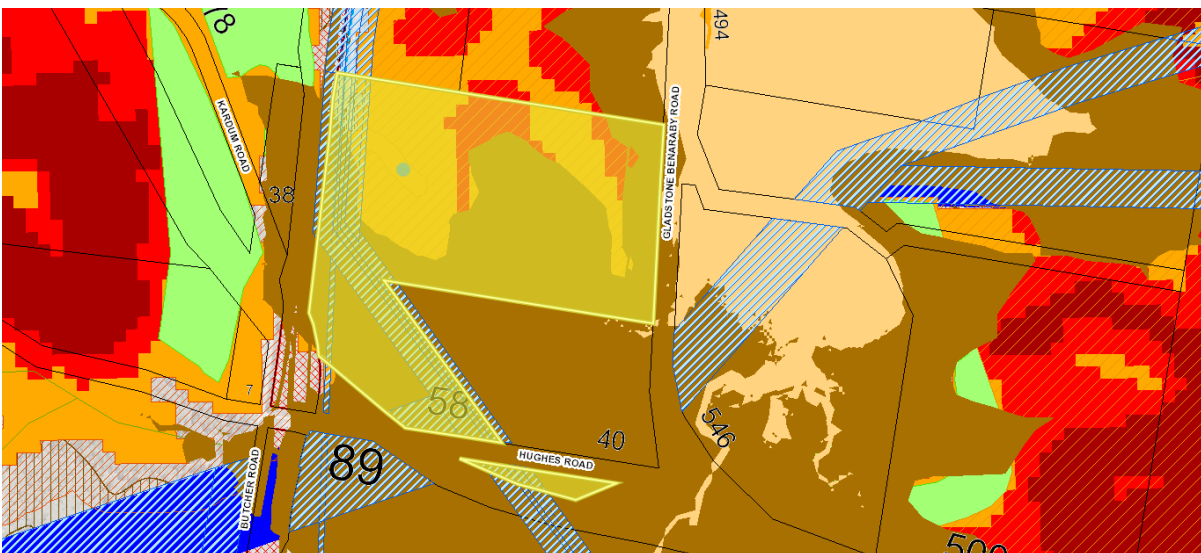


Figure Three: Potential Location for Dwelling House and Secondary Dwelling (blue dot)

Adopted Infrastructure Charges Notice Calculation:

An Adopted Infrastructure Charges Notice was issued on 21 May 2018 for \$11,340.00 in accordance with the Act. No representations have been made in regard to this notice.

However, as a credit was applied for the removal of the Dwelling House and Secondary Dwelling which are now proposed to be relocated to the northern portion of the lot, a new Adopted Infrastructure Charges Notice will be required. The new charge is estimated to be \$27,840.00. The Applicant was advised on 4 July 2018 that this new charge would be applicable as a result of the proposed change.

Referral:

The original application triggered Advice Agency referral to Ergon Energy and Powerlink for matters relating electrical substations and easements and to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) as the proposal is within 25m of a State

Controlled Road. The current Change Representations will not directly impact on the matters which were considered in the Advice and Concurrence Agency assessments.

Public Notification and Submissions:

As the Development Application triggered Impact Assessment under the Planning Scheme, Public Notification was required as part of the original application, as per the Act. The Applicant advised that Public Notification requirements were undertaken between 14 March 2018 and 6 April 2018 with one Properly Made submission received. Table Three below gives regard to the submissions received and the relevant Council Officer response. The current Change Representations will not impact on these matters unless the Dwellings or the access are proposed located within or in close proximity to the existing easements.

Assessment:

The Applicant made representations against three conditions of the current Development Permit which has been addressed as follows. Please note that the original condition is in **bold**, the Applicants justification is in *italics* and the Planning Officers comments in normal type.

Condition 1

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

| Drawing Number | Revision | Description | Author | Date |
|----------------|----------|---|---|------------|
| N/A | N/A | Your Shed | Shed Tech – Shed Alliance Gladstone | 29/11/2017 |
| SK-DA/01 | B | Proposed Low Impact Industry Site Plan | Zone Planning Group | 29/02/2018 |

And supporting documents

| Document Number | Revision | Description | Author | Date |
|-----------------|----------|--|----------------------------------|--------------------|
| PEG0380 | 03 | Site Based Stormwater Management Plan | Pinnacle Engineering Group | 22 January 2018 |

Applicant's Comment

Nil.

Council Officer's Comment

Acceptance of the change to Condition 8 necessitates amendment of Condition 1 in regard to the relevant drawings. Subsequently, Council proposes the following amendment:

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 |
|----------------|----------|--|---|------------|
| N/A | N/A | Your Shed | Shed Tech – Shed Alliance Gladstone | 29/11/2017 |
| SK-DA/01 | B | Proposed Low Impact Industry Site Plan | Zone Planning Group | 29/02/2018 |

And supporting documents

| Document Number | Revision | Description | Author | Date |
|-----------------|----------|--|----------------------------------|--------------------|
| PEG0380 | 03 | Site Based Stormwater Management Plan | Pinnacle Engineering Group | 22 January 2018 |

- a. The Applicant is to submit and receive approval for a site plan of the entire Lot 100 RP620400 illustrating the new location of the Dwelling House and Secondary Dwelling.

Condition 6

Prior to obtaining a development permit for Building Final for Building Works, the Applicant is required to construct and maintain a 2m high chain-wire fence along the Eastern border of Easement A RP611051 located within the property boundary of 58 Hughes Road, Wurdong Heights.

Applicant's Comment

The subject site is already fenced with an existing four strand barbed-wire fence, as outlined below in Figures 1 and 2. This fencing system is considered to be more than sufficient to ensure the separation of activities between the subject site and existing Easement A, with little additional benefit gained from the installation of a 2m chain wire fence. As a result, it is requested that Council amend Condition 6 to state the following:

*Prior to obtaining a development permit for Building Final for Building Works, the Applicant is required to construct and maintain a **four-strand barbed-wire fence** along the Eastern border of Easement A RP611501 located within the property of 58 Hughes Road, Wurdong Heights.*

Council Officer's Comment

As a four-strand fence will still provide a clear delineation and separation of activities between the approved use and the easement, it is recommended that the proposed amendment of Condition 6 is supported.

Condition 8

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 and Secondary Dwelling (Granny Flat). The removal of the structure is to occur prior to any new Building Works for the approved Development.

Applicant's Comment

During a meeting held on-site with Council's Building Certifier on 21 June 2018, it was outlined to the property Owner that a Demolition Permit would not be required for the removal and/or relocation of the existing Dwelling House and Secondary Dwelling located on site. As a result, it is requested that Condition 8 be amended to solely require the removal of the existing Dwelling House and Secondary Dwelling, prior to the commencement of construction works for the approved industrial shed and therefore be worded as follows:

The Applicant is required to remove the existing Dwelling House and Secondary Dwelling (Granny Flat) from the development site prior to the commencement of any new Buildings Works for the approved Development.

Council Officer's Comment

If the Applicant removes the Dwelling House and Secondary Dwelling from the entire subject lot (northern and southern portions), the Applicant will be required to obtain a Demolition Permit. If, however, the Applicant relocates the Dwelling House and Secondary Dwelling from the southern portion of the subject lot to the northern portion, a Demolition Permit will not be required.

As the relocation of the Dwelling House and Secondary Dwelling to the northern portion of the lot was not considered as part of this development application, the relocation would be considered a Material Change of Use for a Dwelling House and Secondary Dwelling. The Applicant will be advised that depending on the proposed location of the dwellings and whether they comply with the relevant assessment benchmarks, the proposed relocation may trigger a Code Assessable Development Application to Council.

It is noted that the proposed relocation will not require a new Building Works Application but will require the Applicant to provide amended plans. The Applicant has been advised of this as part of the Building Works enquiries.

Council proposes the following amendment to Condition 8:

The Applicant is required to relocate the existing Dwelling House and Secondary Dwelling (Granny Flat) from the southern portion of the subject site prior to the commencement of any new Buildings Works for the approved Development.

Advisory Note: A Building Approval will not be required for the relocation of the Dwelling House and Secondary Dwelling. However, the Applicant will be required to provide an amended site plan to be approved under the existing Building Works approvals for the Dwelling House (BP/29/2015) and Secondary Dwelling (BP/1276/2015).

Condition 9

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

Advisory Note: A Building Approval will be required for the removal of the Dwelling House and Secondary Dwelling and the construction of the proposed Industrial Shed.

Applicant's Comment

Nil.

Council Officer's Comment

As the Applicant has indicated that the Dwelling House and Secondary Dwelling will be relocated to the northern portion of the subject lot, the following amendment to Condition 9 is recommended:

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

Condition 26

Prior the commencement of the use of the site, a landscaping area a minimum of two metres in width is to be provided along the full frontage of Hughes Road other than within the easement area or where required to construct any driveway crossover(s). The landscaping area is to be in accordance with Table 9.3.4.3.2 - 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 Engineering Standards are located within the Capricorn Municipal Development Guidelines – Drawings and Specifications at <http://cmdq.com.au/Guideliens/GuideliensHome.html>.

Applicant's Comment

Given the location of the subject site outside of the priority infrastructure area, the development does not have access to Council's reticulated water supply. As a result, the water demand associated with the planting and upkeep of a 2m wide landscaping strip for the full frontage of Hughes Road cannot be feasibly met. Despite the provision of potable water for the operation of the proposed industrial use, this water supply is not sufficient to cater for landscaping demands, even when selecting a number of species that are suited to more arid conditions. It is noted that under Condition 27, trees are also to be provided along the frontage of the site. In order to maintain these trees, it is requested that Condition 26 be deleted in its entirety and that the proposed landscaping for the site be limited to the screening/shade/street trees required by Condition 27. This would allow for the landscaping of the site, whilst ensuring that the landscaping demands do not exhaust the water supply available to the development.

Council Officer's Comment

Based on the proposed amendment to Condition 27, the proposal to delete Condition 26 is supported.

Condition 27

Prior the commencement of the use of the site, street/shade trees are to be provided as follows:

- a. **Within this landscaping area mentioned in the above condition, trees are to be provided at a rate of one tree per linear metre of available frontage.**
- b. **Between the open car parking area and the boundary, one shade tree is to be provided at a rate of one tree per six car spaces.**

Applicant's Comment

After researching appropriate planting species and water demand levels, it has been identified that the delivery of this condition may be achieved through the planting of Lily Pilly's. Depending on the type of Lily Pilly utilised, there is a variation in the width required between plantings... As a result, it is requested that the condition be amended to allow for a greater distance between trees to ensure that each tree can reach full maturity and be effectively utilised as a screening tree. To do so it is requested that Condition 27 be amended as follows:

Prior the commencement of the use of the site, street/shade trees are to be provided as follows:

- a. Within this landscaping area mentioned in the above condition, trees are to be provided at a rate of one tree per 1.5 metres of available frontage.*
- b. Between the open car parking area and the boundary, one shade tree is to be provided at a rate of one tree per six car spaces.*

| <u>Council</u> | <u>Officer's</u> | <u>Comment</u> |
|----------------|------------------|----------------|
|----------------|------------------|----------------|

Council is supportive of the proposed changes to Condition 26 and 27, on the proviso that Condition 27 is amended as follows:

Prior the commencement of the use of the site, street/shade trees are to be provided as follows:

- a. Trees are to be provided at a rate of one tree per 1.5 metres of the full frontage of Hughes Road other than within the easement area or where required to construct any driveway crossover(s); and*
- b. Between the open car parking area and the boundary, one shade tree is to be provided at a rate of one tree per six car spaces.*

Condition 28

Prior to the commencement of the use of the site, construction of a 1.8m high chain wire fence to all boundaries, the details of which are to be submitted with any Development Application for Building Works.

Applicant's Comment

Considering the subject site is located within a semi-rural setting, the requirement to construct a 1.8m high chain wire fence is considered to be out of character for the area. The subject site is already fenced with an existing four strand barbed-wire fence... This fencing system is considered to be more than sufficient to ensure the containment of onsite activities, with little additional benefit to Council gained from the installation of a 1.8m chain wire fence.

Furthermore, adequate screening of the proposed development will be provided as part of Condition 27 imposed on the development. As a result, the 1.8m fencing requirement is considered to be onerous. As a result, it is requested that Council amend Condition 28 to state the following:

Prior to the commencement of the use of the site, the Applicant is to construct and maintain a four-strand barbed-wire fence along the boundary of the development site, the details of which are to be submitted with any Development Application for Building Works.

This amendment will ensure that the boundary fence is established around the development site and does not place any risk on Council as a result.

Council Officer's Comment

The additional security usually required for industrial uses located in industrial zones is not as applicable in this case due to the rural nature of the area and the ability to contain valuable items within the large industrial shed. Moreover, a four-strand fence will still provide a clear delineation and separation of activities between the approved use and the boundaries of the Southern portion of the subject lot, it is recommended that the proposed amendment of Condition 28 is supported.

Officer's Recommendation:

That the proposed changes to Conditions 1, 6, 8, 26, 27 and 28 of Development Application 1/2018 for a Material Change of Use of Premises for a Low Impact Industry use at 58 Hughes Road, Wurdong Heights, be approved. The Approval is supported by a notice of reasons and subject to reasonable and relevant conditions.

Notice of Reasons:

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

Description of the development:

The approved development is for a Material Change of use of Premises for a Low Impact Industry use.

Assessment benchmarks:

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

Reasons for the assessment managers decision:

1. The Application was properly made in accordance with the *Planning Act 2016* and the Development Assessment Rules;
2. The Application is deemed compliant with the relevant benchmarks of the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2*; and
3. The development is located on a part lot which is immediately adjacent to significant water and electrical infrastructure. Given the existence of this infrastructure, the proposal will not be offensive to the surrounding area nor jeopardise the ability to use the balance of the lot for rural uses and pursuits.

Reasons for Approval despite any Non-compliance with certain Benchmarks:

| Benchmark reference: | Reasons for the approval despite non-compliance with benchmark: |
|--|--|
| <i>Strategic Framework – Theme 3.3 Gateway to the World - Strategic Outcome 3.3.1 (3)</i> | <i>Compliance with Strategic Framework – Theme 3.3 Gateway to the World - Element 3.3.2 A Gateway for Industry</i> |
| <i>Strategic Framework – Theme 3.3 Gateway to the World - Strategic Outcome 3.3.1 (12)</i> | <i>No further geographical fragmentation is proposed.</i> |

| | |
|--|---|
| <i>Strategic Framework – Theme 3.3 Gateway to the World – Element 3.3.2 A Gateway to Prosperous Rural Activities</i> | <i>No further geographical fragmentation is proposed.</i> |
| <i>Strategic Framework – Theme 3.8 Our Rural and Coastal Townships and Places - Strategic Outcome 3.8.1 (4)</i> | <i>No further geographical fragmentation is proposed.</i> |
| <i>Strategic Framework – Theme 3.8 Our Rural and Coastal Townships and Places - Strategic Outcome 3.8.1 (4)</i> | <i>No further geographical fragmentation is proposed.</i> |
| <i>Rural Zone Code Table 6.2.22.3.1 – Acceptable Outcome 3.2</i> | <i>Compliance with Rural Zone Code Table 6.2.22.3.1 - Performance Outcome 3</i> |
| <i>Rural Zone Code Table 6.2.22.3.1 – Performance Outcome 10</i> | <i>Compliance with Rural Zone Code – Item 1 (b) of 6.2.22.2 Purpose</i> |
| <i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 1.2 and Performance Outcome 1</i> | <i>Compliance with Development Design Code via Conditions</i> |
| <i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 2.2 and Performance Outcome 2</i> | <i>Compliance with Development Design Code via Conditions</i> |
| <i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 5.1 and Performance Outcome 5</i> | <i>Compliance with Development Design Code via Conditions</i> |
| <i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 9</i> | <i>Compliance with Development Design Code Table 9.3.2.3.1 – Performance Outcome 9</i> |
| <i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcomes 11.1 and 11.2 and Performance Outcome 11</i> | <i>Compliance with Development Design Code via Conditions</i> |
| <i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 13 and Performance Outcome 13</i> | <i>Compliance with Development Design Code Table 9.3.2.3.1 – Item 1(a) of 9.3.2.2 Purpose</i> |
| <i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 15 and Performance Outcome 15</i> | <i>Compliance with Development Design Code via Conditions</i> |
| <i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 16 and Performance Outcome 16</i> | <i>Compliance with Development Design Code via Conditions</i> |
| <i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 18 and Performance Outcome 18</i> | <i>Compliance with Development Design Code via Conditions</i> |
| <i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 19 and Performance Outcome 19</i> | <i>Compliance with Development Design Code via Conditions</i> |
| <i>Development Design Code Table 9.3.2.3.1 – Acceptable Outcome 31 and Performance Outcome 31</i> | <i>Compliance with Development Design Code via Conditions</i> |
| <i>Landscaping Code Table 9.3.5.3.1</i> | <i>Compliance with Landscaping Code via Conditions</i> |

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

1. The proposal is located within part of Lot 100 on RP 620400 with a usable area of approximately 4,200m². The part lot is bounded on the Northern side by the Hughes Road reserve and burdened by an easement in favor of the Gladstone Area Water Board. As such, the ability to use the part lot for rural pursuits is limited by these circumstances. The proposal

provides an alternative land use which is in keeping with the surrounding area given the location of electricity and water infrastructure within immediate proximity.

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

| Matter raised in submission: | How matter was dealt with: |
|--|--|
| <p>Concerns that the proposed development may negatively impact on water supply infrastructure located in the registered easements over the subject lot and Hughes Road.</p> <p>Assurance requested that construction or operation will not result in inundation or erosion over easement area and that the pipelines are not damaged during construction or by increased traffic.</p> | <p>All proposed construction, including accesses, is located outside the easement area. It is anticipated that most heavy or oversized vehicles will seek to travel between the site and Gladstone Benaraby Road rather than East towards the railway. Subsequently, any increases in heavy vehicle traffic over the pipelines is expected to be negligible.</p> |

Matters prescribed by a regulation:

1. Nil

Conditions of Approval:

The following provides the Conditions of Approval under section 63(2)(3e) 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 |
|----------------|----------|--|-------------------------------------|------------|
| N/A | N/A | Your Shed | Shed Tech – Shed Alliance Gladstone | 29/11/2017 |
| SK-DA/01 | B | Proposed Low Impact Industry Site Plan | Zone Planning Group | 29/02/2018 |

And supporting documents

| Document Number | Revision | Description | Author | Date |
|-----------------|----------|---------------------------------------|----------------------------|-----------------|
| PEG0380 | 03 | Site Based Stormwater Management Plan | Pinnacle Engineering Group | 22 January 2018 |

- a. The Applicant is to submit and receive approval for a site plan of the entire Lot 100 RP620400 illustrating the new location of the Dwelling House and Secondary Dwelling.

Special Conditions

2. Upon commencement of the use of the site, the development is to be limited to the following hours of business:
 - a. 7.00am to 7.00pm Monday to Friday;
 - b. 7.00am to 1.00pm on Saturdays; and
 - c. Closed on Sundays and public holidays
3. Upon commencement of the use of the site, noise levels must be maintained below background noise levels plus 5dbA measured at the property boundary and does not result in the unreasonable emission of noise to current or future noise sensitive areas. The development must achieve ongoing compliance with the acoustic quality objectives outlined in Schedule 1 of the *Environmental Protection (Noise) Policy 2008*.
4. The permitted maximum size of the vehicle accessing and exiting the property is restricted to Austroads Vehicle Class 9 – Six Axle Articulated vehicle at any stage of the development.
5. The permitted maximum number of heavy vehicles of Austroads Vehicle Class 3 to 9 utilizing Hughes Road which are generated by the proposed development at the operational stage shall be in accordance with the following:
 - a. Not more than twice in any one week for any vehicle classified as Austroads Vehicle Class 7 - Four Axle Articulated to Class 9 – Six Axle Articulated Vehicle.
 - b. Not more than twice in any one week for any vehicle classified as Austroads Vehicle Class 3 – Two Axle Truck of Bus to Class 6 – Three Axle Articulated Vehicle.
6. **Prior to obtaining a development permit for Building Final for Building Works, the Applicant is required to construct and maintain a four-strand wire fence along the Eastern border of Easement A RP611501 located within the property of 58 Hughes Road, Wurdong Heights.**
7. Prior to the commencement of the use of the site, all private structures that belong to the Owner of the lot and within Easement A RP611051, Easement B RP609040, Easement F RP620400, Easement C RP6114891 must be removed and the easements are to be reinstated to original state.

Building, Plumbing and Drainage Works

8. **The Applicant is required to relocate the existing Dwelling House and Secondary Dwelling (Granny Flat) from the Southern portion of the subject site prior to the commencement of any new Buildings Works for the approved Development**

Advisory Note: A Building Approval will not be required for the relocation of the Dwelling House and Secondary Dwelling. However, the Applicant will be required to provide an amended site plan to be approved under the existing Building Works approvals for the Dwelling House (BP/29/2015) and Secondary Dwelling (BP/1276/2015).

9. **The Applicant is required to obtain a Development Permit and Building Final for Building Works for the proposed industrial shed in accordance with the *Planning Act 2016*. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.**
10. Prior to the commencement of the use of the site, 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 any current or future residential uses in the surrounding area.

11. 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.
12. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.
13. Prior to the commencement of the use of the site, all lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining the sites.

Water Infrastructure

14. As part of the Building Works application, the Applicant must submit to and have approved by Council the supporting documentation certified by a relevant Registered Professional Engineer of Queensland (RPEQ) that adequate potable water supply is available for the proposed development.
15. As part of the development permit for Building Works, the Applicant must demonstrate that existing rainwater tanks and proposed rainwater tanks must comply with *Public Health Regulation 2005*.

Sewerage Infrastructure

16. Prior to the commencement of the use of the site, the Applicant must provide an on-site sewerage system. The on-site sewerage system must be designed and constructed in accordance with *Plumbing and Drainage Act 2002*, AS/NZS 1547, AS/NZS 1546 set, and Queensland Plumbing and Wastewater Code. All design calculations, and design and as constructed drawings must be certified by a relevant qualified professional.
17. All on-site sewerage facilities must be located such that it does not have adverse impacts on the existing watercourse, stormwater overland flow, and open drainage channel/drain.

Advisory Note: The treatment system for the on-site sewerage system should be sited above AEP 1% flood level.

Stormwater Infrastructure

18. Prior to the commencement of use of the site, the Applicant must install four 27,000L above-ground detention tanks in accordance with the approved Site Based Stormwater Management Plan (SWMP) prepared by Pinnacle Engineering.
19. Prior to the commencement of the use of the site, all stormwater runoff must be piped from roofed areas to proposed detention tanks and shall discharge to the existing table drain with an appropriate rock protection measure.

Transportation Services

20. As part of the Development Permit for the Building Works, the Applicant must submit to and have approved by Council an RPEQ certified sprayed seal design in accordance with Council's Engineering Standards, Austroads Guidelines, and available best engineering practices for the section of Hughes Road from the end of the existing seal near the intersection of Gladstone – Benaraby Road and Hughes Road to 5m past the proposed second driveway crossover located to the West and adjacent to the existing easements (approximately 255m).

Advisory Note: Council's Engineering Standards are located within the Capricorn Municipal Development Guidelines – Drawings and Specifications at <http://cmdg.com.au/Guidelines/GuidelinesHome.html>.

21. Prior to the commencement of the use of the site, the Applicant must spray seal the section of Hughes Road from the end of the existing seal near the intersection of Gladstone – Benaraby Road and Hughes Road to 5m past the proposed second driveway crossover located to the West and adjacent to the existing easements (approximately 255m) in accordance with approved drawing(s) in Condition 20 of this Decision Notice.
22. Prior to the commencement of the spray seal of the section of Hughes Road from the end of the existing seal near the intersection of Gladstone – Benaraby Road and Hughes Road to 5m past the proposed second driveway crossover located to the West and adjacent to the existing easements (approximately 255m), the Applicant must invite the responsible Council Officer to attend the pre-seal inspection. The works are to be ready for inspection prior to attendance by Council Officers. A minimum of 24 hours notice by email is required by Council Officers.
23. Prior to the commencement of the use of the site, a total of 15 car parking spaces, including one Accessible (Disabled) Parking Space, are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. These spaces and all vehicle movement areas are to be constructed, sealed, line marked, provided with wheel stops and maintained in accordance with the Engineering Design Planning Scheme Policy under the Our Place Our Plan Gladstone Regional Council Planning Scheme and AS2890.
24. Prior to the commencement of the use of the site, two Commercial Driveways are to be constructed in accordance with Council's Standard Drawing for Urban Commercial/Industrial Driveway with appropriately reinforced concrete pipes (RCPs) under each driveway crossover. An appropriate class of RCPs shall be selected based on loading on RCPs and available cover.

Advisory Note: Council's Standard Drawing are located within the Capricorn Municipal Development Guidelines - Drawings and Specifications at <http://www.cmdg.com.au/Guidelines/GuidelinesHome.html>.

25. Prior to the construction of any works within Council's road reserve, the Applicant shall obtain a Works on a Council Road Approval in conformity with Council's Subordinate Local Law No. 1.15.

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

Landscaping

26. Deleted.
27. **Prior to the commencement of the use of the site, street/shade trees are to be provided as follows:**
 - a. **Within this landscaping area mentioned in the above condition, trees are to be provided at a rate of one tree per 1.5 metres of available frontage.**
 - b. **Between the open car parking area and the boundary, one shade tree is to be provided at a rate of one tree per six car spaces.**
28. **Prior to the commencement of the use of the site, the Applicant is to construct and maintain a four-strand wire fence along the boundary of the development site, the details of which are to be submitted with any Development Application for Building Works.**

Waste Management

29. 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.
30. 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

31. 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.
32. 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:

Council provides a comprehensive certification service for Residential Building Certification requirements.

An Amended Adopted Infrastructure Charge Notice in relation to the infrastructure charges applicable to this development will be provided separately.

Council's Infrastructure Charges Incentive Policy may be applicable to this development. Please see the full Policy on Council's website.

The Applicant is advised that depending on the proposed location of the dwellings and whether they comply with the relevant assessment benchmarks, the proposed relocation may trigger a Code Assessable Development Application to Council.

Attachments:

1. Notice of Decision dated 16 May 2018;
2. Ergon Energy Advice Agency Response dated 7 February 2018 (Ref: HBD 6005589 359601);
3. DSDMIP Referral Agency Response dated 12 February 2018 (Ref: 1801-3419 SRA); and
4. Powerlink Queensland Advice Agency Response dated 2 March 2018 (Ref: DA2787).

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. ADOPTION OF SHOW HOLIDAY 2019

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 7 August 2018

File Ref: CM23.1

Purpose:

The purpose of this report to provide options for consideration and for Council to nominate a preferred 'show public holiday' for the 2019 calendar year.

Officer's Recommendation:

That Council nominate _____ as a Show Holiday for the Gladstone Region in 2019.

Background:

Council's Chief Executive Officer has received a request from the Office of Industrial Relations within the Queensland Treasury to nominate a 'special holiday' for the 2019 calendar year. There are 2 types of special holidays that can be considered:

1. Show Holiday - special holidays which are for the purpose of an agricultural, horticultural or industrial show. Show holidays are also public holidays. A show holiday can only be approved *for a date which a show is being held*; or
2. Bank Holiday - bank holidays can be for significant events held within a local government area *however* these are not public holidays.

As a Bank Holiday is not a 'public holiday', nomination of a bank holiday has not been further considered in this report.

Consideration:

There are two main options in relation to the request with Option 2 incorporating a number of sub-options for consideration:

Option 1 – Council does not elect to nominate a show public holiday.

This would result in no public holiday to be declared for an annual show in the 2019 calendar year.

Option 2 – Council nominates a preferred show public holiday.

This option would result in Council nominating a preferred show public holiday date for the 2019 calendar year for one of the options listed below noting that this can only be approved for a date on which a show is being held.

- a) *Gladstone Show*
 - Public holiday could be declared for event date of Wednesday 7 August 2019;
 - Consistency in previous application of public holiday would occur;
 - Aligned to intent of show public holiday to allow locals to participate locally;
 - Mid-week holiday reduces likelihood of use as a 'long weekend away' but does not guarantee that the day is used to support the show event.

- b) *Mt Larcom Show*
 - Public holiday could be declared for event date of either Saturday 22 or Sunday 23 June 2019;
 - Public holiday would be declared for a weekend date and therefore will not be of benefit to persons whose ordinary working days are Monday – Friday;
 - Less impact on business who operate during the week for penalty rates however more impact for business on weekends to pay higher penalty rates (this is subject to any relevant industrial agreements);
 - Aligned to intent of show public holiday to allow locals to participate locally;
 - Consultation in 2017 confirmed that the Mt Larcom Show Society does not wish for the show holiday to be aligned with the Mt Larcom show.

- c) *Brisbane 'Ekka' Show*
 - Public holiday could be declared for one of the days on or between Friday 9 – Sunday 18 August 2019;
 - Ability to align to a Friday or Monday to make a 'long weekend' if so desired;
 - Retention of discretionary spending in region during public holiday reduced.

- d) *Rockhampton Show*
 - Public holiday could be declared for one of the days on or between Wednesday 12 – Friday 14 June 2019;
 - Ability to align to a Friday to make a 'long weekend' if so desired; or
 - Ability to align to same day as Rockhampton Show Holiday (historically on the Thursday) to increase retention of discretionary spending in the region;
 - Could be seen as supporting neighbouring show instead of local show.

- e) *Bundaberg Show*
 - Public holiday could be declared for one of the days on or between Wednesday 29 – Friday 31 May 2019;
 - Ability to align to a Friday to make a 'long weekend' if so desired;
 - Retention of discretionary spending in region during public holiday reduced;
 - Could be seen as supporting neighbouring show instead of local show.

- f) *Boyne Tannum Hook Up*
 - Public holiday could be declared on one of the days on or between Friday 3 – Sunday 5 May 2019;
 - Ability to align to a Friday to make a 'long weekend' if so desired although would result in a four day weekend (Labour Day holiday is Monday 6 May 2019);
 - Strong risk that won't be accepted by OIR due to the event primarily being a fishing competition and not being accepted as an 'agricultural, horticultural or industrial' show.

Local events excluded from consideration

Harbour Festival - this is not considered an option as it would not be considered an agricultural, horticultural or industrial show and as such, a public holiday could not be declared for any of its event dates.

Melbourne Cup Day – this is not considered an option as it would not be considered an agricultural, horticultural or industrial show and as such, a public holiday could not be declared for its dates.

Communication and Consultation (Internal/External):

Council is being consulted with to nominate a preferred 'special' holiday for the 2019 calendar year in the region. Discussions have occurred with officers within the Office of Industrial Relations to clarify the requirements and definitions within the *Holidays Act 1983*.

Consultation with the Gladstone Show Society has occurred and they have requested the show holiday to be on the Gladstone Show event date of Wednesday 7 August 2019.

A ReachTel phone poll was conducted in July 2018 to gain community feedback into the proposed show holiday and attendance at the Gladstone Show. In summary:

- 76.5% community did not attend the Gladstone Show last year
- 75% community stay in Gladstone on Show Holiday
- 44% community neutral in respect of moving the Show Holiday; 40% either agree or strongly agree to move the Show Holiday
- 75% would like to see the holiday in line with a long weekend.

Legal Environmental and Policy Implications:

Section 4 of the *Holidays Act 1983* outlines the requirements by the Minister approving of a 'Special Holidays' which includes that requirement that a preferred 'show' public holiday can only occur for a date on which an agricultural, horticultural or industrial show is being held. There is no definition for such events within the *Holidays Act 1983* and general practice has been to align with a declared 'agricultural show' as published by the Queensland Chamber of Agricultural Shows; known as 'Queensland Ag Shows'.

Financial and Resource Implications:

The nomination of a show public holiday (if approved) creates an obligation on Council and businesses within the region to pay public holiday 'penalty rates' as specified within relevant industrial legislation and agreements.

Commentary:

Nil.

Summary:

Nil.

Anticipated Completion Date:

10 August 2018

Attachments:

1. Request for 2019 Special Holiday Nomination

Tabled Items:

Nil.

Report Prepared by: Manager Governance

G/3.8.2. GLADSTONE AIRPORT CORPORATION - STATEMENT OF CORPORATE INTENT 2018/2019

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 7 August 2018

File Ref: FM19.1, CA3.1

Purpose:

This report provides for Council's consideration the Gladstone Airport Corporation's Statement of Corporate Intent for 2018/2019.

Officer's Recommendation:

Council endorse the attached Gladstone Airport Corporation Statement of Corporate Intent for Financial Year 2019, with amendments to the wording within:

- Part D – Reporting and Appendix 3, Section 5(b)(ii) to reflect quarterly reporting requirements in accordance with Section 100(2)(a) of the *Local Government (Beneficial Enterprises and Business Activities) Regulation 2010* (repealed);
- Part C – D. Airport Services Performance (ASP) Rating to include the presentation of results of annual Airport Service Performance surveys; and
- Appendix 3, Section 5(b)(iv) to reflect reference to the General Manager Finance, Governance & Risk in lieu of Finance Director.

Background:

Under the *Local Government (Beneficial Enterprises and Business Activities) Regulation 2010* (repealed) ('the Regulation'), Gladstone Airport Corporation (GAC) is required annually to present a Statement of Corporate Intent to Council for their consideration.

Consideration:

The Statement of Corporate Intent represents the performance agreement between Gladstone Airport Corporation and Council (as the owner and sole shareholder) for the 2018/2019 year.

Section 92 of the Regulation details the information the Statement of Corporate Intent must contain.

Officers have reviewed the draft Statement of Corporate Intent for 2018/2019 (Attachment 1) and seek an amendment to Part D – Reporting. GAC are proposing to move from quarterly reporting (as previously undertaken) to biannual. Section 100(2) of the Regulation specifies that quarterly reports and an annual report must be provided to the shareholder and the timing in which these reports are to be provided. This amendment will also need to be reflected in Appendix 3, Section 5(b)(ii).

Other amendments officers recommend are:

- The re-inclusion of the presentation of results to Council of the annual Airport Service Performance surveys under Part C – D. Airport Services Performance (ASP) Rating; and
- References to Finance Director under Appendix 3, Section 5(b)(iv) be amended to be General Manager Finance, Governance & Risk.

Upon establishment of the Corporation on 1 July 2012, it was recognised that there would be period upon where the organisation would be required to build up a sustainable cash reserve to fund:

- an ability to withstand financial shocks;
- future capital works; and
- full repayment obligations associated with Airport Debt.

The initial Statement of Corporate Intent prepared for 2012/2013 flagged a Target Dividend Ratio of 60% that would commence FY2016.

2016/2017 was the first year that saw Gladstone Airport Corporation return a dividend to Council, equivalent to 50% of Net Profit after Tax, which was \$0.716m based on the performance of the entity for the financial year ended 30 June 2016. The proposed dividend to be returned to Council with respect to performance in 2017/2018 is \$0.129m. The dividends are in addition to the payments made to Council either as required by statute (*Local Government (Beneficial Enterprises and Business Activities) Regulation 2010*) or by Commercial Agreements (Shareholder Loan Agreement and past Statement of Corporate Intent).

The cash flow of the business demonstrates that GAC, at the end of the budget reporting period FY 2019, demonstrates an ability to return a dividend to the shareholder at a rate of 50% of Net Profit After Tax, approximately \$0.129m for FY19 based on the forecast financials within the draft Statement of Corporate Intent, and retain a solid cash position that would see the business reporting a Cash Expenses cover of 23.0 months, as opposed to 23.7 months.

This is well in excess of the recommended 3-month minimum cash expenses cover sought by Queensland Treasury Corporation, as lender to Council, and via Shareholder Loan Agreement to Gladstone Airport Corporation. From a consolidated entity perspective, it is inappropriate treasury management for the Corporate Entity to not be paying dividends, and retaining a large cash reserve, when the net cash outlay by Council after receipts from the corporate entity total \$3.2m to service the total debt attributable to the Airport, before the receipt of dividends. A return of 50% of forecast Net Profit After Tax would reduce this net cash outlay to \$2.845m.

Communication and Consultation (Internal/External):

Gladstone Airport Corporation Board and Management.

Legal Environmental and Policy Implications:

Under the *Local Government (Beneficial Enterprises and Business Activities) Regulation 2010*, Council is required to review and adopt the Statement of Corporate Intent for Gladstone Airport Corporation each financial year.

Financial and Resource Implications:

The Statement of Corporate Intent sets out the agreed commercial parameters for the corporate entity and includes the repayment terms of tax equivalents and competitive neutrality fee to Council in accordance with the Regulation.

These repayments were deferred for the first three years of Gladstone Airport Corporation's operation, expiring on 30 June 2015, and then to be repaid equally over the subsequent three financial years, of which 2017/2018 was the final year.

The proposed Statement of Corporate Intent for 2018/2019 sees a net cash inflow from GAC to Council of \$2.92m before dividend, which sees a net consolidated cash outflow from Council of \$3.20m with respect to the provision of the Airport service to the community.

This deficit reduces to \$2.845m with the payment of a dividend of 50% of Net Profit after Tax.

Compared to the projected final position for 2017/2018 the proposed 2018/2019 result of \$1.03m before tax, is a \$0.715m improvement in the operating result , year on year. net cost position of \$0.965m, is a \$0.3m deterioration from the previous final year.

Commentary:

Nil.

Summary:

Nil.

Anticipated Completion Date:

The decision can be implemented without delay following confirmation of the relevant meeting minutes.

Attachments:

1. Draft Gladstone Airport Corporation Statement of Corporate Intent 2018/2019

Tabled Items:

Nil.

Report Prepared by: Commercial and Risk Officer

G/3.8.3. AMENDMENT TO 2018/2019 FEES AND CHARGES

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 7 August 2018

File Ref: FM7.1

Purpose:

This report seeks an amendment to the fees and charges adopted for the 2018/2019 financial year.

Officer's Recommendation:

That Council amend the 2018/2019 Schedule of Fees and Charges, effective from 7 August 2018, to reflect:

1. The fee for Green Waste – Uncontaminated for Commercial Operators be \$30.00 per tonne; and
2. Reference to 'Discontinued Assessment Fee (includes Assessment of Application and Issuing of Permit)' be amended to be 'Assessment Fee (includes Assessment of Application and Issuing of Permit)'.

Background:

Fees and charges are determined in line with the principles documented in Council's Revenue Policy (P-2018-19), and dependent on the type of goods or services provided, are a mixture of both:

- commercial and cost recovery fees; and
- subsidised fees that are reflective of the inherent community service value of the goods and services provided so that charging a cost reflective fee would discourage such use or service.

Council adopted its 2018/2019 schedule of fees and charges as part of the Special Budget Meeting held on 24 July 2018.

Consideration:

Since the adoption of Council's 2018/2019 budget, officers have identified discrepancies between the 2017/2018 adopted fees and charges and the 2018/2019 adopted fees and charges in respect of two commercial or cost recovery fees, being:

- Green Waste – Uncontaminated; and
- Operational Works Assessment Fees

Green Waste – Uncontaminated

Officers have identified a discrepancy for the Green Waste – Uncontaminated fee in that the adopted fee for 2018/2019 is less than that for 2017/2018. For Councillor's information, the adopted 2018/2019 fee is currently:

GREEN WASTE – UNCONTAMINATED

| | | | | | |
|---|-----------|-----------|--|---|------------|
| Less than 500kg – Domestic Customers Only | No charge | per load | - | N | s262(3)(c) |
| Commercial Operators | \$20.00 | per tonne | Local Government Act 2009 s 262 (3c) | N | |

The adopted 2017/2018 fee was:

GREEN WASTE – UNCONTAMINATED

| | | | | | | |
|---|-----------|-----------|---------------------------------------|---|------------|---|
| Less than 500kg | no charge | each | N/A | N | N/A | N |
| 500kg and above (minimum fee \$15) | \$30.00 | per tonne | Local Government Act 2009, s 262 (3c) | Y | Commercial | N |
| Note: For sites without a weighbridge 1 cubic metre = 300kg | | | | | | |

With no change to the level of service provided and Council's costs in this space not decreasing, it is the officer's recommendation that the fee for commercial operators be amended to reflect \$30.00 per tonne of green waste disposed for 2018/2019.

It should be noted that all non-domestic waste (regardless of volume disposed) is charged at the commercial fee. Should Councillors have the appetite to provide relief to not-for-profit organisations, officers provide an additional recommendation for Council's consideration:

3. The fee for Green Waste – Uncontaminated for Not-for-Profit Community Organisations and Groups be no charge.

Operational Works Assessment Fees

Fees associated with an application for the issue of a permit or other approval under a Local Government Act are considered cost-recovery fees under section 97 of the *Local Government Act 2009*.

A system error has resulted in Council's Operational Works Assessment Fees (including Assessment of Application and Issuing of Permit) being recorded as discontinued in the adopted 2018/2019 Schedule of Fees and Charges (as identified below). This has resulted in two of the four charges under this heading in 2017/2018 being discontinued in 2018/2019. The system has automatically changed the heading to include the word discontinued despite not all charges being discontinued.

OPERATIONAL WORKS**DISCONTINUED ASSESSMENT FEE (INCLUDES ASSESSMENT OF APPLICATION AND ISSUING OF PERMIT)**

| | | | | | | |
|--|--|------------------|-----------------------------------|---|-----------|---|
| Payable with application lodgement. Value of works to incorporate the total estimated cost of construction (Total Contract Price, GST inclusive) of all operational works. Itemised priced bill of quantities to be prepared and certified by a RPEQ. Relevant legislation also includes Planning Scheme and CMDG. | 1.5% (minimum charge \$770.00) Min. Fee: \$770.00 | % value of works | Planning Act 2016 s51(1)(b)(ii) | N | s97(2)(a) | N |
| Prescribed Tidal Works (Relevant legislation also includes Planning Scheme and CMDG.) | \$3,480.00 | per application | Planning Act 2016 s51(1)(b)(ii) | N | s97(2)(a) | N |

These services continue to be provided by Council and are a cost-recovery fee under the Act. Accordingly it is the officer's recommendation that the 2018/2019 Schedule of Fees and Charges be amended to reflect the removal of the word 'Discontinued'.

Communication and Consultation (Internal/External):

All Council departments and Councillors were consulted in the development of fees and charges adopted for the 2018/2019 financial year. In regard to the amendments proposed within this report, officers in the relevant business units have been consulted.

Legal Environmental and Policy Implications:

Nil.

Financial and Resource Implications:

Levying fees and charges in line with Council's Revenue Policy will enable Council to maintain financial viability and ensure that there is an appropriate recognition of the cost provision of Council services, and recovery through relevant fees and charges where appropriate.

Should Council not have an appetite to amend the proposed fees and charges within this report, then a loss of revenue of approximately \$13,200 for green waste disposal and \$89,600 for operational works assessment fees would be experienced, based on 2017/2018 revenue received.

Commentary:

Nil.

Summary:

Nil.

Anticipated Completion Date:

The decision can be implemented immediately, with an effective date of 7 August 2018.

Attachments:

Nil.

Tabled Items:

Nil.

Report Prepared by: Commercial and Risk Officer

G/4. COUNCILLORS REPORT

Nil.

G/5. URGENT BUSINESS

Nil.

G/6. NOTICE OF MOTION

Nil.

G/7. CONFIDENTIAL ITEMS

Nil.

ATTACHMENTS