8. Procedure at Meetings

Pursuant to Section 9 of LL2, the procedure for dealing with business must be in accordance with these standing orders however the Council may by resolution suspend a standing order or overrule a decision on a procedural question made by the Chairperson.

8.1 Resolutions

(a) A resolution or an amendment to a resolution shall not be debated at a meeting of the Council until the resolution or the amendment is seconded.

(b) Notwithstanding clause 8.1(a), a Councillor who moves a resolution or an amendment to a resolution may, with the permission of the Chairperson, explain the purpose or effect of the resolution or amendment before it is seconded.

(c) Nothing in these standing orders shall prevent discussion on any matters before a formal resolution is moved.

8.2 Amendment to Resolutions

(a) An amendment to a resolution shall be in terms that retain the identity of the original resolution and shall not be a direct negative of the resolution.

(b) Not more than one resolution or one proposed amendment to a resolution may be put before a meeting of the Council at any one time; however, a Councillor may foreshadow a resolution or amendment while an existing resolution or amendment is being debated.

(c) A Councillor who proposes a resolution shall not propose or second an amendment to that resolution.

(d) The mover of a resolution may not amend or withdraw a resolution without the leave of the meeting.

8.3 Speaking to Resolutions and Amendments

(a) Subject to clause 8.1(b), the mover of a resolution or amendment shall not speak to it until it is seconded.

(b) A Councillor may request the Chairperson for clarification before or after the resolution or amendment is seconded. Further, nothing in these standing orders shall prevent a Councillor from asking relevant questions of the Chairperson or officer in attendance at the meeting.

(c) Following the seconding of a resolution or amendment, the Chairperson shall allow all Councillors the opportunity to be heard at least once on the issue irrespective of whether the speaker is in favour or against the resolution.
(d) The mover of a resolution or amendment shall have the right of reply and shall not introduce any new issues. The exercise of the right of reply shall close the debate.

(e) The Chairperson shall determine the order of speakers.

8.4 Withdrawal of a Resolution

(a) A Councillor who has moved or seconded a resolution may elect to withdraw the resolution:

(i) before an amendment to the resolution is moved and seconded; or
(ii) after an amendment is seconded but not adopted.

(b) A modification to a resolution may be accepted by the Councillors who have moved and seconded the resolution in which case the original resolution is deemed to be withdrawn and the resolution, as accepted, becomes the resolution.

8.5 Method of Taking Vote

(a) Before any matter is put to the vote, the Chairperson may direct the resolution or amendment to be read again by the Chief Executive Officer. The Chairperson shall, in taking the vote on a resolution or amendment put the question first in the affirmative and then in the negative and may do so as often as necessary to determine and declare the result.

(b) In accordance with Section 52 of the LGOR, voting shall be open and a question is decided on a majority of the votes of Councillors present.

(c) In accordance with Section 52 of the LGOR, if a Councillor present fails to vote the Councillor is taken to have voted in the negative.

(d) In accordance with Section 52 of the LGOR, if a vote is tied the Chairperson has a casting vote.

(e) In accordance with Section 69 of the LGOR, any Councillor may call for a division on a question. If a division is taken the minutes shall record the names of the Councillor voting in the affirmative and the negative.

8.6 Procedural Resolutions

(a) A Councillor may during the debate of a matter move one of the following procedural resolutions, all of which require a seconder:

(i) that the question/resolution be now put;
(ii) that the meeting proceed to the next item of business;
(iii) a resolution of dissent against the ruling of the Chairperson;
(iv) that the meeting stand adjourned.
(v) that the meeting be closed or opened to the public in accordance with the
provisions of Section 72 of the LGOR and state the nature of the matters to
be considered while the meeting is closed.

(vi) in circumstances where a majority of Councillors have declared a material
personal interest in an item Council may delegate the matter to the Chief
Executive Officer to make the decision.

(vii) that the matter under consideration be deferred.

(viii) that a person in the gallery be heard on an issue.

(b) A procedural resolution, "that the question be put", may be moved only after each
Councillor has had the opportunity to be heard at least once on the issue in accordance
with Clause 8.3(c). Where such a procedural resolution is carried, the Chairperson
shall immediately put the question to the resolution or amendment to that resolution
under consideration. Where such procedural resolution is lost, debate on the resolution
or amendment to that resolution shall continue.

(c) Where a procedural resolution "that the meeting proceed to the next item of
business" is carried, debate on the matter subject of the resolution shall cease and the
item shall be placed on the agenda for the next general meeting of Council.

(d) A Councillor may move "a resolution of dissent" in relation to a ruling of the
Chairperson. Where such resolution is moved and seconded further consideration of
any matter shall be suspended until after that resolution is decided. Where a resolution
of dissent is carried, the matter on which the ruling of the Chairperson was made shall
proceed as though the ruling had not been made.

(e) Any procedural resolution "that the meeting stand adjourned" shall specify a date and
time for the resumption of the meeting. On resumption of the meeting, the Council shall
continue with the business before the meeting at the point where it was discontinued on
the adjournment. Where such a procedural resolution is lost, the Chairperson shall not
accept a similar resolution until the expiration of thirty minutes after the time the
resolution was lost.

(f) Where a procedural resolution "that the meeting be closed to the public" is carried:

(i) the public will leave and not re-enter the meeting room until a procedural
resolution "that the meeting be opened to the public" is carried;

(ii) no resolution (other than a procedural resolution) can be moved or seconded and
voted upon while the meeting is closed to the public; and

(iii) all debate in the course of the closed meeting will be considered to be
confidential.

(g) Any procedural resolution "the matter under consideration be deferred" shall specify
a time at the current meeting at which the matter will be reconsidered or shall nominate
a future scheduled meeting when the matter is to be placed on the agenda. Such
resolution shall also state the reason for the deferment e.g. to gather further information.
8.7 Points of Order

(a) Any Councillor may ask the Chairperson to decide on a "point of order" at anytime during a meeting of Council where that Councillor believes that the action of another Councillor:

(i) is inappropriate behaviour as defined in section 170 (4) of the LGA, ie a Councillor behaving in an offensive or disorderly way at a meeting or failing to comply with procedure.
(ii) is in contravention of the Local Laws or LGA;
(iii) is beyond the jurisdictional power of the local government;
(iv) is irrelevant to the issue under consideration.

(b) A Councillor may interrupt a Councillor who is speaking by raising a point of order.

(c) A point of order must be dealt with immediately by the Chairperson.

(d) When recognised by the Chairperson, the Councillor raising the point of order must state the matter complained of and the grounds constituting the point of order.

(e) Where a point of order is raised, the Councillor who is speaking must remain silent until the point of order has been decided by the Chairperson.

(f) A Councillor the subject of the point of order may be allowed by the Chairperson to respond and if that response is accepted by the Chairperson, the Councillor may continue.

(g) If the point of order is upheld by the Chairperson, the action the subject of the point of order is to cease.

(h) In relation to inappropriate behaviour as defined in section 176 (4) of the LGA the provisions of Section 181 (2) apply ie

"If inappropriate conduct happens in a meeting of the local government or its committees, the chairperson of the meeting may make any 1 or more of the following orders that the chairperson considers appropriate in the circumstances—

(a) an order that the councillor's inappropriate conduct be noted in the minutes of the meeting;

(b) an order that the councillor leave the place where the meeting is being held (including any area set aside for the public), and stay out of the place for the rest of the meeting;

(c) an order that a councillor who fails to leave the place where the meeting is being held when ordered to do so, be removed from the place;"
9. Recording of reasons for Particular Decisions

Section 70 of the LGOR requires that if a decision of Council is inconsistent with an officer recommendation or a current Council policy the resolution must contain a statement of the reasons for the decision.

10. Repeal or amendment of resolutions

Section 59 of the LGOR provides that an adopted resolution of Council may be repealed or amended only if written notice of the intention to repeal or amend is given to each Councillor at least 5 days before the issue is set down for debate at a Council meeting. This provision does not extend to situations where Council resolves to amend a current policy or procedure.

11. Teleconferencing

Section 73 of the LGOR allows for the use of telephone or video conferencing for a Councillor to take part in a meeting in the event of a natural disaster or severe weather event that prevents them from attending the meeting in person.

12. Conduct of members of the public at Council Meetings.

Any person addressing Council must do so in a respectful manner and with due decorum otherwise the Chairperson of the meeting will ask that they be seated and cease addressing Council.

13. Councillor with a Material Personal Interest in a matter before Council

Section 172 of the LGA requires that a Councillor who has a material personal interest in a matter before Council must declare the interest and leave the room. A councillor has a material personal interest in the matter if any of the following persons stands to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of the consideration of the matter at the meeting—

- the councillor;
- a spouse of the councillor;
- a parent, child or sibling of the councillor;
- a partner of the councillor;
- an employer (other than a government entity) of the councillor;
- an entity (other than a government entity) of which the councillor is a member;

Exception

Section 172 also includes a provision that a Councillor does not have a material personal interest in the following circumstances which are deemed to be ordinary business matters:-

- the remuneration of councillors or members of a local government committee; or
• the provision of superannuation entitlements or accident insurance for councillors or local government employees; or
• the terms on which goods, services or facilities are to be offered by the local government for use or enjoyment of the public in the local government area; or
• the making or levying of rates and charges, or the fixing of a cost-recovery fee, by the local government; or
• a planning scheme of general application in the local government area; or
• a resolution required for the adoption of a budget for the council; or
• a matter that is of interest to a person merely as—
  (i) an employee of the State or a government entity; or
  (ii) an elector, ratepayer or resident of the local government area; or
  (iii) a beneficiary under a policy of accident insurance, public liability or professional indemnity insurance held, or to be held, by the local government; or
  (iv) a user of goods, services or facilities supplied, or to be supplied, by the local government (whether under a contract or otherwise) as a member of the public in common with other members of the public; or
  (v) a candidate for election or appointment as a mayor, deputy mayor or member of a committee of the local government; or
  (vi) a member of a non-profit, charitable or religious organisation involving no personal financial gain or loss to the person.

14. Councillor with a Conflict of Interest in a matter before Council

Section 173 of the LGA requires that a Councillor must declare any conflict of interest (including a potential conflict of interest) in a matter before Council. A conflict of interest is a conflict between a Councillor’s personal interests (including personal interests arising from the councillor’s relationships or club memberships, for example) and the public interest.

A Councillor who has a conflict of interest in a matter before Council must leave the room. Where some doubt exists, the remaining Councillors must decide by resolution whether the councillor has a conflict of interest or could reasonably be taken to have a conflict of interest, in the matter. If the other Councillors decide by resolution that this is the case the councillor must leave the room.

In the circumstance where a majority of Councillors at the meeting declare a conflict of interest on a matter all Councillors may remain in the room and determine the matter however the following must be recorded in the minutes of the meeting:

• the name of the Councillors who declared a conflict of interest
• the nature of the interest, as described by each Councillor;
• how the Councillor voted on the matter
• the outcome of the resolution.

It should be noted that the exemptions under the LGA which apply to a material personal interest as described in the previous section of this policy do not extend to conflicts of interest. Accordingly, when Council is considering what is prescribed as an ordinary business matter, all Councillors will need to declare a conflict of interest in the ordinary business matter and then the situation described in the preceding paragraph shall apply, ie they may vote on the matter but how they voted must be recorded.
15. Definitions

In this policy the term Councillor includes the Mayor.
G/5.2 CORPORATE & BUSINESS SERVICES
Nil.

G/5.3 FINANCE SERVICES
Nil.

G/5.4 COMMUNITY SERVICES
Nil.

G/5.5 PARKS & RECREATION
G/5.5.1 New Calliope Cemetery

Responsible Officer: Director Environment & Parks

Council Meeting Date: 1 February 2011

Executive Summary:

This report seeks Council's approval on the design concept for the new Cemetery located at Lot 61 on C8105, Morcom Street, Calliope scheduled to commence this financial year.

Background:

The existing Calliope cemetery will reach capacity within the next 12 months. This prompted the need to locate a suitable site, develop an area and provide a low maintenance facility to cater for this essential cemetery service into the future. 14 burials were undertaken from January 2010 to December 2010. At present there are only 5 plots remaining.

In June 2010 Council engaged a Landscape Architect to prepare landscape master plans for a new cemetery at Calliope. Following a Council briefing on 26 October 2010, community consultation was undertaken to enable finalisation of the plans. Seven residents commented on the design with no alterations or concerns raised. Based on this positive feedback the master plan remains unchanged.

The master plan for the development shows a staged approach that caters for the future needs of the region, reduces initial construction outlay and short term maintenance impost. The concept is also centred around providing parkland on one side, screened and separated from the adjacent cemetery by vegetation and water feature with linkages through a network of pedestrian paths. This also allows for the sharing of the amenities, provides opportunity for families to pay their respects to their family and friends and move to enjoy the green-space opportunity nearby.

Comment:

Nil.
Alternatives Considered:

Nil.

Link to Corporate/Operational Plan:

2.3.IV High quality and cost effective service catering for the region's current and future cemetery and crematoria needs and to maintain historical and closed cemeteries.

Communication/Consultation (Internal/External):

A letter sent to those residents in the vicinity of the new cemetery, inviting them along to the manned information stand at the IGA Supermarket Calliope on 18 & 20 November 2010.

Community consultation was conducted by Council staff on Thursday night 18 November 2010 & Saturday morning 20 November 2010 at the front entrance at the same venue.

Legal Implications (statutory basis, legal risks):

Nil.

Policy/Local Law/Delegation Implications:

Nil.

Financial and Resource Implications:

The site is not currently maintained by Council therefore financial and resource implications will arise with maintenance (mowing, snipping etc), following the completion of initial construction works this financial year. Current cost to maintain the existing cemetery is approximately $1,100 per month. The contractors that currently maintain the existing cemetery will be approached to include the additional maintenance in their contract until December 2011.

Stage 1 (to be completed over 6 financial years)

(a) 2010/2011 capital works include:-

- design of first half of entrance road and 8 car parks
- construction of front fence (same as existing cemetery)
- front gate (similar to Port Curtis Cemetery)
- construction of entrance road and half the car park to sub base grade
- construction of first row of headwall
- allocated in budget - $140,000

(b) 2011/2012 capital works include:-

- last three (3) rows of headwalls
- seal entrance road
- estimated budget to be allocated $60,000
(c) **2012/2013** capital works include:-

- memorial ash walks/paths
- estimated budget to be allocated $85,000

(d) **2013/2014** capital works include:-

- increase car park (complete other half from 10/11 financial year)
- estimated budget to be allocated $30,000

(e) **2014/2015** capital works include:-

- construction of amenities block
- construction of feature pond
- estimated budget to be allocated $300,000

(f) **2015/2016** capital works include:-

- construction of chapel
- estimated budget to be allocated $225,000

Following the above, Stage 2 will commence in 2016/2017.

**Asset Management Implications:**

As above.

**Officer's Recommendation:**

That:-

1. Council adopt the attached Landscape Master Plans produced by UPlan Pty Ltd dated 24 January 2011; and
2. Council include the estimates for Stage 1 of the project in its 10 Year Capital Works Program for future budgetary considerations.

**Attachments:**

1. Table - summary of community consultation.
2. Landscape Master Plan - 100403.10
3. Landscape Master Plan Stage 1 - 100403.20
4. Landscape Master Plan Stages 1 & 2 - 100403.30
5. Landscape Master Plan Stages 1, 2 & Park - 100403.40

**Tabled Items:**

1. Nil.

**Report Prepared by:** Coordinator Projects (Parks)
### Consultation Notes

**Date:** 16 & 26 November 2010  
**Location:** QCA Supermarket, Calliope Shopping Centre  
**Description of engagement activity:** Council officers were on site to meet and obtain any queries residents had on the project. Information on waste was given and a large concept plan was on display.  
**Officers present:** Craig Ross & Carole Hughes

<table>
<thead>
<tr>
<th>Feedback</th>
<th>Action</th>
</tr>
</thead>
</table>
| **Carolyn Wudlencorp**  
Resident of 40 Wilson St  
P: 4975 9676 |
Only one side of Woodburn Road is currently being moved.  
Geese is so long that when cars are reversing out of their driveways there is no visibility.  
* 20.12.10 - CR team has notified Ports  
* 21.12.10 - CSR to be arranged into system & person contacted  
* 21.12.10 - CSR 10/19/38 |
| **Brian Peal**  
P: 9472 4251 |
Was very impressed with the design and was pleased to see it was a maintenance free.  
No action required |
| **Brad Henderson**  
P: 4910 420 910 |
Would like to know what size the chapel will be as he feels the Boyne Tannum Memorial Park chapel is a little too small.  
* 20.12.10 - CR team has notified Ports  
* 21.12.10 - Ports Coordinator to contact person & advise that at this stage size of chapel is unknown - however will keep person informed on project progress.  
* 21.12.10 - Project Coordinator rang Brad Henderson regarding size of chapel - advised that size was unknown at this stage, however will contact him when size is known - he asked whether consideration could be given to the chapel opening up and a covered area be placed outside for larger funerals/memorials.  
COMPLETED |
| **Karen**  
P: 4975 9147 |
Was concerned about the mosaic tiles at the site and also raised concerns about the amount of the Port Curtis Lawn Cemetery.  
* 20.12.10 - CR team has notified Ports  
* 21.12.10 - CSR to be arranged into system & person contacted  
* 21.12.10 - CSR 10/19/38 |
| **Vera & Vaughan Rynne**  
P: 4971 176 353 |
Advised that the fence along the cemetery needs work.  
Also advised that rubbish and debris is being thrown over on their block. They queried whether there are enough rubbish  
* 20.12.10 - CR team has notified Ports  
* 21.12.10 - Ports Coordinator to contact persons & advise that the fence will be replaced & advise that litter/rubbish/discharge will be
## GENERAL MEETING AGENDA

### 1 Feb 2011

<table>
<thead>
<tr>
<th>Name</th>
<th>Topic</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Errol Rebon</td>
<td>Herbacea Road needs to be sealed as it is too difficult to drive on when wet.</td>
<td>* 21.12.10 - CR to be entered into system regarding sealing of road.</td>
</tr>
<tr>
<td></td>
<td>Hedges to be cleared to allow for visibility.</td>
<td>* 21.12.10 - CR to be entered into system regarding clearing of hedge.</td>
</tr>
<tr>
<td></td>
<td>Advice given to residents to avoid driving on road when wet.</td>
<td>* 21.12.10 - CR to be entered into system regarding sealing of road.</td>
</tr>
<tr>
<td></td>
<td>Cable stone may need to be incorporated into head wall design.</td>
<td>* 21.12.10 - CR to be entered into system regarding headwall design.</td>
</tr>
<tr>
<td></td>
<td>Can stone carved headstone (located in size) still be placed?</td>
<td>* 21.12.10 - CR to be entered into system regarding headstone placement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>* 21.12.10 - CR to be entered into system regarding headstone placement</td>
</tr>
</tbody>
</table>

| Allan Morcomb | Morcomb has a reservation CL 51 B as his wife is in this plot.                           | * 20.12.10 - CR to be notified to Parks.                               |
|               | As would like to know this is allowed?                                                    | * 20.12.10 - CR to be notified to Parks.                               |

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G/5.6 ENVIRONMENT & REGULATION

G/5.6.1 Approved Inspection Program For Registration and Renewal of Registration of Animals (Cats and Dogs)

Responsible Officer: Acting Director Environment & Regulation

Council Meeting Date: 1st February 2011

Executive Summary:

This report seeks Council approval to endorse the implement a Systematic and Selective Inspection Program under the Animal Management (Cats and Dogs) Act 2008. The objective of the program is carry out house to house visitation and identify if dogs or cats are being kept and if the animals are registered in accordance with requirements of the Act. In addition the program will target those premises of owners that had an animal registered in 2009/2010 and have failed to renew registration for the 2010/2011 period. The animal registration program seeks to meet Council’s obligation of enforcement of registration and renewal of registration of animals which is addressed under Part 2 - Section 46 How Cat or Dog is Registered and Part 4 - Section 56 - Renewal of Registration of the Act.

Background:

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

In this application it is proposed to undertake a systematic and selective inspection program, by visiting the premises to determine if cats and dogs are being kept and if the animals are registered. In addition, Local Law Officers will be pursuing enquiries with owners that had dogs registered in 2009/2010 and have not renewed registration for the current registration period 2010/2011. Provisions relating to registration and renewal of registration of dogs and cats are found pursuant to Sections 46 and 56 of the Act.

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

The duration of the program will be 6 months commencing on the 15 February 2011 and concluding on 14 August 2011. The program will extend to all areas of the Gladstone Region and a copy of the program is attached.

Comment:

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

<table>
<thead>
<tr>
<th>Animal Registration for consecutive years</th>
<th>Cat</th>
<th>Dog</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/2009</td>
<td>1778</td>
<td>6065</td>
</tr>
<tr>
<td>2009/2010</td>
<td>2230</td>
<td>7922</td>
</tr>
<tr>
<td>2010-2011 (still current)</td>
<td>1988</td>
<td>7356</td>
</tr>
</tbody>
</table>

The majority of animals that are impounded have been found to be unregistered. This is a clear indication that this inspection program is necessary to achieve compliance throughout the Gladstone Region.

The main target area of this program will be those areas that generate a high number of complaints.

Alternatives Considered:

Section 133 of the *Local Government Act 2009* deals with an approved inspection programs. Given that the *Animal Management (Cats and Dogs) Act 2008* has similar provisions this legislation was the preferred option.

Link to Corporate/Operational Plan:

This program is directly linked to Council's performance measure which seeks to see an increase in animal registration by 10%. It is also about achieving an effective animal management program to minimise complaints and disturbances to the community.

Communication/Consultation (Internal/External):

Relevant Officers in the Environment and Regulation Department

Legal Implications (statutory basis, legal risks):

Nil

Policy/Local Law/Delegation Implications:

Registration records provide necessary information to contact owner of roaming dogs. Enforcement provisions for dogs at large are pursuant to the Local Law.

Financial and Resource Implications:

Increase registration will generate additional income to offset operating expenditure associate with delivering the community’s expectation for an animal control program. The recent appointment of 1 new Local Law Officer and confirmed appointment from a contract position provides the necessary resources to undertake this work.

Asset Management Implications:

Nil
Officer's Recommendation:

That Council adopt the attached Approved Inspection Program for Renewal of Registration of Animals for the period 15th February 2011 to 14th August 2011.

Attachments:


Tabled Items:

Nil

Report Prepared by: Acting Director Environment and Regulation
Areas to Be Covered in this Program

A systematic and selective property inspection program throughout the following townships or areas will be conducted during the duration of this Animal Inspection Program by Local Law Enforcement Officers of the Gladstone Regional Council to determine the registration status of cats and dogs. Inspections will be conducted of the following urban and rural areas which include:

Agnes Water, Ailboga, Ambrose, Batfle Creek, Bangaloe, Barney Point, Becheer, Benaraby, Beelands, Bororen, Boyne Island, Boyne Valley, Boyndiedale, Burua, Callemondah, Calliope, Captain Creek, Clinton, Colosseum, Darts Creek, Deepwater, Gladstone, Glen Eden, Iveragh, Kin Kora, Kirkwood, Lowmead, Miriam Vale, Mount Larcom, New Auckland, Raglan, River Ranch, Rodds Bay, Rosedale, Round Hill, Rules Beach, Seventeen Seventy, South Gladstone, South Trees, Sun Valley, Tablelands, Tannum Sands, Taragoda, Tarangrie, Telind, The Narrows, Toolooa, Turkey Beach, West Gladstone, Wooderson, Warden Heights, Yarwun.

Rationale for the Animal Inspection Program:

- To monitor compliance with the Part 2 – Registration and Part 4 – Renewal of Registration requirements of the State Animal Management (Cats and Dogs) Act 2008.
- House to house visitations are to be conducted to determine if animals are being kept and if these animals are registered. In addition the program will target those premises of owners that had an animal registered in 2009/2010 and a renewal of registration was not made for 2010/2011 period.
- To assist in the aid of collecting data for statistical purposes to give an accurate record of the number of animals in the area.
- To assist as a method of identifying lost pets so they can be reunited with their owners.
- To promote responsible pet ownership by requiring owner to register their animals and pay the appropriate fees.
- To ensure that persons holding a permit to keep more than the allowable animals are complying with the requirements under the relevant Local Laws of the Gladstone Regional Council and the Animal Management (Cats and Dogs) Act 2008.

Commencement and Duration of Survey:

This survey will commence on 15 February 2011 and will be in force for a period of six (6) calendar months, expiring on 14th August 2011.

Further Information

Information on animal registration and other regulations in relation to animals can be obtained by contacting Gladstone Regional Council’s Local Law Enforcement Office on (07) 4976 0972.
G/5.6.2 Pest Survey Program - Rural Land Protection

Responsible Officer: Director Environment & Regulation

Council Meeting Date: 1 February 2011

Executive Summary:

This report seeks Council approval to implement a Pest Survey Program to meet Council's obligation to monitor the provisions of the Land Protection (Pest & Stock Route Management) Act 2002.

Background:

The Land Protection (Pest & Stock Route Management) Act 2002 requires Council via resolution, to adopt a pest survey program each quarter. The proposed pest survey program for the Gladstone Regional Council area for the March 2011 to May 2011 quarter proposes to cover all properties within Gladstone Regional Council area and includes all declared pest categories.

Council has always elected to leave this program open as it gives Officers the ability to carry out inspections on any property within the region and if necessary require control action on declared pests in accordance with the Act. The program contained in the recommendation is tabled for Members consideration.

Comment:

Nil

Alternatives Considered:

Nil

Link to Corporate/Operational Plan:


Communication/Consultation (Internal/External):

Relevant Officers in the Environment and Regulation Department

Legal Implications (statutory basis, legal risks):

Nil

Policy/Local Law/Delegation Implications:

Nil

Financial and Resource Implications:
Nil

Asset Management Implications:

Nil

Officer's Recommendation:

That Council adopt the attached Pest Survey Program for the period 1\textsuperscript{st} March 2011 to 31\textsuperscript{st} May 2011.

Attachments:

1. Proposed Pest Survey Program

Tabled Items:

Nil

Report Prepared by: Coordinator Rural Lands Protection
ATTACHMENT
Gladstone Regional Council
Pest Survey Program

Areas to be Covered in this Program:

Property inspections throughout the following parishes will be conducted during the duration of this Pest Survey Program. Inspections will be conducted by Noxious Weeds Officers from Gladstone Regional Council:


These inspections will be conducted on urban, industrial and rural properties within the Gladstone Regional Council parishes and will include inspections of Nurseries, Landscape Garden Suppliers, Seed Merchants, Stock Fodder Suppliers, Quarry Material Suppliers and any Property, Residence or Building for which there is a declared pest permit issued.

Rationale for Pest Survey Program:

- To monitor compliance with Land Protection (Pest and Stock Route Management) Act 2002 in relation to declared pests.
- To aid in mapping the current distribution of declared pests.
- To aid in mapping the future spread of declared pests.
- To promote best practice in the treatment of declared pests.
- To assist the enhancement of community awareness in relation to declared pests.
- To assist with the formation of catchment groups in relation to applications for funding to treat declared pests at a local level.
- To ensure that Nurseries are complying with the requirements of the Land Protection (Pest and Stock Route Management) Act 2002.
- To ensure that Stock Fodder Merchants, Quarry Material Merchants, Seed Merchants are complying with the requirements of the Land Protection (Pest and Stock Route Management) Act 2002.
- To ensure that persons or organisations holding Declared Pest Permits are complying with the requirements of the Land Protection (Pest and Stock Route Management) Act 2002.

Commencement and Duration of Survey:

This survey will commence on 1st March 2011 and will be in force for a period of three (3) calendar months, expiring on 31st May 2011.

Further Information:

Information on declared pests and their control may be obtained by contacting Gladstone Regional Council's Environment & Regulation Services Section by telephoning 4970 0700.
G/5.7 INFRASTRUCTURE SERVICES

G/5.7.1 Tender 63/11 Asphalt Resurfacing - Gladstone Area

Responsible Officer: Director Infrastructure Services

Council Meeting Date: 1 February 2011

Executive Summary:

This report provides Council with information on tenders received for the supply of bituminous and associated products and services required for the purpose of resurfacing roads in the Gladstone area and recommends acceptance of the tender from Boral Resources (QLD) Pty Ltd.

Background:

Tender 63/11 - Asphalt Resurfacing - Various Sites (Gladstone Area) was called for Asphalt Resurfacing and Resealing as detailed in the tables below:

**Asphalt Resurfacing**

<table>
<thead>
<tr>
<th>Street</th>
<th>Suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palmer St</td>
<td>Barney Point</td>
</tr>
<tr>
<td>Beckinsale St</td>
<td>Gladstone</td>
</tr>
<tr>
<td>Gibson St</td>
<td>Gladstone</td>
</tr>
<tr>
<td>Hilliard St</td>
<td>Gladstone</td>
</tr>
<tr>
<td>Side St</td>
<td>Gladstone</td>
</tr>
<tr>
<td>Lustcombe</td>
<td>New Auckland</td>
</tr>
<tr>
<td>Hixon Street</td>
<td>South Gladstone</td>
</tr>
<tr>
<td>South Trees Dr</td>
<td>South Trees</td>
</tr>
<tr>
<td>Allambee Close</td>
<td>West Gladstone</td>
</tr>
<tr>
<td>Berringar Lane</td>
<td>West Gladstone</td>
</tr>
<tr>
<td>Boles St Access Rd</td>
<td>West Gladstone</td>
</tr>
<tr>
<td>Coolongolook Cl</td>
<td>West Gladstone</td>
</tr>
<tr>
<td>Flecher St</td>
<td>West Gladstone</td>
</tr>
<tr>
<td>Larsen St</td>
<td>West Gladstone</td>
</tr>
<tr>
<td>Sam St</td>
<td>West Gladstone</td>
</tr>
<tr>
<td>Watt St</td>
<td>West Gladstone</td>
</tr>
</tbody>
</table>

**Reseals**

<table>
<thead>
<tr>
<th>Street</th>
<th>Suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambrose Lane</td>
<td>Beecher</td>
</tr>
<tr>
<td>Jefferis Road</td>
<td>Beecher</td>
</tr>
<tr>
<td>Matspen Lane</td>
<td>Beecher</td>
</tr>
</tbody>
</table>

Comment:
Work on the above projects is expected to commence immediately and go through until 30 June 2011.

Tenders were received from the following tenderers:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Price (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boral resources (QLD) Pty Ltd</td>
<td>$561,658.12</td>
</tr>
<tr>
<td>Fulton Hogan Industries Pty Ltd</td>
<td>$573,006.65</td>
</tr>
<tr>
<td>Sunstate Bitumen</td>
<td>$609,754.94</td>
</tr>
</tbody>
</table>

Evaluation of the tenders was undertaken in consultation with the Contracts & Procurement Unit, utilising Council's standard evaluation matrix. Following are the scores the tenderers received:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Score</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boral resources (QLD) Pty Ltd</td>
<td>366.66</td>
<td>1</td>
</tr>
<tr>
<td>Fulton Hogan Industries Pty Ltd</td>
<td>341.73</td>
<td>2</td>
</tr>
<tr>
<td>Sunstate Bitumen</td>
<td>341.25</td>
<td>3</td>
</tr>
</tbody>
</table>

Alternatives Considered:

Nil

Link to Corporate/Operational Plan:

4.1.1 Strategy: Plan, develop and maintain effective road networks and transport infrastructure across the region.

Communication/Consultation (Internal/External):

Infrastructure Services evaluation panel

Legal Implications (statutory basis, legal risks):

Under the Local Government Act, Finance Standard and Council's Contracting and Procurement Policy, Council must invite Tenders before making a contract for the carrying out of work, or the supply of goods or services, involving a cost of more than $150,000, having regard to certain principles including "open and effective competition" and "value for money", which considers advancement of Council priorities including WH&S issues, fitness for purpose, technical issues, quality, service and support, and cost related factors.

Policy/Local Law/Delegation Implications:

Nil

Financial and Resource Implications:

The work is to be completed by Contractors at an agreed price and funds are provided within the Project Budget.

Asset Management Implications:
The asphalt services will be recorded on Council's Asset Management Database as part of the road infrastructure assets.

**Officer’s Recommendation:**

That

1. Council accept the tender from Boral Resources (QLD) Pty Ltd to complete all asphalt and resealing works for the value of $561,658.12 excluding GST as per Tender 63/11;
2. Boral Resources (QLD) Pty Ltd be advised they are the successful tender;
3. The unsuccessful Tenderers be advised accordingly

**Attachments:**

1. 63/11 Evaluation Matrix.Doc

**Tabled Items:**

1. Nil

**Report Prepared by:** Constructions Projects Inspector
### EVALUATION WEIGHTING MATRIX - TENDER 63/11
### ASPHALT RESURFACING VARIOUS SITES (GLADSTONE AREA)

The Tender Evaluation Matrix evaluates a number of financial and non-financial matters considered relevant to selecting the recommended supplier:

- **4 =** Acceptable, well exceeds all requirements
- **3 =** Acceptable, meets all requirements and exceeds some
- **2 =** Acceptable, meets local minimum requirements
- **1 to 2 =** Meets some minimum requirements only and may not be acceptable
- **< 1 =** Not acceptable, does not meet any reasonable criteria

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>WEIGHT</th>
<th>FULTON HOGAN INDUSTRIES</th>
<th>SUNSTATE BITUMEN</th>
<th>BORAL RESOURCES (QLD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with offer documents</td>
<td>10</td>
<td>3163</td>
<td>31.6</td>
<td>31.6</td>
</tr>
<tr>
<td>Enhancement of local business &amp; industry</td>
<td>10</td>
<td>41.53</td>
<td>33</td>
<td>22.16</td>
</tr>
<tr>
<td>Capability/Resource/Technical/Availability/ Project Understanding/Methodology/VH&amp;S/ Revision/Maintenance</td>
<td>25</td>
<td>83.33</td>
<td>40.16</td>
<td>91.66</td>
</tr>
<tr>
<td>Past Performance/Relative Experiences/ Track Record</td>
<td>10</td>
<td>38.3</td>
<td>41.6</td>
<td>38</td>
</tr>
<tr>
<td>Proposal Program/Availability/Delivery</td>
<td>10</td>
<td>24.8</td>
<td>24.8</td>
<td>24.8</td>
</tr>
<tr>
<td>Value for money/Value of Contract Pricing (including quality)</td>
<td>35</td>
<td>122.5</td>
<td>99.05</td>
<td>194.5</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>100</td>
<td>341.73</td>
<td>341.25</td>
<td>366.86</td>
</tr>
</tbody>
</table>

**RANK**

1. BORAL RESOURCES (QLD)
2. SUNSTATE BITUMEN
3. FULTON HOGAN INDUSTRIES

Based on the above evaluation matrix, the evaluation team is of the opinion that BORAL RESOURCES (QLD) be awarded the contract.

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G/5.7.2 Tender 64/11 Asphalt Resurfacing - Agnes Water & Turkey Beach

Responsible Officer: Director Infrastructure Services

Council Meeting Date: 1 February 2011

Executive Summary:

This report provides Council with information on tenders received for the supply of bituminous and associated products and services required for the purpose of resurfacing roads in the Agnes Water and Turkey Beach area and recommends acceptance of the tender from Boral Resources (QLD) Pty Ltd.

Background:

Tender 64/11 - Asphalt Resurfacing - Various Sites (Agnes Water and Turkey Beach Area) was called for Asphalt Resurfacing and Resealing as detailed in the tables below:

**Asphalt Resurfacing**

<table>
<thead>
<tr>
<th>Street</th>
<th>Suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donohue Drive</td>
<td>Agnes Waters</td>
</tr>
<tr>
<td>Panorama Close</td>
<td>Agnes Waters</td>
</tr>
<tr>
<td>Red Gum Drive</td>
<td>Agnes Waters</td>
</tr>
</tbody>
</table>

**Reseals**

<table>
<thead>
<tr>
<th>Street</th>
<th>Suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bousgas Drive</td>
<td>Agnes Waters</td>
</tr>
<tr>
<td>Josefski Road</td>
<td>Agnes Waters</td>
</tr>
<tr>
<td>Lady Elliot Drive</td>
<td>Agnes Waters</td>
</tr>
<tr>
<td>Masthead Drive</td>
<td>Agnes Waters</td>
</tr>
<tr>
<td>Rafting Ground Rd</td>
<td>Agnes Waters</td>
</tr>
<tr>
<td>Wilson Drive</td>
<td>Agnes Waters</td>
</tr>
<tr>
<td>Bells Road</td>
<td>Turkey Beach</td>
</tr>
<tr>
<td>Michael St</td>
<td>Turkey Beach</td>
</tr>
<tr>
<td>Short St</td>
<td>Turkey Beach</td>
</tr>
<tr>
<td>Turkey Beach Rd</td>
<td>Turkey Beach</td>
</tr>
</tbody>
</table>

Comment:

Work on these projects is expected to commence immediately and go through until 30 June 2011.

Tenders were received from the following Tenderers:
Evaluation of the tenders was undertaken in consultation with the Contracts & Procurement Unit, utilising Council's standard evaluation matrix. Following are the scores the Tenderers received:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Score</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boral resources (QLD) Pty Ltd</td>
<td>367.4</td>
<td>1</td>
</tr>
<tr>
<td>Fulton Hogan Industries Pty Ltd</td>
<td>344.7</td>
<td>2</td>
</tr>
<tr>
<td>Sunstate Bitumen</td>
<td>332.3</td>
<td>3</td>
</tr>
</tbody>
</table>

Alternatives Considered:

Nil

Link to Corporate/Operational Plan:

4.1.1 Strategy: Plan, develop and maintain effective road networks and transport infrastructure across the region.

Communication/Consultation (Internal/External):

Infrastructure Services Evaluation Panel.

Legal Implications (statutory basis, legal risks):

Under the Local Government Act, Finance Standard and Council's Contracting and Procurement Policy, Council must invite Tenders before making a contract for the carrying out of work, or the supply of goods or services, involving a cost of more than $150,000, having regard to certain principles including "open and effective competition" and "value for money", which considers advancement of Council priorities including WH&S issues, fitness for purpose, technical issues, quality, service and support, and cost related factors.

Policy/Local Law/Delegation Implications:

Nil

Financial and Resource Implications:

The work is to be completed by Contractors at an agreed price and funds are provided within the Project Budget.

Asset Management Implications:

The asphalt services will be recorded on Council's Asset Management Database as part of the road infrastructure assets.
Officer's Recommendation:

That

1. Council accept the tender from Boral Resources (QLD) Pty Ltd to complete all asphalt and resealing works for the value of $337,854.40 excluding GST as per Tender 64/11;
2. Boral Resources (Qld) Pty Ltd be advised they are the successful tender;
3. The unsuccessful tenderers be advised accordingly.

Attachments:

1. 64/11 Evaluation Weighing Matrix

Tabled Items:

1. Nil

Report Prepared by: Construction Projects Inspector
EVALUATION WEIGHTING MATRIX - TENDER 64/11

ASPHALT RESURFACING VARIOUS SITES (AGNES WATER & TURKEY BEACH AREA)

The Tender Evaluation Matrix evaluates a number of financial and non-financial factors considered relevant to selecting the recommended supplier.

1 = Not acceptable, does not meet any reasonable criteria
2 = Meets some minimum requirements only and may not be acceptable
3 = Acceptable, meets most requirements but may not be acceptable
4 = Acceptable, meets all requirements and exceeds some

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>WEIGHT</th>
<th>FULTON HOGAN INDUSTRIES</th>
<th>SUNSTATE BITUMEN</th>
<th>BORAL RESOURCES (QLD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with offer documents</td>
<td>10</td>
<td>3.16</td>
<td>3.16</td>
<td>3.16</td>
</tr>
<tr>
<td>Enhancement of local business &amp; industry</td>
<td>10</td>
<td>3.16</td>
<td>3.16</td>
<td>3.16</td>
</tr>
<tr>
<td>Capability/Resource/Technical/Supply/Project Understanding/Methodology/Works/Range/Maintenance</td>
<td>25</td>
<td>3.66</td>
<td>91.6</td>
<td>4</td>
</tr>
<tr>
<td>Risk Performance/Relative Experience/Track Record</td>
<td>10</td>
<td>3.63</td>
<td>43.3</td>
<td>33.3</td>
</tr>
<tr>
<td>Proposal Program/Availability/Delivery</td>
<td>10</td>
<td>3.66</td>
<td>91.6</td>
<td>4</td>
</tr>
<tr>
<td>Value for money/Whole of Contract Pricing (including quality)</td>
<td>25</td>
<td>3.3</td>
<td>191.6</td>
<td>2.5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100</td>
<td>344.2</td>
<td>332.3</td>
<td>367.4</td>
</tr>
</tbody>
</table>

RANKING 2 3 1

(*) Please note: Please include a footnote for each significant variation in scoring which provides a justification/log/rationale for the variance.

Based on the above evaluation matrix, the evaluation team is of the opinion that BORAL RESOURCES (QLD) be awarded the contract.

MARK DONNAT
PAT CROWN
BRETT VONHOLZ

UC documents and settings local setting temporary, cache files site014 - evaluation weighting matrix.doc
G/5.7.3 Tender 65/11 Asphalt Resurfacing - Boyne/Tannum and Calliope Area.

Responsible Officer: Director Infrastructure Services

Council Meeting Date: 1 February 2011

---

Executive Summary:

This report provides Council with information on tenders received for the supply of bituminous and associated products and services required for the purpose of resurfacing roads in the Boyne/Tannum and Calliope area and recommends acceptance of the tender from Boral Resources (QLD) Pty Ltd.

Background:

Tender 65/11 - Asphalt Resurfacing - Various Sites (Boyne/Tannum and Calliope Area) was called for Asphalt Resurfacing and Resealing as detailed in the tables below:

Asphalt Resurfacing

<table>
<thead>
<tr>
<th>Street</th>
<th>Suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedekind Avenue</td>
<td>Benaraby</td>
</tr>
<tr>
<td>Protea Court</td>
<td>Benaraby</td>
</tr>
<tr>
<td>Enterprise Street</td>
<td>Boyne Island</td>
</tr>
<tr>
<td>Kirrang Place</td>
<td>Boyne Island</td>
</tr>
<tr>
<td>Tarcoola Drive</td>
<td>Boyne Island</td>
</tr>
<tr>
<td>Drummond Court</td>
<td>Tannum Sands</td>
</tr>
<tr>
<td>Lawrence Court</td>
<td>Tannum Sands</td>
</tr>
<tr>
<td>Helen Court</td>
<td>Wurdong Heights</td>
</tr>
<tr>
<td>McCullum Street</td>
<td>Calliope</td>
</tr>
<tr>
<td>Welsh Street</td>
<td>Calliope</td>
</tr>
</tbody>
</table>

Reseals

<table>
<thead>
<tr>
<th>Street</th>
<th>Suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hanley Drive</td>
<td>Boyne Island</td>
</tr>
</tbody>
</table>

Comment:

Works on these projects is expected to commence immediately and go through until 30 June 2011.

Tenders were received from the following tenderers:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Price (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boral resources (QLD) Pty Ltd</td>
<td>$506,637.33</td>
</tr>
<tr>
<td>Fulton Hogan Industries Pty Ltd</td>
<td>$513,857.20</td>
</tr>
<tr>
<td>Sunstate Bitumen</td>
<td>$547,730.20</td>
</tr>
</tbody>
</table>
Evaluation of the tenders was undertaken in consultation with the Contracts & Procurement Unit, utilising Council's standard evaluation matrix. Following are the scores and ranking of the tenders received:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Score</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boral resources (QLD) Pty Ltd</td>
<td>362.8</td>
<td>1</td>
</tr>
<tr>
<td>Fulton Hogan Industries Pty Ltd</td>
<td>344.4</td>
<td>2</td>
</tr>
<tr>
<td>Sunstate Bitumen</td>
<td>330.3</td>
<td>3</td>
</tr>
</tbody>
</table>

Alternatives Considered:

Nil

Link to Corporate/Operational Plan:

4.1.1 Strategy: Plan, develop and maintain effective road networks and transport infrastructure across the region.

Communication/Consultation (Internal/External):

Infrastructure Services evaluation panel.

Legal Implications (statutory basis, legal risks):

Under the Local Government Act, Finance Standard and Council's Contracting and Procurement Policy, Council must invite Tenders before making a contract for the carrying out of work, or the supply of goods or services, involving a cost of more than $150,000, having regard to certain principles including "open and effective competition" and "value for money", which considers advancement of Council priorities including WH&S issues, fitness for purpose, technical issues, quality, service and support, and cost related factors.

Policy/Local Law/Delegation Implications:

Nil

Financial and Resource Implications:

The work is to be completed by Contractors at an agreed price and funds are provided within the Project Budget.

Asset Management Implications:

The asphalt services will be recorded on Council's Asset Management Database as part of the road infrastructure assets.

Officer's Recommendation:

That

1. Council accept the tender from Boral Resources (QLD) Pty Ltd to complete all asphalt and resealing works for the value of $506,637.33 excluding GST as per Tender 65/11;
2. Boral Resources (QLD) Pty Ltd be advised they are the successful tender;
3. The unsuccessful tenderers be advised accordingly.

Attachments:
1. 65/11 Evaluation Weighing Matrix.

Tabled Items:
1. Nil

Report Prepared by: Construction Projects Inspector
**EVALUATION WEIGHTING MATRIX - TENDER 65/11**

**ASPHALT RESURFACING VARIOUS SITES (ROYNE TANNUM & CALLIOPE AREA)**

The Tender Evaluation Matrix evaluates a number of financial and non-financial matters considered relevant to selecting the recommended supplier.

- 1 = Not acceptable, does not meet any acceptable criteria
- 2 = Meets some minimum requirements only and may not be acceptable
- 3 = Acceptable, meets all requirements and exceeds some
- 4 = Acceptable, meets all requirements and exceeds some

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>WEIGHT</th>
<th>FULTON HOGAN INDUSTRIES</th>
<th>SUNSTATE BITUMEN</th>
<th>BORAL RESOURCES (QLD)</th>
<th>SCORE (**)</th>
<th>POINTS</th>
<th>SCORE (**)</th>
<th>POINTS</th>
<th>SCORE (**)</th>
<th>POINTS</th>
<th>RANKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with offer documents</td>
<td>10</td>
<td>3</td>
<td>30</td>
<td>2.16</td>
<td>3.16</td>
<td>31.6</td>
<td>31.6</td>
<td>31.6</td>
<td>31.6</td>
<td>31.6</td>
<td>1</td>
</tr>
<tr>
<td>Enhancement of local business &amp; industry</td>
<td>10</td>
<td>4.15</td>
<td>41.6</td>
<td>2.16</td>
<td>31.6</td>
<td>31.6</td>
<td>31.6</td>
<td>31.6</td>
<td>31.6</td>
<td>31.6</td>
<td>1</td>
</tr>
<tr>
<td>Capability/Resource/Technical/Profitability/ Project Understanding/Methodology/WH&amp;S/ Financial/Management</td>
<td>25</td>
<td>3.66</td>
<td>91.6</td>
<td>4</td>
<td>100</td>
<td>3.66</td>
<td>91.6</td>
<td>4</td>
<td>100</td>
<td>3.66</td>
<td>91.6</td>
</tr>
<tr>
<td>Past Performance/Relative Experience/ Track Record</td>
<td>10</td>
<td>3.63</td>
<td>38.3</td>
<td>4.3</td>
<td>43</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>30</td>
</tr>
<tr>
<td>Proposed Program/Availability/Cost/Value</td>
<td>19</td>
<td>3.8</td>
<td>28</td>
<td>0.46</td>
<td>34.6</td>
<td>1.8</td>
<td>33</td>
<td>1.8</td>
<td>33</td>
<td>1.8</td>
<td>33</td>
</tr>
<tr>
<td>Value for money/Value for Money of Contract Pricing (excluding quality)</td>
<td>15</td>
<td>3.3</td>
<td>119.9</td>
<td>2.5</td>
<td>87.5</td>
<td>4.16</td>
<td>105</td>
<td>4.16</td>
<td>105</td>
<td>4.16</td>
<td>105</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100</td>
<td>344.4</td>
<td>220.3</td>
<td>362.8</td>
<td>362.8</td>
<td>100</td>
<td>344.4</td>
<td>220.3</td>
<td>362.8</td>
<td>362.8</td>
<td>1</td>
</tr>
</tbody>
</table>

(*Please note: Please include a footnote for each significant variation in scoring which provides a justification/log/analysis for the variance.*

Based on the above evaluation matrix, the evaluation team is of the opinion that **BORAL RESOURCES (QLD)** be awarded the contract.

**MARK ESTAYET**  | **PAT DOWNS**  | **BRETT WOHNEND**

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### G/5.8 STATUTORY PLANNING

#### G/5.8.1 Development Application DA/90/2009 - Material Change of Use for 27 Multiple Unit Dwellings, Caretakers Dwelling, Office and Shop at 23-25 Jeffery Court Agnes Water - Superseded Planning Scheme

**Responsible Officer:** Director Statutory Planning  
**Council Meeting Date:** 1 February 2011

#### Development Application:

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Number:</td>
<td>DA/9/2009</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mecki Pty Ltd Care:/ RPS</td>
</tr>
<tr>
<td>Owner:</td>
<td>Mecki Pty Ltd</td>
</tr>
<tr>
<td>Date of Receipt:</td>
<td>16 December 2009 (request for assessment against superseded planning scheme approved 2 Feb 2010)</td>
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<td>Location:</td>
<td>23 &amp; 25 Jeffery Court, Agnes Water</td>
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<tr>
<td>RPD:</td>
<td>Lot 46 &amp; 47 RP 613382</td>
</tr>
<tr>
<td>Area:</td>
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<tr>
<td>Current Use of Land:</td>
<td>2 x Residential Dwellings</td>
</tr>
<tr>
<td>Zoning:</td>
<td>Urban Zone (Tourist Commercial Zone under current Planning Scheme)</td>
</tr>
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<td>Proposal:</td>
<td>27 Multiple Unit Dwellings, Caretakers Dwelling, ancillary Office and Shop.</td>
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<tr>
<td>Submissions Close Date:</td>
<td>2 December 2010</td>
</tr>
<tr>
<td>Number of Submissions:</td>
<td>One (1) Properly Made Submission</td>
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</tbody>
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#### Executive Summary:

An Impact Assessable Development Application for 27 Multiple Unit Dwellings, Caretakers Dwelling, Ancillary Office and Shop was received by Council on 16 December 2009. This Development Application was agreed to be considered under the Superseded Planning Scheme for the former Miriam Vale Shire by Council on 2 February 2010. One submission was received during the public notification period. The proposed development is considered to be in conflict with the Superseded Planning Scheme in several areas. As a result it is considered that the application should be refused for the reasons as set out in the officers recommendation.

#### Subject Site:

The subject site is located at 23 & 25 Jeffery Court, Agnes Water and is zoned Urban under the Superseded Planning Scheme. The subject site is 1,466 m² in size and is rectangular in shape with a 40 metre frontage to Jeffery Court. The site is relatively flat and is currently improved by two older style residential dwellings and established landscaping. Directly north of the site is the Agnes Water First Point Caravan Park as
well as Tom Jeffery Park and beyond that, the Agnes Water beach. The following figures illustrate the location and existing form of the subject site.

![Figure 1: Location of Subject Site](image1)

![Figure 2: Current form of Subject Site with Existing Dwellings](image2)

**Background:**

The subject site had an existing approval (now lapsed) issued via a Consent Order from the Planning and Environment Court dated 15 December 2006, for a material change of use – 27 multiple dwellings (including caretaker’s dwelling and ancillary office) and shop. It is noted that the former Miriam Vale Shire Council refused the application and the appeal resulted in an approval via Consent Order that lapsed on 15 December 2010.
The applicant had previously requested an extension of the currency period of the abovementioned court order however this was withdrawn. It is noted that the applicant has expressed the view that the previous approval was not acted upon due to difficulty in the financial market. Subsequently the current application was lodged for the same development with the view that a new approval would allow for an additional four year currency period.

This Development Application was agreed to be considered under the Superseded Planning Scheme for the former Miriam Vale Shire on 2 February 2010. Further to this, as the application was received before the commencement of the Sustainable Planning Act 2009, the development has been assessed under the Integrated Planning Act 1997.

Proposal:

The applicant seeks a Development Permit for 27 Multiple Unit Dwellings, Caretakers Dwelling, Ancillary Office and Shop at 23 & 25 Jeffery Court, Agnes Water. The overall development is comprised of a semi-basement level for parking and three floors of residential units. An ancillary office, caretakers residence and small shop also form part of the complex. The shop is approximately 25m² in size and is to be located on the ground floor of the complex to assist in the activation of the pedestrian/street interface. The 27 units are comprised in a mix of one, two and three bedroom configurations.

The car park level will be accessed via a single entry/exit driveway using the existing crossover. The car park will contain 45 car parks including a disabled space. Of these car parks, 28 will be provided as tandem parking allocated to the two and three bedroom units. A single car space will be allocated for the shop.

It is envisaged that the units will be primarily for shorter term visitor accommodation, however the Superseded Planning Scheme for Miriam Vale does not differentiate between long and short term residential units.

A copy of the full planning application has been attached to this report.

The following images detail the proposal.
Figure 3: Proposed Site Plan from Roof

Figure 4: Proposed Semi Basement Car Park
Referral:

The application triggered referral to the Department of Environment and Resource Management (DERM) as an Advice Agency as the proposal involves the excavation of over 100m$^3$ of potential acid sulphate soils. DERM responded on 1 April 2010 in accordance with the *Integrated Planning Act 1997*. DERM included conditions in regard to the provision of an acid sulphate soils management plan. DERM's response is included as an attachment to the report.

Public Notification:

The application was subject to Impact Assessment and therefore Public Notification was undertaken by the applicant in accordance with the *Integrated Planning Act 1997*. The Public Notification component commenced on the 9 November 2010 and was completed on 2 December 2010. During the notification process one submission was received for this application. This submission will be discussed in greater detail further in the report.

Submissions:

It is noted that the previous application that was approved by Consent Order received seven submissions in total. This application received one properly made submission which is attached to this report. The main concerns outlined by the submitter included;

- Development is out of character and scale with the current neighbourhood amenity of the area; and
- There is already an over saturation of holiday units in Agnes Water.
The site and surrounding properties in their existing form are predominantly established dwelling houses. In this regard, it can be considered the development is not consistent with the existing character of the area. However the longer term intent for the area as prescribed within the Superseded Planning Scheme is to create a commercial visitor focus to the area with a high level of pedestrian walkability. While the development does propose a small shop (25m²) it is considered that this is unlikely to independently attract visitors to the site and will be used primarily by the residents and visitors of the development.

The submitter also raised concerns about the need for more tourist accommodation in the region and that this development would result in an over supply of this type of accommodation in Agnes Water. It is difficult for Council to adequately determine that there is not a need for such a development in the area and the viability of the proposal is the responsibility of the applicant.

Planning Scheme Requirements:

It is noted that the current Miriam Vale Planning Scheme was adopted in February 2009. However, the proposed development has been considered under the Miriam Vale Shire Superseded Planning Scheme. This scheme was adopted in 1999 and was quite flexible on specific development outcomes.

The Town Centre of Agnes is identified within the Superseded Planning Scheme as the 'heart' of the township with preferred development to be a mix of residential and commercial development with a tourist focus. It is noted that while the development does include a minor commercial component, the shop is only 25m², and does not present a 'mixed use' development. The shop alone would not encourage tourists to the site as it is likely to only service the residents of the development itself and it is unlikely to encourage the pedestrian walkability of the area. It is considered that a café or restaurant would be more likely to be beneficial to the streetscape amenity of the development to meet this objective. As such one of the recommended reasons for refusal will be the minor commercial use is not of value to the mixed use intent of the area.

The scale of the development is also difficult to assess as the planning scheme lacks definitive requirements. However, the scheme does restrict the number of storeys and the use of the storeys in the Town Centre. A height limitation of 2 storeys applies generally however an additional third storey can be considered, provided it is residential. The development proposes a semi-basement level and three residential floors above, therefore being a total of four storeys. Therefore the height of the development is over three storeys and is considered inconsistent with the planning scheme. One of the recommended reasons for refusal will be the non compliance with this height requirement.

The development itself would cover most of the site (83%) which is considered to be a significant site coverage. While there are no specific site coverage requirements within the Superseded Planning Scheme, to put the proposed site coverage into context, the maximum site coverage allowable under both the current Miriam Vale and Gladstone Planning Scheme for a development of this type and height is 40%.

The number of the units is also considered to be quite dense in comparison with the size of site. The proposal is for 27 units on a 1,466m² site, which represents a unit density of approximately 1 unit per 55m². Again there are no specific unit densities prescribed within the Superseded Planning Scheme, however under the current
planning scheme a maximum density of 1 unit per 150m² is prescribed within the Probable and Acceptable Solutions, meaning the maximum yield for the site would be 9 units. Even within the Gladstone Planning Scheme the maximum density within the CBD area would be 1 unit per 90m², a total of 16 units. Bonus densities of up to 45m² can be granted in certain instances where the developer provides public open space and artwork, but only within the Gladstone CBD area.

Given the scale of the development (site cover, unit density and height) in relation to the existing character of the area, the development is considered to be inconsistent with the built form and streetscape intentions for this area, as provided for under the Superseded Planning Scheme that the Development Application is specifically being assessed against.

There are several areas of the Superseded Planning Scheme that support designs that are consistent with the character and scale of the locality. Development is encouraged to use scale, appearance and building types consistent with the local character. Within the vicinity of this proposal most development is comprised of older style residential dwellings. The relevant clauses within the Superseded Planning Scheme that the development is considered to be inconsistent with are as follows;

1.26.2 (h) Inappropriate development includes any development which:
   (i) Is not in accordance with the intent of the area;
   (ii) Does not contribute to a desirable local character;
   (iii) Is likely to affect detrimentally the local amenity; or
   (iv) Is likely to have a significant adverse impact on the environment

It is considered that the built form of the development is not consistent with the existing and future intent of the area. The proposed building bulk from height, site cover and unit density is not considered to contribute positively to the desired character of the area.

4.4.1 Development shall not detrimentally affect the amenity or likely future amenity of the locality.

4.4.2 The aesthetics of the development shall be consistent with the character of the locality.

4.4.3 Development shall incorporate appropriate design features, including building type, scale, appearance, colour and materials, consistent with the local character…

4.11.1(a) [objective] to ensure that the built form maintains and enhances an appropriate character

It is considered that the built form of the proposal will detrimentally affect the current and future amenity of the area due to building bulk, unit density, height and site cover. It is also important to note that this development proposes a design that would not be supported under the current planning scheme. Other future developments in this area would likely be less significant than this proposal as they would comply with the current planning scheme. Therefore this development in its current form would be out of character with both the current and future intent of the area.

4.11.3 New structures shall be designed to complement traditional structures and maintain the urban form and continuity of the streetscape of a locality. New structures
shall be designed to the scale and form and include components of traditional building styles within the Plan Area.

4.11.5 (a) Building treatments and elements of new buildings and extensions and/or renovations shall be compatible and complementary in character, scale and height, with that of nearby buildings and any development shall make a positive contribution to the built form of the local area.

4.11.8 A. Building lines shall be compatible with those of nearby development. Climate, vista, privacy and other considerations are relevant...

4.12.1 (a) To ensure that developments and buildings are sited to minimise their visual and physical impact on the landscape.

The design of the development is inconsistent with the existing structures in the area, being mostly older style dwellings. The proposal will be setback approximately 3 metres from the front boundary and is approximately 11 metres high, presenting significant building bulk to the streetscape of Jeffery Court. This is considered to be incompatible with the scale and form of the building styles in this locality and as a consequence will detrimentally impact on the built form of the local area.

Given the high site cover, unit density, height and setbacks the proposal is considered to have not met the objectives above and as such they have formed the bulk of the reasons for refusal within the officers recommendation.

In regard to car parking, in accordance with the Off Street Car Parking Policy the following rates apply;

- 1 space per one bedroom dwelling unit;
- 2 spaces per two or more bedroom dwelling Unit;
- 1 visitor space per 10 units (or part thereof);
- for more than nine multiple dwellings - an additional and separate open air area of parking is to be provided for boats and trailers at a rate of 1 boat or trailer space per 20 dwelling units or part thereof;
- for more than 20 units, 1 van space; and
- Commercial component 1 space per 15 m² of gross floor area is prescribed.

Therefore for this development the car parking requirement is 61 spaces. The applicant proposes 45 spaces, 28 of which will be in tandem. The use of tandem parking configurations is not supported as it generally fails to provide an appropriate parking management system to ensure that operational and functionality problems (ie. vehicles being "parked in" by others) do not occur. In some instances it may be possible to consider a tandem arrangement where there is sufficient separate (communal) visitor car parking available and the number of spaces exceeds the minimum requirements. The tandem configuration of the car parking for this development is not supported as it is considered to be impractical and restricts the access and use of all spaces by visitors, staff and residents. One of the reasons for refusal will be the impractical use of the tandem car parking.

There is also the concern that the sub-basement location of all car parking could result in the developer seeking to 'secure' this parking area through the use of a security barrier of some kind. This would prohibit easy access by visitors and is undesirable. It would be recommended that all visitor car parking bays be located outside of a security barrier to enable them to function most effectively. The subject development does not
provide any separate visitor car parking and is therefore not supported. This will form one of the reasons for refusal as there is no separate visitor or staff parking.

It is also noted that there is no van spaces for service vehicles (ie. laundry service/cleaning) provided as part of the proposal. The applicant has also not provided any boat trailer spaces in accordance with the Off Street Car parking Policy. Within the planning report the applicant has detailed that given the short term nature of the accommodation, it is unlikely that residents will bring boats or trailers. This is contrary to experience elsewhere in Agnes Water, particularly within Beach Village Circuit. Short term tourists are known to bring trailers and boats for the holiday periods. It is a regular occurrence for boats to be parked on Council footpaths and vacant lots during this time. As there is no provision for this within the proposal, it is likely that any boats or trailers would be parked on the street, footpaths or within Tom Jeffery Park. As such, it is considered imperative that some on site boat and trailer parking should be provided. This will also form one of the reasons for refusal as there is no provision for boat or trailer parking.

The previous approval resulted from an appeal which was settled after the former Miriam Vale Shire Council refused the application. The previous application over this site was lodged in June 2005 and was for a similar development with 29 units, caretakers dwelling and ancillary office. The applicant lodged an appeal and upon reducing the number of units to 27 was granted a Consent Order in December 2006. As this has now lapsed, the applicant lodged the current application for consideration under the Superseded Planning Scheme. It is noted that this proposal is similar to that already approved under the previous Consent Order. It is still considered that the current proposal is in conflict with the outcomes of the Superseded Planning Scheme and the development should be refused. Should this decision be appealed, the outcome would be determined through the court process. Negotiation to a less intense use such as reduced site cover, building height and number of units may be a more satisfactory outcome for this site. Given that these sorts of reductions would result in a substantially different development, a new application would be required to be lodged and assessed.

As discussed within the assessment of this proposal against the Superseded Planning Scheme it is considered that the development does not comply with substantial sections of the planning scheme and any potential conditions relating to compliance are unlikely to be able to be achieved without a major redesign of the proposal. Such a redesign is likely to generate further issues which would require re-assessment. As such it is recommended that the application be refused for the reasons outlined within the officers recommendation below.

**Officer’s Recommendation:**

That the proposal for 27 Multiple Dwellings, Caretakers Dwelling, Ancillary Office and Shop at 23 & 25 Jeffery Court, Agnes Water be refused for the following reasons:

1. The proposal does not comply with the intent of the Agnes Water ‘Town Centre’ within the Strategic Plan as the development proposes only a minor commercial use that is considered not in accordance with the mixed use intent of the area.

2. The proposal is inconsistent with clause 1.26.2 (e) of the Planning Scheme as the development is for four storeys, when a height limitation of two storeys (with optional third storey residential only) applies.
3. The proposal does not comply with clause 1.26.2 (f) of the Planning Scheme as the development is not consistent with the building design and streetscape intentions for the area.

4. The proposal is inconsistent with clause 1.26.2 (h) of the Planning Scheme as the development is considered to be 'inappropriate development' in accordance with the intent and desirable local character of the area.

5. The proposal does not comply with clause 4.4.1 of the Planning Scheme as the development is considered to negatively impact upon the visual amenity of the locality in particular adjoining and neighbouring properties.

6. The proposal does not comply with clause 4.4.2 of the Planning Scheme as it is considered that the aesthetics of the development as a whole is inconsistent with the character of the locality.

7. The proposal does not comply with clause 4.4.3 of the Planning Scheme as the development is considered to have an inappropriate scale and appearance for the local character of the area.

8. The proposal does not comply with clause 4.11.1 (a) of the Planning Scheme as the development does not maintain, preserve or enhance the character of the area in terms of built form.

9. The proposal is inconsistent with clause 4.11.3 of the Planning Scheme as the proposal does not complement the traditional structures, urban form and streetscape of the locality. The scale of the development is considered to be incompatible with the intended character of the locality.

10. The proposal is inconsistent with clause 4.11.5 A (a) of the Planning Scheme as the development is not considered to be compatible with the character, scale and height of surrounding building and does not make a positive contribution to the built form of the local area.

11. The proposal is inconsistent with clause 4.11.8 A of the Planning Scheme as the building is not compatible with nearby development. Enhancing the vista and retaining privacy has not been adequately considered and the development is likely to negatively impact on adjoining properties.

12. The proposal is inconsistent with clause 4.12.1 (a) of the Planning Scheme given the large site cover and scale of the proposal the development will have large visual and physical impacts on the local amenity.

13. The development does not provide any visitor or staff parking separate to the main residential parking as required by Council's Off Street Car Parking Policy.

14. The development does not provide an adequate number of car spaces in accordance with Council's Off Street Car Parking Policy.

15. No boat and/or trailer parking is provided as required by Council's Off Street Car Parking Policy given that the development is proposed to be used primarily for tourist accommodation.
16. No service bay (small rigid vehicle) has been provided for the servicing of the units (ie. laundry service, cleaning etc.) in accordance with S09 of Council’s Off Street Car Parking Policy.

17. The tandem configuration of the car parking is not supported as it is considered to be impractical and restricts the access and use of all spaces.

18. The proposal will generate significant overshadowing and restriction of breezes due to the size and scale of the development that would be detrimentally impact upon the amenity of adjoining properties.

Attachments:

1. Submitted Development application including Planning Report and Plans

2. DERM Referral Agency Response

3. Submission - Poulter

Tabled Items:

1. Nil

Report Prepared by: Planning Officer (Student)
Conics (Brisbane) Pty Ltd
Conics House
273 Ann Street (PO Box 1150)
Brisbane QLD 4001
Australia

We write on behalf of our Client, Meck's Pty Ltd, in lodging this Development Application under the Superseded 1997 Planning Scheme of the former Miriam Vale Shire Council for a Development Permit for a Material Change of Use for 27 Multiple Dwellings (including Caretakers Dwelling and ancillary office) and a Shop and Preliminary Approval for Operational Work (Excavation).

The application is lodged in respect of the property located at 23 and 25 Jeffery Court, Agnes Water more formally described as Lot 46 and 47 on RP613382, Parish of Uebridge, County of Flinders.

The following is a summary of the relevant site details:

Street Address: 23 and 25 Jeffery Court
Suburb: Agnes Waters
Real Property Description: Lot 46 and 47 on RP613382
Site Area (m²): 1,446m²
Strategic Plan Area: Town Centre Area
Zone Classification: Urban Zone
Name of Owner: Meck's Pty Ltd
In support of this application we enclose the following information:

- IDAS Development Application Forms Parts A, D, IDAS Checklist and Attachment 1 duly completed;
- Letter of Consent executed by Mecki Pty Ltd;
- Five (5) copies of the Town Planning Assessment Report prepared by CONICS Brisbane dated December 2009, including proposal plans and supporting information;
- Our client's cheque to the value of $16,916.00, which we understand to be the appropriate application fee, applicable as at 30/09/2010. The fee is calculated on the category of:
  - Impact Assessable Application;
  - Material Change of Use Regulatory Fees - Category G (13 to 30 units) - $16,994.00
  - Material Change of Use Regulatory Fees - Category C (Retail Use up to 500sqm GFA) - $1,416.00

We trust this information is sufficient for your purposes; however should you require any further details or clarification, please do not hesitate to contact the writer by telephone on 3237 8899.

Yours faithfully,

CONICS BRISBANE PTY LTD

SIMON POLLOCK
Principal – Senior Planner

Enc
Town Planning Report and Appendices

cc
Mr. Don Musto, Mecki Pty Ltd
GLADSTONE REGIONAL COUNCIL
GLADSTONE SERVICES
101 GOONDAN STREET
P.O. BOX 29
GLADSTONE Q.C.QLD 4680
PHONE: 07 4970 0700
ABN: 27 330 979 106

OFFICIAL RECEIPT/TAX INVOICE

Necki Pty Ltd
Cora Company (Brisbane) Pty Ltd
P.O. Box 1529
FORTITUDE VALLEY QLD 4006

AP PLAN/30/2009/
Application Receipt

Material Change of Use - I
Fee Act 14,994.00
GST Act (if taxable)

Material Change of Use - I
Fee Act 1,816.00
GST Act (if taxable)

Cheque Payment -16,810.00

TOTAL AMOUNT 16,810.00
AMOUNT TENDERED 16,810.00
CHANGE ISSUED

* INDICATES TAXABLE ITEM
If a Taxable Item Indicator (*) is not present, the Total GST = 0.00

RECEIPT NO: 1097737 16-DEC-2009
Town Planning Report

Development Application Superseded Planning Scheme for:
Development Permit for a Material Change of Use for 27 Multiple Dwellings (including caretaker's dwelling and ancillary office) and Shop and Preliminary Approval for Operational Work

23 & 25 Jeffery Court, Agnes Water

December 2009

urban growth and infrastructure
Comics Staff responsible for this report are:

Report Reviewer, Title  Simon Pollock
Date Reviewed: 15/06/07

Report Auditor, Title  Kate Sheehan
Date Reviewed:

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FIGURES
Figure 1 - Locality Plan
Figure 2 - Cadastral Plan
Figure 3 - Aerial photograph
Figure 4 - Strategic Plan Extract
Figure 5 - Zoning Plan Extract

APPENDICES
Appendix A – Owners Consent Letter, Community Title, IDAS Forms  Conics Pty Ltd
Appendix B – Architect Plans  Rothe Lowman
Appendix C – Copy of the Approved Plans and Consent Order  Planning and Environment Court
Appendix D – Civil Engineers Report  VDM Group Pty Ltd Ltd
Appendix E – Traffic Impact Assessment  TTM Consulting Pty

743 Ann Street, PO Box 1859, Fortitude Valley  QLD  4006  Phone 07 3237 8899 Facsimile 07 3237 8833
EXECUTIVE SUMMARY

This Town Planning Report has been prepared by Conics (Brisbane) Pty Ltd on behalf of Mecki Pty Ltd in support of a Development Application to Gladstone Regional Council under the Superseded 1997 Planning Scheme for the former Miriam Vale Shire Council. The application seeks a Development Permit for a Material Change of Use for 27 Multiple Dwellings (including caretakers dwelling and ancillary office) and Shop and Preliminary Approval (p.2.1.5) to carry out Operational Works (Excavation). The subject land is located at 29 and 25 Jeffrey Court, Agnes Water, more formally described as Lot 46 and 47 on RP613382, Parish of Uxbridge, County of Finders.

A Development Approval was granted over the subject site via the Planning and Environment Court on the 15 December 2006 following ‘without prejudice’ discussions with the former Miriam Vale Shire Council. The approval allows for a three storey residential development (containing 27 dwelling units), a small shop and semi-basement carpark to be constructed on the site.

The purpose of this Development Application is to obtain an approval for the same development, with the exception that the roof deck has been removed. The granting of the approval will provide the developer with 4 years to develop the site as intended by the original Consent Order.

More specifically and in accordance with the Consent Order, the proposed development will still contain 27 dwelling units and a small Shop approximately 25m² in size on the ground level of the development. The integrity of the design of the building has been retained, with the overall height of the building being reduced through the deletion of the rooftop recreation area and associated shade structured. Therefore, the overall height of the building has been reduced.

It is anticipated the Shop will contain a low-scale retail use and as per the previous approval, will have minimal impact on the surrounding residential environment. Moreover, the inclusion of the shop will assist with activating the frontage of the building and is consistent with the 'mixed use' intent for the site.

The semi basement is consistent with the layout approved in the Consent Order with the inclusion of 45 car park spaces, storage areas, a bike rack and bin storage areas. Bins will be moved to the road frontage by the building manager on the day of collection. The lift may be accessed from this basement providing direct access to the Multiple Dwellings and road level.

The development also has excellent access to public open space, being Tom Jeffrey Park and the main beach (opposite) for Agnes Water. This proximity to the park also means the development provides a benefit to the users of the park by way of casual surveillance.

The site is located within the Urban Zone and the Town Centre Preferred Land Use Area of the Strategic Plan of the Superseded Planning Scheme for the Shire of Miriam Vale (1997). Given the proposal is consistent with the current approval, it is submitted the Development Application is consistent with the provisions of the Superseded Planning Scheme to an extent deemed appropriate by the Consent Order.

The following contains an assessment of the proposed development in accordance with all relevant sections of the Superseded 1997 Planning Scheme and associated State Frameworks. The report also demonstrates the proposal remains consistent with the Consent Order.
## SUMMARY TABLE

| Address of Site: 23 & 25 Jeffrey Court, Agnes Water |
| Name of Ward: Agnes Water |
| Real Property Description: Lot 46 and 47 on RP613392 |
| Area of Site: 1.495ha |
| Strategic Land Use Category: Town Centre |
| Area Classification Superseded Planning Scheme: Urban |
| Name of Owner: Mocki Pty Ltd (refer to the Community Title located in Appendix E) |

### Type of Application:

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PA 3.1.8 ☐ yes ☑ no

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Referral Agencies:

- Community: ☑
- Local Councillor: ☐
- Other: ☑

### Brief Description / Purpose of Proposal:

Development Permit for a Material Change of Use for 27 Multiple Dwellings (including Caretakers Dwelling and ancillary Office) and Shop and Preliminary Approval for Operational Works (Excavation).

### Staged Development:

No

### Public Notification:

☑ no ☐ yes If Yes: ☑ 15 ☐ 30 business days

### Superseded Planning Scheme Application:

☐ no ☑ yes

### Assessment Manager / Council Officer Previously Involved:

Natalia Katona

### Applicant Contact Person:

Mr. Simon Pollock
Principals - Planning
Conics (Brisbane) Pty Ltd
PO Box 1559
Fortitude Valley QLD 4001

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1.0 SITE INFORMATION AND ANALYSIS

1.1 Physical Description

The subject site is located at 23 and 25 Jeffery Court, Agnes Waters and is formally described as Lots 46 and 47 on RP813382. A single storey dwelling is located on each lot. Both dwellings have associated outbuildings. All existing structures will be demolished as part of this development.

1.1.1 Topography and Vegetation

The subject site is flat and while the site is vegetated around the boundaries, it does not contain any significant vegetation. However, the existing mango tree located to the adjacent to the front boundary will be retained and the development will be enhanced with additional landscaping to provide a positive contribution to the streetscape. Indicative landscaping is demonstrated on the Architect Plans located in Appendix B.

1.1.2 Site Frontage

The subject site fronts Jeffery Court and has a total road frontage of 41 metres.

1.2 Existing Uses

The subject site is generally currently used for residential purposes and is occupied by two single-storey residential dwellings and associated utility sheds.

1.3 Context

North: Tom Jeffery Park is located to the north of the site on the opposite side of Jeffery Road and has an area of 1,446sqm. Tom Jeffery Park provides direct access to the beach. Adjacent to this Park is land previously used for a caravan park that has not been in operation for the last couple of years. A recent approval has been granted by Council (1 December 2009) to allow the caravan park to be refurbished and recommence operation.

East: A vacant allotment exists to the east of the site which is heavily vegetated as indicated on site photos provided with the Architect Plans (Drawing No. TP1.02K located in Appendix B).

South: Single storey dwellings are located to the south of the site. These dwellings are located approximately 16 metres from the rear boundary of the subject site.

West: A two-storey dwelling is located to the west of the site. This dwelling is setback approximately 5 metres from the adjoining boundary.

It is also noted that an approval has been granted at 4 Jeffery Court (to the south) that will allow a three storey residential development to be developed on the site. This is complemented by an existing unit development at 23 Agnes Street (approximately 200m to the south-west) known as ‘Agnes Water Beach Club’. This three storey development provides short term tourist accommodation to the area.
2.0 PRE-APPLICATION HISTORY

2.1 Development Approval by Consent Order

In June 2005, the Applicant applied, over the subject site, for a Development Permit for a Material Change of Use for 30 Multiple Dwellings. Council subsequently refused the Application on 27 January 2006 (File No. DA/05/6033) based on the proposals height, impact upon the visual amenity of the locality and inconsistency with the character of the locality.

The Applicant appealed Council’s decision and on 15 December 2006, as a consequence of ‘without prejudice’ negotiations with Council, received an approval via the Planning and Environment Court (located in Appendix C). As a result of the discussions with Council, the initial development proposal was reduced to 21 units (including a caretaker’s dwelling and auxiliary office) and a small shop. Changes to the original development proposal also included a revised basement car park layout, improved articulation to the rear façade of the building (through additional recesses) and increased building setback to the east.

The proposed development that is being applied for through this new Development Application will remain consistent with the current approval. However, it is noted the previously approved Rooftop Deck, Pool and BBQ Area as been removed from this application to further reduce the overall height and scale of the development. The table below compares the development statistics of the current approval and the proposed development.

<table>
<thead>
<tr>
<th></th>
<th>Current Approval</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Area</td>
<td>1,466m²</td>
<td>1,466m²</td>
</tr>
<tr>
<td>GFA</td>
<td>2,367m²</td>
<td>2,367m²</td>
</tr>
<tr>
<td>Site Cover</td>
<td>1,218m² / 84.23%</td>
<td>1,218m² / 84.23%</td>
</tr>
<tr>
<td>Number of Units</td>
<td>21 + Shop</td>
<td>21 + Shop</td>
</tr>
<tr>
<td>Unit Configuration</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td># Bedrooms</td>
<td># Dwellings</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Number of Stories</td>
<td>3 + semi-basement + roof deck</td>
<td>3 + semi-basement</td>
</tr>
<tr>
<td>Number of Car parks</td>
<td>45</td>
<td>45 (including 1 disabled car space)</td>
</tr>
</tbody>
</table>

Based upon the above, the proposal is generally consistent with the existing Development Approval.
3.0 PROPOSAL

3.1 General Description of Proposal

The proposed development consists of a semi-basement and three (3) floors of residential living, Caretakers Dwelling (including ancillary office) and a small Shop. This outcome has been derived through consideration of:

- The existing site opportunities and constraints;
- The site orientation;
- The existing amenity of the area and nature of adjoining uses;
- The requirements of the end users; and
- The Planning Scheme requirements.

A detailed proposal package has been prepared and is located in Attachment B of this report.

The proposed development of 27 units will deliver a variety of housing products ranging from one (1) bedroom and one (1) bathroom dwellings to three (3) bedroom dwellings, although the majority of units will be 2 bedroom to respond to market demand. A mixture of floor plates and unit designs have been incorporated into the development to cater for the needs of visitors, semi-permanent residents and permanent residents.

A Shop with an approximate area of 25m² will be located on Ground Level and will provide small-scale retail activities for the future residents of the Multiple Dwellings. The shop will also promote the activation of the street level of the development.

Access to the semi-basement car park level is via a single crossover providing direct access to Jeffrey Court. The proposed driveway will utilise the existing crossover and is demonstrated on Perspective 02 (Drawing No. TP1.04K located in Appendix A). The basement level contains 45 residential car parks including a disabled car space. Twenty-eight (28) car spaces will be provided as tandem parking, which will be allocated to the two (2) and three (3) bedroom units. A single car parking space will be allocated to the remainder of the units and Shop. The allocation of the car parking spaces will be specified in the Body Corporate By-laws and monitored by the on-site manager.

The tandem car parking arrangements will provide one car space for the resident and one car space for their visitor.

The design of the proposed development has sought to:
- Retain the existing mango tree which will define the pedestrian entry;
- Utilise the existing vehicular crossover which will be separate from the pedestrian entry;
- Orientate most units toward Tom Jeffrey Park and a northern aspect;
- Eliminate overlooking towards the southern boundary a 5 units are orientated to the north and screening devices are proposed; and
- Minimise overshadowing to the southern boundary;
3.2 Proposal Detail

3.2.1 Development Statistics
The following table details the proposed configuration of the Multiple Dwellings.

<table>
<thead>
<tr>
<th>Level</th>
<th>Multiple Dwellings</th>
<th>Total Dwelling Units</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 bedroom</td>
<td>2 bedroom</td>
</tr>
<tr>
<td>Ground Level</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Level 01</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td>Level 02</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>1</td>
<td>25</td>
</tr>
</tbody>
</table>

The proposal will also include a 25m² Shop that will be located on the Ground Level.

3.2.2 Vehicle Access
Vehicles will gain access to the semi-basement on-site from Jeffery Court on the northern eastern corner of the road frontage via an existing crossover. Vehicles will enter and exit the site via the same access driveway.

In accordance with the Off-Street Car Parking Policy, the proposed vehicle access point will operate efficiently and safety to minimise conflicts. As demonstrated in the Traffic Impact Assessment prepared by TTM Consulting (located in Appendix E), consideration has been given to the amount and type of vehicular traffic, the type of use and road traffic conditions and current and future on-street parking.

This arrangement of access and egress is demonstrated on the Basement Floor Plan (Drawing No. TP1.08/N located in Appendix B). This arrangement will adequately service the proposed development providing sufficient area to ensure the vehicles can manoeuvre within the bounds of the site and exit in a forward motion.

3.2.3 Vehicle Parking
The proposed development will provide a total of 45 car park spaces including one (1) disabled car space located within the semi-basement. The proposed car parking layout is demonstrated on the Basement Floor Plan (TP1.08/N located in Appendix B).

The car parking provided is consistent with the existing approval and is considered to be appropriate for the form of development being proposed. All units will be provided with a minimum of 1 car space, with tandem car parking being provided to the two (2) and three (3) bedroom units.

A car parking space is being allocated to the proposed shop, with the remaining two (2) car parking spaces being allocated as visitor spaces. The disabled parking space will remain unallocated for use by both the shop and residential component of the development. This aspect of the development is discussed in greater detail in Section 4.3.4 of this report.
3.2.4 Recreation Areas & Open Space
All Multiple Dwellings, except for Dwellings No. 1.04, 1.05 and 2.01, 2.04 and 2.05 are provided with their own recreation area in the form of a BBQ Terrace. Those units without a dedicated terrace have large bi-fold doors that open to the northern aspect of the development. Despite the absence of the terrace, these units are still afforded with the same experience. This design feature merges the outside with the inside of the unit and assists with articulating the exterior façade of the building to enhance the visual appearance of the building when viewed from the street.

In addition, the development is located approximately 30m from Tom Jefferay Park and the beach, which will provide the majority of the recreational opportunities for those staying in the building.

All dwellings are also provided with large openings maximising opportunity for cross-ventilation. All openings are provided with adequate screening in the form of lightweight timber with operable openings allowing for sun protection, privacy, shadow patterns, visual interest and a softened glow from within at night.

The proposed development provides considerable pedestrian movement areas forming areas of communal open space as well as a vegetated nature strip located at the site frontage. Setbacks surrounding the proposed building provide vegetated landscape areas of open space.

3.2.5 Service Arrangements
As demonstrated in the updated Civil Engineer Report (located in Appendix D), the subject site is currently connected to Council’s reticulated water and sewerage, stormwater drainage and electricity and telecommunications.

3.3 Summary and List of Supporting Specialist Reports
The following specialist reports have been conducted by associated consultants and are reflected in the overall proposal design.

3.3.1 Civil Engineering Report
Barlow Gregg and Associates Pty Ltd prepared a Civil Engineer Report for the existing approval. VDM Group Pty Ltd has subsequently been requested to update the approved report which is located in Appendix D. The report confirms the site is adequately serviced to cater for the proposed development.

3.3.2 Traffic Impact Assessment
TTM prepared a Traffic Impact Assessment for the existing approval. TTM have subsequently updated the approved report which is located in Appendix E. A copy of the original traffic assessment is also included for Council’s information.

In 2005, TTM found that additional traffic generated by the development would not have an adverse effect on the operation of the surrounding road network. Additionally, the report found the number of car spaces provided would adequately meet the demand of the development and could be satisfactorily incorporated on the site and traffic and parking demand could be accommodated on the surrounding network.

Having updated the Traffic Impact Assessment, TTM has concluded that “…no significant issues were found in relation to the development traffic impacts, servicing and pedestrian provisions”.

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4.0 ASSESSMENT FRAMEWORK

The subject land is located within the Gladstone Regional Council and is subject to the provisions contained in the former Miriam Vale Shire Planning Schemes. In this instance, the application has been made against the 1997 Planning Scheme (the Superseded Planning Scheme).

The ability to lodge an application for assessment against the 1997 Planning Scheme is linked to the compensation provisions under Part 4 of the IPA. In particular, Section 5.4.2 of the IPA requires the Applicant to submit a Development Application to demonstrate a genuine intent to develop the land. In lodging this application, Council has the discretion to decide whether it will assess the application against the Superseded 1997 Planning Scheme or the current 2009 Planning Scheme. If it is decided to assess the application against the 1997 Planning Scheme (as requested), Section 3.5.5(4) of the IPA states:

"(4) the assessment manager must assess and decide the application as if—
   (a) the application were an application to which the superseded planning scheme applied; and
   (b) the existing planning scheme was not in force; and
   (c) for chapter 5, part 1, the infrastructure provisions of the existing planning scheme applied; and
   (d) for section 6.1.31, the existing planning scheme policy or planning scheme provision applied."

In light of Section 3.5.5(4) of the IPA, the proposal as been assessed against the provision of the 1997 Planning Scheme (refer to Section 4.3 of this report).

4.1 State Framework

The purpose of the Integrated Planning Act 1997 (IPA) is to achieve ecological sustainability by coordinating planning at all levels of government and by managing the development process as well as the impact of development.

The subject site is located within the former Miriam Vale Shire area, which is listed in State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils (SPP 2/02), and the site is located below 20mAHl. The outcomes of SPP 2/02 are applicable to the subject site.

In addressing Outcome 1 of SPP 2/02, when excavating the site during construction, the release of acid and associated metal contaminants into the environment will be managed by the testing and treating of spoil and drainage waters as required.

An Acid Sulfate Soil management plan will be developed and implemented as part of the operational works phase of the development and can be conditioned accordingly.

4.2 Regional Framework

The Gladstone Regional Council (former Miriam Vale Shire) area is not included in a Regional Framework.
4.3 Local Framework – 1997 Planning Scheme

4.3.1 The Strategic Plan – Town Centre
The preferred land use structure is included on the Strategic Plan Maps 1 to 8. The land use categories do not confer development rights to individual sites but rather provide guidance as to the nature and location of future development.

Regardless of the preferred land use category, Councillors intentions are supported by four broad aims:

Land Use Management
The proposed development is appropriately located within the Agnes Waters Town Centre locality. This development will reinforce the role of Agnes Waters as a Town Centre and holiday destination. Accordingly, the proposed development achieves this Strategic Plan aim.

Economic Development
The proposed development will promote urban growth and the development of tourism and recreational facilities within Agnes Waters. The development is located within the existing urban fabric of the town and will support the appropriate growth and development of Agnes Waters. Accordingly, the proposed development achieves this Strategic Plan aim.

Social and Economic Wellbeing
The proposed development enhances the social and economic wellbeing of the broader community as it:
- Is an appropriate use for this locality;
- Can be adequately accessed and serviced by the existing road and infrastructure network;
- Provides for a diversity of housing types and;
- Will encourage employment opportunities and development of community services to support a strong and viable community.

Environment
The proposed development will enhance the local residential environment, through the implementation of appropriate design and extensive landscaping. Stormwater Management Plan and Acid Sulfate Soil Management Plan will be prepared and implemented as part of the Operational Works Phase. These matters can be conditioned accordingly.

Culture and Lifestyle
The proposed development attempts to build on the unique coastal culture and lifestyle that currently exists in Agnes Waters. The proposed development has been designed to build upon the northerly aspect of the site and its views over the new caravan park to the beach and ocean.

4.3.2 Strategic Plan - Preferred Land Use Structure - Agnes Waters/Seventeen Seventy
The subject site is located within the Town Centre Area. The purpose of land included in the Town Centre Area is to:

"...function as the ‘heart’ of town providing a visitor ‘focus’ for Agnes Waters which contains a wide range of appropriate retailing outlets, commercial offices, community facilities, catering establishments and entertainment and recreational facilities.

It is also intended that the town centre would provide for significant visitor and other accommodation by way of mixed use development incorporating motel and other accommodation."

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The proposed development complies with the intent for the Town Centre designation. The proposal reinforces the role of Agnes Waters as the 'heart' and Tourist Hub for the area. The proposed development will provide for a range of accommodation styles that cater for visitors, semi-permanent and permanent residents. While the development only proposes a small-scale retail shop, the nearby Endeavour Plaza shopping centre incorporates sufficient commercial activities that will provide suitable shopping and dining opportunities within easy walking distance for future residents and visitors of the development.

Reflective of Council's intents of the Town Centre Area, the Planning Scheme also provides the following guidance for preferred development, of which has been responded to in accordance with the proposed development.

<table>
<thead>
<tr>
<th>Preferred Development Intent</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred development within the town centre area shall be that which provides for a mix of commercial and residential uses commensurate with the role of the town centre in providing a visitor focus and heart for Agnes Water for both visitors and the local community.</td>
<td>The proposed development provides accommodation for visitors, semi-permanent and permanent residents. A small shop is proposed as part of this development. The nearby Endeavour Plaza shopping centre is considered to provide sufficient commercial tenancies to cater for the local market.</td>
</tr>
<tr>
<td>Residential uses shall provide for a wide range of accommodation types catering for both visitors, semi-permanent and permanent residents.</td>
<td>The proposed development will provide accommodation for visitors, semi-permanent and permanent residents. Individual title owners will choose how they intend to manage and let their units.</td>
</tr>
<tr>
<td>Commercial uses shall provide for a wide range of retailing, offices, community facilities catering establishments and entertainment and recreation facilities commensurate with the intent of the town centre area.</td>
<td>A small shop is proposed as part of this development consistent with the mixed use intent for land in the Town Centre area. The use will not impact on surrounding residential uses (due to its size) and will ensure the proposed development is in keeping with the surrounding residential environment. This development will utilise other existing and proposed commercial activities in the nearby town centre.</td>
</tr>
<tr>
<td>Mixed use developments incorporating both residents and commercial components.</td>
<td>As above, the proposed development will incorporate a small-scale shop, which is expected to have little impact on the surrounding residential environment. The proposed development will be predominately serviced by the commercial uses in the Endeavour Plaza located approximately 200m to the south-west of the site on the corner of Captain Cook Drive and Agnes Street.</td>
</tr>
<tr>
<td>In general, a height limitation of two storeys shall apply although this may be increased by the addition of a third (residential) storey.</td>
<td>In keeping with the intent of this locality, the proposed development will be limited to three (3) storeys of residential development.</td>
</tr>
<tr>
<td>All development shall incorporate a high standard of urban design, in accordance with the Focal significance of the town centre area, particularly in respect of building design, streetscape and open space elements.</td>
<td>A high standard of urban design and finish will be incorporated as part of this development. The design has considered the amenity impacts in the streetscape, adjoining properties and the Agnes Waters locality. This development has been designed to reinforce the role of Agnes Waters as an important tourist destination.</td>
</tr>
</tbody>
</table>

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The existing bushland appearance of the town centre, when viewed from the crest of Round Hill Road, immediately south of the area, shall be retained and enhanced through the incorporation of appropriate design elements in all development.

The existing bushland appearance will not be significantly impacted upon given the intent for the Jeffery Court locality to be developed for mixed use development up to 3 storeys in height. As demonstrated on the Architect Plans located in Appendix B, where possible, the proposed development will maintain vegetation on-site creating a desirable 'bushland' setting surrounding the building.

Inappropriate development includes any development which:
- is not in accordance with the intent of the area;
- does not contribute to the desirable local character;
- is likely to affect detrimentally the local amenity; or
- is likely to have a significant adverse impact on the environment.

The proposed development is in accordance with the intent for development in this locality, will contribute positively to the local character, does not have an adverse impact on the environment, and as demonstrated on the proposed Architect Plans located in Appendix B, will not have an adverse impact on the local amenity.

4.3.3 Area Classification - Urban Zone

The Plan area is divided into two zones, being the Urban Zone and the Rural Zone. The subject site is included within the Urban Zone. The intent of the Urban Zone is to provide for urban development, including:

a) residential development and other development which supports residential development;
b) retailing, commercial and business development;
c) industrial and associated development; and
d) open space, recreational and tourist development.

The proposed development provides for a diversity of residential development types meeting the varied needs of the population incorporating appropriate design elements maintaining the general amenity of the urban area.

The proposed development is considered a residential and tourist development. Therefore, it satisfies the intent of the Urban Zone. The Table of Development notes that a Multiple Dwelling will be Impact Assessable in the Urban Zone.

Part 4 of the Planning Scheme identifies development requirements for the Shire. The relevant provisions are addressed in Section 4.3.4 of this report.

4.3.4 Special Requirements in Relation to Development

Drainage and Filling

The proposed development will comply with Council's requirements and local laws and relevant local planning policy relating to drainage. These matters can be addressed in the Operational Works phase of the development and conditioned accordingly. However, based upon the engineering reporting provided to date, all stormwater will be discharged to Jeffery Street and can be accommodated by the existing stormwater infrastructure in Jeffery Court and Agnes Street.

No filling is proposed as part of this development.

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Lighting
Any external lighting will be orientated and designed in such a way so as not to affect the amenity of adjoining or neighbouring premises as a result of glare or light overspill from any light source.

Parking and Access
In accordance with the Off-Street Car Parking Policy, the proposed development will require the following car parking provisions:

<table>
<thead>
<tr>
<th>Units</th>
<th>No. of units</th>
<th>Spaces per Unit</th>
<th>No. of Car Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Two bedrooms</td>
<td>25</td>
<td>2</td>
<td>50</td>
</tr>
<tr>
<td>Three bedrooms</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Visitor</td>
<td>1 per 10 units</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Boat Trailer Space</td>
<td>1 per 20 units</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>1 per 15m² GFA</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27 + Shop</strong></td>
<td><strong>45</strong></td>
<td></td>
</tr>
</tbody>
</table>

*For more than 20 units, 1 unit space is required*

The proposed development of 27 Multiple Dwellings and a Shop incorporates 45 car parking spaces including a disabled car space, all of which are undercover. As previously discussed, each unit will be allocated at least one car park as illustrated below:

<table>
<thead>
<tr>
<th>Units</th>
<th>No. of units</th>
<th>Spaces per Unit</th>
<th>No. of Car Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>One Bedroom Unit</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Two Bedroom Units</td>
<td>12</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>Three Bedroom Units</td>
<td>1</td>
<td>2 (tandem)</td>
<td>2</td>
</tr>
<tr>
<td>Visitor</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Shop</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>27 + Shop</strong></td>
<td><strong>45</strong></td>
<td></td>
</tr>
</tbody>
</table>

The proposed car parking layout is identical to that of the existing approval and the car parking policy that was in place at the time the approval was granted. At that time car parking rates required 1.5 car spaces per unit and 3 car spaces per 50m² of Gross Floor Area for a shop. Therefore, a total of 44 car spaces (41 residential car spaces and 3 commercial car spaces) were required.

It is however acknowledged that prior to the commencement of the 2009 IPA Planning Scheme for the former Miriam Vale Shire Council, a new car parking Planning Scheme Policy was adopted by Council. The policy increased the number of car parking spaces required per unit and required the inclusion of boat parking.

Based upon the size of the allotment and the need to provide a semi-basement car parking to service the development, the provision of boat trailer parking is not considered to be appropriate due to the area required to manoeuvre the car and trailer within an allotment of this size. It is also understood the Applicant does not believe boat trailer parking will be required given the proposed residents will range from visiting holiday-makers to semi-permanent residents. It is the Applicant’s understands that a large number of people will arrive by vehicle and not use a boat as a full-time resident would, nor would they need to use their private vehicle, preferring to walk to the commercial facilities in the locality.
More importantly, as the development will primarily be used for tourist and semi-permanent accommodation, it is submitted to Council that the development will not generate the traffic volumes traditionally associated with a Multiple Dwelling. Rather, the proposal will more likely generate traffic volumes of a short term holiday accommodation use reflective of the proposed car parking solution to be provided as outlined above. This has been addressed in greater detail in the Traffic Impact Assessment Report prepared by TTM Consulting and located in Appendix B.

It should be noted that for comparative purposes, consideration has been given to the car parking requirements for a Multiple Dwelling under the 2006 Gladstone City Council’s Planning Scheme (Gladstone Plan). In accordance with this plan, car parking requirements include the provision of 1 car space per unit plus 1 visitor car space per 2 units. This car parking rate would generate a demand for 41 car spaces.

In light of the above, it is submitted to Council that the 45 car spacing spaces provided is suitable for the density of development being proposed.

The Basement level will also contain individual storage area for each unit, so people can store recreational equipment such as surf equipment, golf clubs etc.

Building Lines

As demonstrated on the Architect Plans located in Appendix B, the development will comply with the building lines as prescribed in the Building Code of Australia.

Residential Development

Development for multiple dwellings must address the requirements of Section 4.7.5 of the Planning Scheme. These matters are addressed in the table below.

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedicate land or make monetary contributions for park purposes in accordance with the Act and the relevant local planning policy.</td>
<td>A monetary contribution in lieu of parkland is to be provided. This matter can be adequately addressed via a condition of approval.</td>
</tr>
<tr>
<td>Comply with the requirements of the Building Code.</td>
<td>As demonstrated on the Architect Plans located in Appendix B, the proposed development complies with the requirements of the Building Code of Australia.</td>
</tr>
<tr>
<td>Comply with the residential design standards specified by Council having regard to the Model Code and the nature of the development.</td>
<td>The proposed development has been designed to achieve the best possible architectural and amenity outcomes that are contained within the Model Code.</td>
</tr>
<tr>
<td>Comply with the requirements of a Plan of Development where approved by Council.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>In the case of a dwelling house, be limited to 1 dwelling house on each allotment except where Council otherwise approves the construction of an additional dwelling house.</td>
<td>Not applicable.</td>
</tr>
<tr>
<td>Incorporate adequate provisions for water supply, which may include on-site storage facilities, to the satisfaction of Council.</td>
<td>The proposed development can be adequately serviced by infrastructure. This is discussed further in the Civil Engineer Report located in Appendix B.</td>
</tr>
</tbody>
</table>

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4.3.5 Urban Design and Environmental Aspects

Building Design – Section 4.11
The envelope of the building is consistent with that of the approved building footprint and is articulated to enhance the visual amenity of the streetscape by:

- Minimising the perception of height by expressing horizontal elements and double height screens;
- Building setbacks increase for each of the upper levels, particularly on the southern facade of the development;
- Recessing and articulating of the building corners;
- Stepping in of the upper levels;
- Articulation of the building facades with screens and deep recesses;
- Planting integrated with architecture and;
- Creating a solid podium base to the building.

The Jeffery Court facade consists of two double height screens mounted on a ‘track’ that appear to be ‘in tension’ with each other. User requirements animate this facade resulting in a constantly shifting appearance. Beyond these screens, deep reveals articulate the facade creating depth and visual interest. With respect to building materials, the design is conceived as a series of screens and masses that respond to:

- The users requirements;
- Climatic considerations;
- Site opportunities; and
- Limits the use of reflective material.

The screens appear as perforated light weight timber with operable opening allowing for sun protection, privacy and cross ventilation. The building elements are united by an entry colonnade that appears to slice through the building allowing for:

- Definition of pedestrian entry;
- Unification of building elements;
- Reinforcement of a 2 storey element; and
- Opportunity for colour to improve the visual appearance of the development.

Environmentally Sustainable Design has been incorporated by:

- Maximising cross ventilation opportunities to minimise demand on mechanical ventilation;
- Extensive sun-shading to the north and west facade;
- High thermal mass opportunities; and
- Naturally ventilated car park.

String of Buildings and Structures – Section 4.12
The building has been designed and sited to ensure:

- There is no scarifying of the landscape;
- The existing mature mango tree will be retained to assist with retaining the ‘bushland’ appeal of Agnes Waters;
- The amenity of adjoining premises is retained. The shadow diagrams (Drawing No. TP4.01.1, TP4.02.1, TP4.03.1, TP4.04.1 and TP4.05.1 located in Appendix B) presented as part of this proposal indicate that the effects of overshadowing are limited. Furthermore, there is not direct overshadowing of adjoining properties;

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The proposed development is setback in line with the existing dwelling on-site. This setback facilitates an active streetscape that will be enhanced through the implementation of a dense landscaping concept and enhancement of the public footpath;

- The site is not identified as a culturally or environmentally significant site;
- The landscaping elements preserve the bushland appeal of Agnes Waters and is in keeping with other similar developments in the vicinity and what would be reasonably expected in a 'Town Centre';
- The proposed development can be adequately serviced with water and sewer;
- The proposed development does not impact on the amenity and environmental characteristics of the adjacent Tom Jeffery Park. This development will present an attractive front to the parkland.

It should be noted that the proposal plans include a visual assessment of relevant site characteristics including landform and vegetation and the manner in which the development incorporate design features to ensure the maintenance and enhancement of the local amenity and environment.

Transport Corridors - Section 4.13
The Traffic Report prepared by TTM Consulting is located in Appendix E of this report. The Traffic Impact Assessment has been conducted to demonstrate that the proposed development does not impact on the functional characteristics of the roadways.

Open Space and Linkages - Section 4.14
The proposed development is located opposite Tom Jeffery Park to the north, which is primary access point to the beach. The proposed development improves the casual surveillance available to users of the park, improving public safety, while not detracting from its natural aesthetic appeal.

Landscaping Works - Section 4.15
The proposed Architect Plans identify indicative landscaping treatment to be utilised throughout the development. However, the intention of the landscaping concept is to:

- soften the interface with the street;
- soften the interface with the adjacent properties;
- aid in the prevention of overlooking of adjoining properties;
- create aspect for all apartments; and
- blend with the existing streetscape.

This is achieved by:

- transplanting palms on the existing site to proposed landscaping areas;
- introduction of additional mature plants;
- planting out the nature strip (include the construction of new footpath); and
- use of internal planter boxes.

A landscape plan can be prepared and submitted at the Operational Works Phase of the development and can be conditioned accordingly.

743 Ann Street, PO Box 1065, Fortitude Valley QLD 4006 Phone 07 3237 8839 Facsimile 07 3237 8833
5.0 REFERRAL AGENCIES

5.1 Table of Referral Agencies

<table>
<thead>
<tr>
<th>Referral Agency</th>
<th>Trigger</th>
<th>Referral Agency Codes</th>
<th>Critical Issues relevant</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Department of Environment and Resource Management (Advice Agency)</td>
<td>RP Regulation, Schedule 2, Table 3, Item 4, State Planning Policy 2002, Planning and Managing Development Involving Acid Sulfate Soils, Section 3.5</td>
<td>N/A</td>
<td>The surface of the land is below 20m AHD and the development involves the excavation of 1,000m³ or more of soil</td>
</tr>
</tbody>
</table>

6.0 OTHER MATTERS

6.1 Draft Queensland Coastal Plan

The draft Coastal Plan has been released for comment and includes the Draft State Planning Policy Coastal Protection (draft SPP). While the draft SPP is yet to come into force, consideration has been given to the potential impacts of the draft SPP on the subject site.

The subject site is mapped as being within the ‘Terrestrial Coastal Zone’ and is not located within the Coastal Management District. In accordance with Section 2.8 (a)(iv) of the draft SPP, the policy is applicable for development that “…would result in building work within 500m of the coastline unless there are existing built structures on a lot seaward of the development site and the seaward lot is not State coastal land”.

While the subject site is located within 500m of the coastline, a caravan park exists on a freehold lot located between the subject site and the coastline (refer to Figure 2 – Cadastral Plan). Given there are structures associated with the caravan park (while not currently in operation), we are of the opinion the draft SPP does not apply to the subject site.
**CONCLUSIONS AND RECOMMENDATIONS**

This Town Planning Report has been prepared by Conics (Brisbane) Pty Ltd on behalf of Meckl Pty Ltd in support of a Development Application to Gladstone Regional Council against the Superseded 1997 Planning Scheme for the former Miriam Vale Shire Council. The application seeks a Development Permit for a Material Change of Use for 27 Multiple Dwellings (including Caretakers Dwelling and ancillary Office) and Shop and Preliminary Approval (a.3.1.8) to carry out Operational Work (Excavation). The subject land is located at 23 and 25 Jeffery Court, Agnes Water, more formally described as Lot 46 and 47 on RP613382, Parish of Ubridge, County of Flinders.

The Development Application has been lodged with Council requesting an approval that is consistent with the existing Consent Order over the site. This will provide the Applicant with an additional 4 years to develop the subject site. This approach is considered more appropriate than persisting a request to extend the Currency Period.

As the proposal is consistent with the existing Consent Order, the proposed development still seeks to develop the site for Multiple Dwelling containing 27 units and a Shop. Rothe Lowman Architects have designed the proposed building in a manner which responds to and reflects the intents of the Urban Zone and the orientation of the site. The proposal is considered to be a development of suitable bulk and scale for a development of this nature in this Zone.

The foregoing analysis illustrates the proposed Multiple Dwelling development is consistent with the existing approval over the site and the provisions of the former Miriam Vale Shire Council’s Superseded 1997 Planning Scheme. In this regard the following conclusions can be drawn:

- The proposed development is appropriately located within the Agnes Waters Town Centre locality;
- The proposed Multiple Dwelling development can be supported in accordance with the intent of the Strategic Plan’s Town Centre designation;
- The proposal is in accordance with and satisfies the intent of the Urban Zone by providing a residential and tourist development;
- The proposed development in terms of design, height, setback and use of materials complies with Council’s requirements for the Urban Zone and the Agnes Waters locality; and
- The proposed development displays compliance with the current approval and Consent Order over the site.

It is acknowledged that a change in car parking policy following the approval that currently exists over the site has increased the car parking requirement for the development. However, it is submitted the analysis provided above and in the traffic report demonstrates the car parking proposed to service the development is sufficient for the form of residential living being proposed.

In light of the above, it is recommended the application for a Material Change of Use – 27 Multiple Dwelling Units (including Caretakers Dwelling and ancillary Office) and a Shop over land at land at 23 and 25 Jeffery Court, Agnes Waters, described as Lot 46 & 47 on RP613382 be approved subject to reasonable and relevant conditions.
APPENDIX A

Owners Consent Letter, Certificate of Title & IDAS Forms

Prepared by
Conics (Brisbane) Pty Ltd
Dear Sir / Madam,

RE: LETTER OF CONSENT OF OWNER FOR DEVELOPMENT APPLICATION
23 & 25 JEFFERY COURT, AGNES WATER
LOT 46 & 47 ON RP613382

We, the undersigned, on behalf of Mecki Pty Ltd, hereby consent to the lodgement of the necessary Applications for the development of 27 Multiple Dwellings and 26m² Shop located at 26 & 25 Jeffery Court, Agnes Water more formally described as Lot 46 & 47 on RP613382.

Yours faithfully,

[Signature]
Date: 4/12/09

The ACK must be signed and accompanied by:
- The signature of:
  - Two directors of the company
  - A director and a company secretary of the company
  - A proprietary company that has a sole director who is also the sole company secretary, that director

OR
- The company seal if the company has a common seal) witnessed by:
  - Two directors of the company
  - A director and a company secretary of the company
  - For a proprietary company that has a sole director who is also the sole company secretary, that director.
CURRENT TITLE SEARCH
ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND
Request No: 8125208
Search Date: 03/12/2009 11:13
Title Reference: 30457132
Date Created: 19/01/1979

Previous Title: 30400247

REGISTERED OWNER
Dealing No: 709020745 30/09/2005
MECKI PTY LTD A.C.N. 113 181 178

ESTATE AND LAND
Estate in Few Simple
LOT 46  REGISTERED PLAN 613382
County of FLINDERS Parish of UXBRIDGE
Local Government: GLADSTONE

EASMENTS, ENCUMBRANCES AND INTERESTS
1. Rights and interests reserved to the Crown by
   Deed of Grant No. 10698983 (FOR 362)
2. MORTGAGE No 709020746 30/09/2005 at 12:29
   AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005
   357 522

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No
Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (ENVIRONMENT AND RESOURCE MANAGEMENT) [2009]
Requested By: D APPLICATIONS APP

CURRENT TITLE SEARCH
ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND

Request No: 8125209
Search Date: 03/12/2009 11:13

Previous Title: 30460247

DEALING NO: 709339523 03/02/2006

NEXT PTY LTD A.C.N. 113 181 178

ESTATE AND LAND

Estate in Fee Simple

LOT 47  REGISTERED PLAN 613382

County of FLINDERS  Parish of UKBRIDGE

Local Government: GLADSTONE

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
   Deed of Grant No. 10000032 (from 38d)

2. MORTGAGE No 709339523 03/02/2006 at 15:23
   ST GEORGE BANK LIMITED A.B.N. 92 055 513 070

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (ENVIRONMENT AND RESOURCE MANAGEMENT) [2009]
Requested By: D APPLICATIONS ABR

### Form 1 Development Application

#### Part A

**Common details**

**NOTE:** Answer all questions unless directed to go to a particular question. Refer to the end of the form for advice on how to complete this form.

**Applicant details** (The Applicant is the person responsible for making the application and must not be the owner of the land. The Applicant is responsible for ensuring the information provided in this DAIS Application is accurate. This information is to be supplied by the Applicant and not the developer or any other party. The Applicant is aware and understands the obligations imposed by the Development Approval (DA) which may include in the absence of compliance the DA will lapse and the Applicant. The Applicant agrees to comply with any development approval that may be issued in the absence of the Applicant or if the Applicant is not the owner of the land.)

- **Company/organisation name (if applicable):** [Mecki Pty Ltd (C-Comics BRISBANE) Pty Ltd]
- **Individual applicant/Contact person:** [If there is more than one applicant, provide additional applicant details on an attachment to this form]

<table>
<thead>
<tr>
<th>Title</th>
<th>Mr.</th>
<th>First name</th>
<th>Simon</th>
<th>Last name</th>
<th>Pollock</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal address</td>
<td>Cl: PO Box 1585, Fortitude Valley, QLD. 4001</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contact telephone number</td>
<td>(07) 3936 6505</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facsimile number</td>
<td>(07) 3237 6833</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobile phone number</td>
<td>0439 001 696</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E-mail address</td>
<td><a href="mailto:simon.pollock@comics.com.au">simon.pollock@comics.com.au</a></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Details of the premises** (if the land on which the development is proposed is to be the subject of the development)

1. Identify the premises by completing Table A, B. or C (where applicable information is given to identify the premises).

#### Table A

- If the application is for a mobile and temporary Environmentally Relevant Activity (ERA), complete Table A only. Then go to Q2.

<table>
<thead>
<tr>
<th>Name of each local government area in which the mobile and temporary ERA is proposed to operate</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
</tr>
</tbody>
</table>

**OR**

- **Table B** Street address for the premises (for applicable blocks below and record property description in the table. Identify each lot in a separate row)

<table>
<thead>
<tr>
<th>Unit</th>
<th>Street</th>
<th>Lot No.</th>
<th>Strata name get official subdivisionally name</th>
<th>Part Code</th>
<th>Local government area (for same area)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Jeffrey Court, Agnes Water</td>
<td>101</td>
<td>101A</td>
<td>407</td>
<td>Sunny Coast Regional Council</td>
</tr>
<tr>
<td>2</td>
<td>Jeffrey Court, Agnes Water</td>
<td>201</td>
<td>201A</td>
<td>417</td>
<td>Sunny Coast Regional Council</td>
</tr>
</tbody>
</table>

**AND**

- **Table C** Coordinates and/or a map of the premises (appropriate for development in non-metropolitan areas, not part of a lot in water (eg. channel development in Murphys Map 12-1.)

<table>
<thead>
<tr>
<th>Coordinates</th>
<th>Zone Reference</th>
<th>Datum</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Easting</td>
<td>Northing</td>
<td>Latitude</td>
<td>Longitude</td>
</tr>
<tr>
<td>DGD94</td>
<td>WGS84</td>
<td>Other</td>
<td>---</td>
</tr>
</tbody>
</table>
GENERAL MEETING AGENDA

1 Feb 2011

INTINTEGRATED PLANNING ACT 1997

Part A: Version 3.1, 3 March 2006

2. Identify if any of the following apply to the premises by completing Tables D, E, or F. (Note: In most instances, the premises will not involve any of the following characteristics, however, some applications may involve one or more of these characteristics - complete only if applicable)

**Table D**: Completes if the premises are adjacent to or associated with a water body, watercourse or aquifer (e.g. river, creek, lake, sewer)

<table>
<thead>
<tr>
<th>Name of water body, watercourse or aquifer (if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

**Table E**: Completes if the premises are on Strategic Port Land under the Transport Infrastructure Act 1994

<table>
<thead>
<tr>
<th>Lot on plan description for strategic port land</th>
<th>Port Authority for the lot</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table F**: Completes if the premises are in tidal water

<table>
<thead>
<tr>
<th>Name of local government for the tidal area (if applicable)</th>
<th>Name of port authority for the tidal area (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Indicate the total area of the premises on which the development is proposed. (Note: The total area may include land both above and below water)

<table>
<thead>
<tr>
<th>Total area of premises</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,406.00</td>
</tr>
</tbody>
</table>

4. Current uses of the premises: (e.g. residential, house, townhouse, apartment building, shop, sewage station, road, virgin farm etc.)

<table>
<thead>
<tr>
<th>Two Detached Houses</th>
</tr>
</thead>
</table>

5. Are there any existing easements on the premises? (e.g. for telecommunication, electricity, road, etc.)

<table>
<thead>
<tr>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
</table>

- Ensure the type, location and dimensions of any existing easements are included in plans, submitted with the application.

**Proposal details**

<table>
<thead>
<tr>
<th>Multiple Dwelling consisting of 17 Units (including Cantaltours’ Dwelling and ancillary office), Shop (250 sqm) and semi-basement car park</th>
</tr>
</thead>
</table>

7. Does the proposal include new buildings or operational work (including any services) on the premises?

- Ensure the nature, location and dimensions of the proposed works are included in plans, submitted with the application.

**Resource entitlement** (if applicable) - further information is provided in the advice section at the end of the form

8. Does the application involve taking or interfering with a State resource and therefore require a resource entitlement? (e.g. the application involves taking soil, sand, or other resources)

- Ensure the type, location and dimensions of any existing easements are included in plans, submitted with the application.

**Owner’s consent** (if applicable) - further information is provided in the advice section at the end of the form

9. Complete Table H for applications involving a material change of use, reconfiguratio of a lot, work on land below high-water mark and not within a canal as defined under the Coastal Protection and Management Act 1995, or work on road corridor land defined under the Transport Infrastructure Act 1994

- ensure the details of the owner’s consent are provided, unless the owner is a company, a trust or an association, or an individual, as applicable

<table>
<thead>
<tr>
<th>Premises Number &amp; postal address</th>
<th>Details of premises owned (street address or lot on plan description)</th>
<th>Owner’s signature*</th>
<th>Date consent was obtained</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lot 45 on 47 on RP613312</td>
<td></td>
<td>December 2009</td>
</tr>
</tbody>
</table>

* Owner’s signature cannot be provided on the form if you intend to submit the application electronically. Owner’s consent must be provided to the assessment manager on an attachment containing appropriate written documentation of the owner’s consent. If the owner is a company, a trust or an association, or an individual, as applicable, details how a company may sign on behalf. Templates for the provision of owner’s consent are available on the IPA website.
1. The Portable Long Service Leave Levy (PLSL) is not applicable to this application if any of the following apply: (Tick box if applicable)

- The application seeks a preliminary approval only.
- The application is not for building and construction work under the Building and Construction Industry (Portable Long Service Leave) Act 1991, section 2AA (eg: the application is only for a change of use, or for the following types of work carried out solely for new commercial, industrial, institutional, recreational, residential, hospital or hotel use, and cleaning or the maintenance of premises, excluding any work relating to the construction or alteration of roads, bridges or reticulation systems, or the removal or replacement of a fence or gate).
- All costs, that relate to the work both directly and indirectly, are less than $90,000, inclusive of GST, or
- The work is being carried out under an owner-builder permit issued under the Queensland Building and Construction Industry Act 1996. Complete and attach a Queensland Notification and Payment from the payment required if owner-builder permit given below. The completed form must be signed by the accredited manager before a development permit can be granted.

11. Is payment of a PLSL levy applicable to this application? (Refer to Q10 and the Advice below for more information)

- No - End of Part A
- Yes - Answer Q12 below

---

### Table 1

<table>
<thead>
<tr>
<th>Description of attachment or information</th>
<th>Title of applicable requirement</th>
<th>Date of approval</th>
<th>Method of delivery to assessment manager</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part D, DAS Checklist &amp; Attachment 1</td>
<td>General Authority Letter (Ref: 17989)</td>
<td>15-Dec-2009</td>
<td>mail</td>
</tr>
<tr>
<td>Town Planning Report &amp; Supporting information</td>
<td></td>
<td>15-Dec-2009</td>
<td>mail</td>
</tr>
<tr>
<td>Owners Consent</td>
<td></td>
<td>04-Dec-2008</td>
<td>mail</td>
</tr>
</tbody>
</table>

---

**Office Use Only (For use by the Assessment Manager / Private Certifier) (Optional)**

<table>
<thead>
<tr>
<th>Fee ($)</th>
<th>Date received</th>
<th>Receiving officer's name</th>
<th>Reference numbers</th>
</tr>
</thead>
</table>

---

**NOTIFICATION OF ENGAGEMENT OF PRIVATE CERTIFIER**

To: Council. I have been engaged as the private certifier for the building work referred to in this application.

---

**GEOEAVE NOTIFICATION AND PAYMENT** (for completion by assessment manager or private certifier if applicable)

<table>
<thead>
<tr>
<th>Description of the work</th>
<th>GSA Certificate number</th>
<th>Building classification</th>
</tr>
</thead>
</table>

---

**Privacy Statement**

The information collected on Form 1 will be used by the Department of Infrastructure and Planning (DIP) in accordance with the Privacy and Access to Information Act 2000. DIP are required by Parliament. This information may be stored in a DIP database. The information collected will be retained as required by the Public Records Act 2002.

---

**Advice for completing Part A**

- Part D of DAS Development Application Form 1 must be completed and accompany all development applications. The applicant is responsible for answering all questions fully and correctly, unless following a response there is a statement to go directly to another question. The Assessment Manager may return to receive an application that is not properly made.
- The DAS Assessment Checklist must also be completed for all development applications, other than those requiring assessment against the Building Act 1975 only, i.e. those applications requiring the completion of Parts A and B only.
GENERAL MEETING AGENDA

INTEGRATED PLANNING ACT 1998

1 Feb 2011

Applicant
details:

- If the applicant is a company or organisation, a contact person must be nominated. The applicant’s signature is not required to be provided under the IPA.

Details of the previous:

- The term ‘permissive is defined by the IPA; schedule 10 to mean a building or other structure, and land (whether or not a building or other structure is situated on the land). The term ‘land’ is also defined to include the water on, over or under the land.

- Details of the land are not required if the application involves a mobile and temporary Environmentally Relevant Activity only. Instead complete Table 4.

- The purpose may be identified in a number of ways:
  - Street address and lot or plan number are most common and will apply to most applications.
  - Coordinates may provide the best means of accurately identifying the location of development proposed in waters, or on a relatively small development the distance from property boundaries or a large lot. Sufficient coordinates need to be provided to identify the boundary of the premises in the event of an appeal. Easements and boundaries using GPS/HA datum is preferred, but longitude and latitude and other (local)datums such as Zone Reference or GDA49 may be provided.

- The definition of ‘water body’ and ‘watercourse’ can vary from Act to Act.

- Strategic Port/Land within a local government area but a local government’s planning scheme does not apply to Strategic Port/Land. Strategic Port/Land declared under the Transport Infrastructure Act 1994. Further information go to IAS/Guide 12 (Development on strategic port land) and the Queensland Transport (Ports) website.

- Total water area is defined in the Coastal Protection and Management Act 1995 (Schedule 1) and total area for a local government and for a strategic port land is defined in the IPA (schedule 16). Generally, this area for ‘high water mark’ (defined by the Coastal Act to exclude high water mark at spring tide) establishes the boundary of a tidal area. Land below high water mark is not within a local government’s area unless provided for under the Local Government Act 1993. Unless otherwise provided for by legislation, a local government has no jurisdiction below high water mark. A total area for strategic port land is within the jurisdiction of the relevant port authority, while the Environmental Protection Agency generally has jurisdiction for a local government’s total area. However, the IPA gives local government jurisdiction for assessing and deciding applications for prescribed tidal works within the local government’s total area, and the planning scheme may be applied to that assessment (to the extent provided for in this code for prescribed tidal works).

Resource entitlement:

- Section 3.2 (1) of the IPA requires evidence of resource entitlement be given for applications if the involve taking or interfering with a prescribed State resource. Schedule 10 of the Integrated Planning Regulation 1998 (IPR) prescribes the State resources, including State-owned land, where evidence is required to be given, and the evidence required to be provided for the application. Links to Integrated Planning Regulation (Section 3.2 (1) (a)) states an application cannot be taken to be properly made without the required evidence.

- For applications involving the taking or interfering with water under the Water Act, the development application may be made at the same time as the request for resource entitlement, and the Department of Natural Resources and Water will assess the application as properly made under the Water Act.

- For State-controlled roads, a resource entitlement is not required for an activity that is exempt from approval or encroachment (defined by gazette notice under the Transport Infrastructure Act 1994, section 50), or if the activity requires referral to the Department of Main Roads.

- You should be referred to more than one Department responsible for a State-owned resource, e.g. from the Environmental Protection Agency for quarry material below high water mark, and the Department of Natural Resources and Water in relation to the State-owned land above high water mark.

Owner’s consent:

- Section 3.2 (1) of the IPA prescribes that an application must contain, or be supported by, the written consent of the land owner. The application involves a change of use, removal or reconfiguration of a lot, or work on or below high water mark and not within a canal as defined under the Coastal Protection and Management Act 1995 or work on rail corridor land (defined under the Transport Infrastructure Act 1994).

- Evidence of this consent may need to be provided before the application will be accepted as properly made by the Assessment Manager during the process of the application or in the event of an appeal about the outcomes of the application.

- Owner for the purpose of a taking or IAS/development application means the person at the time of lodging the application, entitled to the owner of the land or the person to whom the land was transferred (by conveyance). This person need not be the owner at the time of lodging the application.

- Details are available from the IAS website for the provision of owner’s consent as an attachment to this form. However other documentation may be used for providing owner’s consent (provided it is clear the documentation relates to the development application for the premises). The owner’s consent, if required, must be provided even if the applicant is the owner. Owner’s consent is not required for a mobile and temporary ERA.

Portable Long Service Leave (PLSL) Levy:

- The Building and Construction Industry Portable Long Service Leave Scheme provides long service leave entitlements to workers in the building and construction industry who would be unlikely to accrue sufficient service with one employer to qualify them for long service leave. To fund the scheme, a Portable Long Service Leave Levy (PLSL Levy) is collected on contract building and construction work carried out in Queensland.

- This PLSL Levy amount is determined by the percentage of the levy in the Building and Construction Industry (Portable Long Service Leave) Regulation 2006 (extract from the Workplace Safety and Compensation Act) and the Building and Construction Industry (Portable Long Service Leave) Act 1991 (PLSL Act) defines the building and construction work subject to the PLSL Levy and includes removing, relocating, constructing, altering, renovating, maintaining or repairing buildings, pools, roads, jetties, boatsheds, wharves or piers, and working with steel, iron, brick, or concrete, and working for subcontracts, brigades, or existing firms.

- This PLSL Levy amount is paid when the application is made, but the PLSL Act requires the levy to be paid before a development permit may be issued.

- The Assessment Manager must sight an approved form issued by Qldwa advising of the status of the payment of the PLSL levy. Building and Construction Industry Notification and Payment Forms are available from any Queensland Department of Housing or another agency, or an attachment from Queensland, or can be completed on the Queensland website at www.qldwa.qld.gov.au. For other information contact Queensland (Tel: 1300 803 481 Web www.qldwa.qld.gov.au).
Part D

Material change of use assessable against a planning scheme

Planning scheme identification:

1. How is the premises identified or zoned in the applicable planning scheme? (Note: if the premises involves multiple zones clearly identify the relevant row for each lot - provide details for each lot on a separate row)

<table>
<thead>
<tr>
<th>Lot description</th>
<th>Applicable zone broad area</th>
<th>Applicable overlays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 40 on RPP13382</td>
<td>Urban Zone</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot 47 on RPP13382</td>
<td>Urban Zone</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Nature of the proposed material change of use (MCO)

2. How is the proposed use defined in the applicable planning scheme?

<table>
<thead>
<tr>
<th>General identification of the proposed use (as in one word)</th>
<th>Planning scheme definition (include each definition of use or to which the premises is or are zoned)</th>
<th>No. of dwelling</th>
<th>Entry units (apartments)</th>
<th>Days &amp; hours of operation</th>
<th>No. of employees (applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multiple dwellings</td>
<td>premises which comprise or are intended to comprise two or more dwelling units on any one floor such as flats, apartments, hotel units, retirement villages, town houses and ancillary facilities, but does not include an accommodation building, caretaker’s residence, dwelling house, hotel or visitor accommodation.</td>
<td>2</td>
<td>1</td>
<td>D</td>
<td>0</td>
</tr>
<tr>
<td>Shop</td>
<td>premises used (not otherwise defined in the section) for the display and offering for sale of goods for retail or hire to members of the public. The term includes an integrated development commonly referred to as 'shopping centre' involving shops and other uses such as catering premises, commercial premises and professional offices.</td>
<td>-</td>
<td>-</td>
<td>D</td>
<td>-</td>
</tr>
</tbody>
</table>

3. What type of approval is being sought?

☑ Development Permit ☐ Preliminary Approval ☐ Both (Provide details below)

4. Are there any current approvals associated with this application for the change of use of the premises? (e.g. a Preliminary Approval for the use)

☐ No ☑ Yes - Provide details for each associated approval on a separate row

<table>
<thead>
<tr>
<th>List of approval references</th>
<th>Date approved</th>
<th>Date approval lapses (if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent Order No. C38 of 2006</td>
<td>15/12/2006</td>
<td>15/12/2010</td>
</tr>
</tbody>
</table>

5. Does the proposed use involve:

(i) the reuse of existing buildings on the premises ☑ Yes - Complete Table A
(ii) new building work on the premises ☑ No - Complete Table B
(iii) the reuse of other existing operational works on the premises ☑ No - Complete Table C
(iv) new operational work on the premises ☑ No - Complete Table D

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Table B

<table>
<thead>
<tr>
<th>Proposed floor area</th>
<th>2.30 ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed site cover</td>
<td>1.21 ha</td>
</tr>
<tr>
<td>Proposed maximum number of stories</td>
<td>3</td>
</tr>
<tr>
<td>Proposed maximum height above natural ground level</td>
<td>10.93 m</td>
</tr>
</tbody>
</table>

Table D

| Proposed number of on-site car parking bays | 45 |
| Proposed area of landscaping | retained vegetation |
| Proposed type of vehicle access (other than residential use) | residential |
| Proposed maximum vehicular servicing arrangement (other than residential use) | Van |
| Proposed building of a retaining wall [Applicable for new and existing A1 use] | No | Yes |

Mandatory Information

6. Confirm that the following mandatory information accompanies this application:

<table>
<thead>
<tr>
<th>For all applications</th>
<th>Confirmation of lodgement</th>
<th>Method of lodgement</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Plans showing the nature and location of the proposed use on the premises and a statement about the intensity and scale of the proposed development (e.g. number of employees, types of operations, number of visits, number of loads, capacity of storage areas)</td>
<td>Confirmed</td>
<td>mail</td>
</tr>
</tbody>
</table>

When the application involves reuse of existing buildings

| (a) Plans showing the size and location of the buildings to be reused | Confirmed | mail |

When the application involves new building work

| (b) Plans showing the size and location of the proposed new building work | Confirmed | mail |

When the application involves reuse of other existing structures

| (c) Plans showing the nature and location of the works to be reused | Confirmed | mail |

When the application involves new operational work

| (d) Plans showing the nature and location of the proposed new operational works | Confirmed | mail |

OFFICE USE ONLY

Date received | Reference numbers

Advice for completing Part D

Several advice:

- Part A must also be completed for all DA development applications.
- This applicant is responsible for answering all questions fully and correctly; a yes/no response is a statement to go directly to another question.
- When paying fees to the Environmental Protection Agency by electronic funds transfer (EFT) for coastal development applications, or the process from the information sheet electronically opting fees to the Environmental Protection Agency (EPA) and securely attach the form "Electronic Funds Transfer (EFT) payment notification to this application.

Q3 A development permit authorizes development to occur. A preliminary approval is a step in the approval process and does not authorize development to occur - a subsequent application for a development permit must be sought.

Table D

If the MCU application involves operational work that is a building of a retaining wall on the premises, the application is taken to be for the operational work. If approval for the operational work has not been applied for in this application or in a separate application.

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Attachment 1

Development application (superseded planning scheme)

Nature of the application

1. What is the nature of this application? (Tick applicable boxes)
   - [ ] (i) Request for proposed development to be assessed under the provisions of a superseded planning scheme - Also complete Part A and any other applicable Parts of Form 1
   - [ ] (i) Advice to the intention to carry out development that would not have required a development permit under a superseded planning scheme - Also complete Part A only. No other part of Form 1 is required.

2. What are the details of the superseded planning scheme? - Complete Table A

<table>
<thead>
<tr>
<th>Title of superseded planning scheme</th>
<th>Data superseded planning scheme ceased to have effect</th>
<th>Provisions of superseded planning scheme relevant to application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council of the Shire of Mirani Vale Planning Scheme 1997</td>
<td>22 February 2009</td>
<td>0</td>
</tr>
</tbody>
</table>

OFFICE USE ONLY

Date Received

Reference Numbers

Advice for completing Attachment 1

General advice
- Completion of Form 1 Development Application Attachment 1 is mandatory for a development application (superseded planning scheme).
- Attachment 1 must be accompanied by Form 1 Development Application Part A.
- All questions must be answered.
- A superseded planning scheme means the planning scheme, or any revised planning scheme policies, is in force immediately before -
  - (a) the planning scheme or policies, under which a development application is made, were adopted, or
  - (b) the amendment, creating the superseded planning scheme, was adopted.
- IPA section 12.5 deals with acknowledgment notices and other matters in relation to applications under superseded planning schemes.

Q1
- There are two types of development application (superseded planning scheme), as described by Q1 (i) and (ii). See IPA, schedule 10 (statement).
- For both types of development application (superseded planning scheme), the application is one -
  - made only to the local government as the assessment instigator, and
  - made within 3 years after the day the planning scheme or planning scheme policy creating the superseded planning scheme took effect.
- For the first type of development application (superseded planning scheme), the local government has discretion to agree or not agree with the request. The local government must in the acknowledgment notice whether the application will be assessed under the superseded planning scheme (as requested) or the existing planning scheme.
- For the second type of development application (superseded planning scheme), the local government has discretion to agree or not agree with the development proposal and may advise in the acknowledgment notice that a development permit is required.
### IDAS Assessment Checklist

Answering the following questions will assist you in determining which sections of the checklist must be completed for your application. If unsure, phone or visit your local government or log onto the DIP website www.dip.qld.gov.au for help.

For all IDAS development applications (other than building work requiring assessment against the Building Act 1975 and/or - complete Section 1 of this checklist.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the application seek approval to make a material change of use of the premises?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If yes - complete Section 2 of this checklist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the application seek approval to reconfigure a lot?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If yes - complete Section 3 of this checklist and Part B of IDAS Application Form 1. If the premises are completely within a single local government area, assessment is by the local government.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the application seek approval to carry out operational work?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If yes - complete Section 4 of this checklist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the application seek approval to carry out building work requiring assessment against the Fisheries Act 1994?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If yes - complete Section 5 of this checklist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Have you received a referral agency response under section 3.3.2 of the IPA, in relation to this development application?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If yes - complete Section 6 of this checklist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the application seek approval to carry out building work requiring assessment against a local government planning scheme?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If yes - complete Form 1 Part B of IDAS Application Form 1. Assessment is by the local government.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the application seek approval to carry out building work requiring assessment against the Building Act 1975?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If yes - go to Appendix 1 of this checklist for advice on building envelopes. Complete Part B of IDAS Application Form 1. Assessment is by a building certifier.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do you wish the application to be assessed against a superseded planning scheme?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If yes - complete Form 1 Attachment 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the application for development completely or partly on Cairns and Mackay airport land under the Airport Assets Restructuring and Disposal Act 2009?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>If yes - Assessment is by the Department of Infrastructure and Planning. Complete Form 1 Part D of IDAS Application Form 1 if the application is for a material change of use, and Part E if for building or operational work. Also, the application must be referred to the local government or Airport Agency.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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GENERAL MEETING AGENDA

INTINTEGRATED PLANNING ACT 1997

1.1A  Is any part of the proposal intended to be carried out on a Queensland heritage place under the Queensland Heritage Act 1992?

☒ No ☐ Go to 1.1B ☐ Yes

1.1B  Does the proposal involve development intended to be carried out on a place entered in a local heritage register under part 11 of the Queensland Heritage Act 1992, other than if the place is on Cairns or Mackay airport land?

☒ No ☐ Go to 1.12 ☐ Yes

REMOVING QUARRY MATERIAL, WILD RIVER AREA

1.2  Does the proposal involve removing quarry material from a watercourse or lake as defined under the Water Act 2000?

☒ No ☐ Go to 1.2 ☐ Yes

ENVIRONMENTALLY RELEVANT ACTIVITY, WILD RIVER AREA

1.3  Does the proposal involve an environmentally relevant activity (ERA), other than a mining activity or a petroleum activity?

☒ No ☐ Go to 1.4 ☐ Yes

WITHIN THE LIMITS OF A PORT

1.4  Is any part of the premises within the limits of a port under the Transport Infrastructure Act 1994?

☒ No ☐ Go to 1.4 ☐ Yes

DECLARED FISH HABITAT AREA

1.5  Does any part of the premises adjoin a declared fish habitat area under the Fisheries Act 1994?

☒ No ☐ Go to 1.5 ☐ Yes

 COMMUNITY INFRASTRUCTURE

1.6  Is any part of the premises designated for community infrastructure?

☒ No ☐ Go to 1.6 ☐ Yes

 WASTE WATER MANAGEMENT

1.7  Does the proposal involve the establishment or expansion of a waste water disposal system?

☒ No ☐ End the Check ☐ Yes

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STATE PLANNING REGULATORY PROVISIONS AND PLANNING SCHEME

2.1 Is the proposed use assessable under any State planning regulatory provisions?

☐ No ☑ Yes

If no, is the proposed use assessable under the planning scheme?

☐ No - Go to Q2.2 ☐ Yes - Complete Form 1, Part D and return Q2.1.1 - 2.1.10 below

STATE-CONTROLLED ROAD

2.1.1 Is any part of the premises located in part of a future State-controlled road, or within 100m of a State-controlled road?

☐ Yes ☐ No

If no, is the proposed use listed in schedule 5 of the Integrated Planning Regulation 1998 and does it exceed the specified threshold?

☐ No ☐ Yes - This application must be referred to the Department of Main Roads (DMR) via Concurrence Agency

ACID SULFATE SOILS

2.1.2 Is the use proposed in a local government area listed in the State Planning Policy 2017: Planning and Managing Development Involving Acid Sulfate Soils?

☐ No - Go to Q2.1.3 ☑ Yes

☐ Yes - Complete Form 1, Part E

2.1.3 If yes, is the natural ground level of any part of the premises less than 20m AHD?

☐ No - Go to Q2.1.3 ☑ Yes

If yes, will the proposed use involve the following?

(i) Excavating more than 1.000m³ of soil or sediment at or below 5m AHD

☐ No ☑ Yes

(ii) Filling the premises with 1,000m³ or more of material with an average depth of 0.5m on land, soil or sediment at or below 5m AHD

☐ No ☑ Yes

If yes to either or both (i) or (ii) above - This application must be referred to the Department of Natural Resources and Water (DNW) via Concurrence Agency

COASTAL MANAGEMENT DISTRICT

2.1.4 Is any part of the premises located in a coastal management district?

☐ No - Go to Q2.1.4 ☑ Yes

☐ Yes - Complete Form 1, Part F

VEGETATION CLEARING

2.1.5 Do the premises include a lot containing the following?

(i) A category 1, 2 or 3 area shown on a Property Map of Assessable Vegetation (PMAV)

☐ No ☑ Yes

(ii) If there is no PMAV for a lot, remnant vegetation

☐ No ☑ Yes

CONTAMINATED LAND - UNEXPLODED ORDINANCE

2.1.5 Is any part of the premises in an area for which an area management advice has been given for unexplored ordinance?

☐ No - Go to Q2.1.6 ☑ Yes - Complete Form 1, Part H. This application must be referred to the Authorising Authority via Concurrence Agency
GENERAL MEETING AGENDA

1 Feb 2011

INTEGRATED PLANNING ACT 2001

PUBLIC PASSENGER TRANSPORT

2.1.6 Is the proposed use of premises listed in schedule 13C of the Integrated Planning Regulation 1998 and does it exceed the specified threshold?

☐ No - Go to Q2.1.7

☐ Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

RAILWAY SAFETY AND EFFICIENCY

2.1.7 Is the proposed use of premises listed in schedule 13D of the Integrated Planning Regulation 1998 and does it exceed the specified threshold?

☐ No - Go to Q2.1.8

☐ Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

KOALA CONSERVATION

2.1.8 Is any part of the premises in a koala conservation area or koala sustainability area, other than in an SEQ urban footprint area?

☐ Yes

☐ No - Go to Q2.1.9

☐ Yes - Is the use for a domestic activity, as defined by the Environmental Protection Act 1994?

☐ Yes

☐ No - Go to Q2.1.9

☐ Yes - This usage is defined as a domestic activity. This application must be referred to the Environmental Protection Agency (EPA) as Advice Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to the Environmental Protection Agency (EPA) as Advice Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to the Environmental Protection Agency (EPA) as Advice Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to the Environmental Protection Agency (EPA) as Advice Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to the Environmental Protection Agency (EPA) as Advice Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to the Environmental Protection Agency (EPA) as Advice Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to Queensland Transport (QT) as Concurrence Agency.

☐ No - Go to Q2.1.9

☐ Yes - This application must be referred to the Environmental Protection Agency (EPA) as Advice Agency.
GENERAL MEETING AGENDA
1 Feb 2011

INTEGRATED PLANNING ACT 1997 GAS Assessment Checklist, Version 2.2

CERTAIN PRELIMINARY APPROVALS

2.1.3 Is preliminary approval sought for the application under the IPA, section 3.1.67?
☑ No - Geo Q/2 ☐ Yes - Complete Form 1, Attachment 2. This application must be referred to the Department of Infrastructure and Planning (DIP) as Advice Agency.

BROTHEL

2.2 Is the proposed use a brothel as defined under the Prostitution Act 1999?
☑ No - Geo Q/3 ☐ Yes

STRATEGIC PORT LAND

2.3 Is any part of the use proposed on Strategic Port Land under the Transport Infrastructure Act 1994?
☑ No - Geo Q/4 ☐ Yes

AIRPORT LAND

2.3A Is any part of the use proposed on Cairn and Mackay airport land under the Airport Assets (Restructuring and Disposal) Act 2007?
☑ No - Geo Q/5 ☐ Yes

MAJOR HAZARD FACILITY

2.4 Is the proposed use a major hazard facility or possible major hazard facility under the Dangerous Goods Safety Management Act 2009?
☑ No - Geo Q/6 ☐ Yes - Complete Form 1, Part 1. This application requires assessment by the Department of Emergency Services (DES). If DES is not the Assessment Manager for the application, the agency with jurisdiction as Concurrency Agency.

PA - attained 2 part 1 2 3 4 6 7 8 14 21 22 23

CONTAMINATED LAND - REGISTERED LAND

2.5 Is any part of the land forming the premises on the Environmental Management Register or Contaminated Land Register under the Environmental Protection Act 1996?
☑ No - Geo Q/7 ☐ Yes

CONTAMINATED LAND - NOTIFIABLE ACTIVITY

2.6 Is any part of the land forming the premises currently used for a notifiable activity, or if there is no existing use was it last used for a notifiable activity?
☑ No - Geo Q/8 ☐ Yes

CONTAMINATED LAND - INDUSTRIAL ACTIVITY

2.7 Is any part of the premises currently used for an industrial activity (other than for a mining activity or petroleum activity), or if there is no existing use was it last used for an industrial activity (other than for a mining activity or petroleum activity)?
☑ No - Geo Q/9 ☐ Yes

CONTAMINATED LAND - AREA MANAGEMENT ADVICE (NATURAL MINERALISATION OR INDUSTRIAL ACTIVITY)

2.8 Is any part of the premises in an area for which an area management advice has been given for natural mineralisation or industrial activity (other than for a mining activity or petroleum activity)?
☑ No - Geo Q/10 ☐ Yes

PA - attained 2 part 2 3 4 6 7 8 14 21 22 23 24 25
GENERAL MEETING AGENDA

1 Feb 2011

INTEGRATED PLANNING ACT 1997

AGRICULTURE; WILD RIVER AREA

2.9  Is the proposed use for aquaculture as defined under the Fisheries Act 1994?

☐ No  ☑ Yes

AGRICULTURAL AND ANIMAL HUSBANDRY ACTIVITIES IN A WILD RIVER AREA

2.10  Is any part of the premises in a wild river area declared under the Wild Rivers Act 2003?

☐ No  ☑ Yes

SOUTH EAST QUEENSLAND REGION

2.11A  Is any part of the premises within the South East Queensland (SEQ) designated region?

☐ No  ☑ Yes

FAR NORTH QUEENSLAND REGION

2.11B  Is any part of the premises within the Far North Queensland (FNQ) designated region?

☐ No  ☑ Yes

CONSERVATION ESTATE

2.12  Is the proposal for urban purposes, as defined under the IPA?

☐ No  ☑ Yes

If yes, is the use proposed on a lot situated in, or within 100m of, any of the following?

(i) A protected area, forest reserve, critical habitat of an area of major interest by the Nature Conservation Act 1992

☐ No  ☑ Yes

(ii) A State forest or timber reserve under the Forestry Act 1959

☐ No  ☑ Yes

(iii) A marine park under the Marine Parks Act 2004

☐ No  ☑ Yes

(iv) A recreation area under the Recreation Area Management Act 1969

☐ No  ☑ Yes

(v) A world heritage area listed under the World Heritage Convention

☐ No  ☑ Yes

(vi) Brisbane forest park under the Brisbane Forest Park Act 1977

☐ No  ☑ Yes

If yes to any one of (i) to (vi) above - this application must be referred to the relevant Government agency (government agency

REMOVAL, DESTRUCTION OR DAMAGE OF A MARINE PLANT

2.13  Does the proposed use involve the removal, destruction or damage of marine plants under the Fisheries Act 1994?

☐ No  ☑ Yes

Disclaimer:

While the Department of Infrastructure and Planning (DIP) believes that this information contained on this form and provided as part of this process will be of assistance to you, it is provided on the basis that you will not rely on the information without first making your own enquiries regarding the interpretation and application of the applicable legislation to your circumstances.

To the full extent permitted by law DIP expressly disclaims all liability (including but not limited to liability for negligence) for errors or omissions of any kind or for any loss (including direct and indirect losses), damage or other consequent which may arise from your reliance on this process and the information contained on this form.

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APPENDIX B

Proposed Architect Plans

Prepared by

Rothe Lowman Architects
APPENDIX C

Consent Order and Approved Plans

Prepared by

Planning and Environment Court
CONSENT ORDER

In the Planning and Environment Court
Held at: BRISBANE

---

No. 038 of 2006

BETWEEN: MECKI PTY LTD

Appellant

AND: MIRIAM VALE SHIRE COUNCIL

Respondent

AND: ANTHONY MCGRUTHER

Co-Respondent

Before His Honour Judge Wilson SC DCJ

Date of Hearing: 15/12/2006

Date of Order: 15/12/2006

THE COURT IS SATISFIED THAT:

1. That the changes proposed to be made to the development application subject to this appeal are minor changes in accordance with Section 4.1.52(2)(b) of the Integrated Planning Act 1997.

BY CONSENT IT IS ORDERED THAT:

1. The development application for material change of use - 27 multiple dwellings (including caretaker’s dwelling and ancillary office) and shop located at 23 & 25 Jeffrey Court, Agnes Water QLD 4677 more particularly described as lot 46 and lot 47 on RP613382 be approved subject to the following conditions:-

*1. The development shall be carried out in accordance with the following approved plans, and with any modifications required by conditions of this permit.

<table>
<thead>
<tr>
<th>Title</th>
<th>Prepared By:</th>
<th>Drawing No.</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basement Floor Plan</td>
<td>Rothe Lowman</td>
<td>TP 1.08 Rev M</td>
<td>March 2005</td>
</tr>
<tr>
<td>Ground Floor Plan</td>
<td>Rothe Lowman</td>
<td>TP 1.09 Rev M</td>
<td>March 2005</td>
</tr>
<tr>
<td>First Floor Plan</td>
<td>Rothe Lowman</td>
<td>TP 1.10 Rev L</td>
<td>March 2005</td>
</tr>
<tr>
<td>Second Floor Plan</td>
<td>Rothe Lowman</td>
<td>TP 1.11 Rev M</td>
<td>March 2005</td>
</tr>
<tr>
<td>Section CC</td>
<td>Rothe Lowman</td>
<td>TP 2.03 Rev K</td>
<td>March 2005</td>
</tr>
<tr>
<td>Roof Plan</td>
<td>Rothe Lowman</td>
<td>TP 1.12 Rev L</td>
<td>March 2005</td>
</tr>
<tr>
<td>Section AA</td>
<td>Rothe Lowman</td>
<td>TP 2.01 Rev M</td>
<td>March 2005</td>
</tr>
</tbody>
</table>

CONSENT ORDER
Filed on behalf of the appellant
Form PEC-8

Document filed by:
WILSON RYAN GROSE, Lawyers
15 Sturt Street, Townsville Q 4810
Telephone: (07) 4720 7500
Facsimile: (07) 4772 6017
Ref: Dan Morton

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<table>
<thead>
<tr>
<th>Section</th>
<th>Project</th>
<th>Code</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Elevation</td>
<td>Rothe Lowman</td>
<td>TP 3.01 Rev L</td>
<td>March 2005</td>
</tr>
<tr>
<td>South Elevation</td>
<td>Rothe Lowman</td>
<td>TP 3.02 Rev L</td>
<td>March 2005</td>
</tr>
<tr>
<td>East Elevation</td>
<td>Rothe Lowman</td>
<td>TP 3.03 Rev L</td>
<td>March 2005</td>
</tr>
<tr>
<td>West Elevation</td>
<td>Rothe Lowman</td>
<td>TP 3.04 Rev L</td>
<td>March 2005</td>
</tr>
</tbody>
</table>

2. The above approved plans have been stamped and returned to the applicant with this decision notice. The development shall not be staged. That is, all parts of the development and works shown on the approved plans shall be completed prior to the commencement of the use or occupation of any part of the development.

3. Amalgamation of the two separate lots forming this application into one lot on one title. The required amalgamation shall be finalised and the new title issued prior to the commencement of any works on site and prior to the issue of a Building Permit.

4. The "shop" shall be contained to the 26 sqm internal area only. No use of the outdoor space is permitted without the further approval of Council.

5. Car Parking for the development shall be provided in accordance with the approved plans and any modifications required by other conditions of this approval.

6. Geometry of the access driveway shall comply with Australian Standards.

7. Landscaping between the shop and the Jeffrey Court boundary shall be maintained lower than the adjacent floor level.

8. The multiple dwellings may only be utilised as a maximum of one bedroom and 26 two bedroom units. Splitting (dual keying) of units or the like is not permitted.

9. Disabled access and use amenities shall be provided for the commercial component of the development.

10. One disabled car parking bay shall be provided and maintained for the commercial component of the development. [Note: This bay is inclusive of the total number proposed.]

11. No security barrier shall be installed between the street access point and any visitor car parking bays or any bays required for the commercial use on site, including the service bay. Plans demonstrating the compliant location of any proposed security barrier shall be provided prior to the commencement of any works on site and prior to the issue of a Building Permit.

12. No part of the building or any other structure may be erected any closer to any boundary than that shown on the approved plans.

13. Mail boxes complying with Australia Post standards and containing the street and unit numbers (where applicable) are to be provided on the road frontage to which the property will be addressed. Plans demonstrating the proposed location and design of the required mail boxes shall be submitted to Council and approved by the Chief Executive Officer prior to the commencement of any works on site and prior to the issue of a Building Permit. Such location and design shall have regard to such issues including, inter alia, visual impact and pedestrian and vehicle safety (light lines).

14. A development permit will be required for building works prior to commencement of works on site.
15. At least one bicycle rack shall be provided within the development with sealed access connections to footpath and car parking areas. Plans demonstrating the suitable location of the required racks, to the satisfaction of the Chief Executive Officer, shall be provided prior to the issue of a Building Works Permit and prior to the commencement of any development works on site.

16. No soil/turf extracted from the development site shall be deposited on any other lot, whether temporary or permanent, without a specific Development or Operational Works Permit (as applicable) for that lot, from Council.

17. A detailed landscaping plan is to be prepared, submitted and approved by the Chief Executive Officer prior to the issue of a development permit for carrying out building work or if an application to carry out building work is not required, prior to commencement of the use the subject of this approval. The landscaping plan shall be of a scale, standard and level of detail to the satisfaction of the Chief Executive Officer.

18. Landscaping shall be installed prior to the commencement of the use in accordance with the Council approved landscaping plan and shall be maintained to a high standard, to the satisfaction of the Chief Executive Officer, for the life of the development.

19. The developer shall construct a 2 m wide footpath immediately in front of the development site for the full length of the frontage. This work shall be constructed in accordance with Council's engineering standards and shall be the subject of an Operational Works approval from Council. All footpath works shall be completed prior to the issue of a certificate of classification for the building works.

20. All signage shall form part of a separate application to Council, as applicable.

21. Prior to the issue of a development permit for building works and prior to the commencement of any works on site, a report is to be submitted to Council and approved by the Chief Executive Officer, which determines if acid sulfate soils are present on the site, and if so, the proposed management of the acid sulfate soils through a Site Based Acid Sulfate Soil Management Plan. For works that may result in the saturation of previously saturated acid sulfate soils through dewatering or filling, a supplementary investigation of the affected waters is to be conducted. A suitable qualified professional experienced in assessing and managing acid sulfate soils and groundwater issues should undertake all investigations.

22. The Site Based Acid Sulphate Soil Management Plan prepared by a suitably qualified person is to:

a. establish a liming rate determined in accordance with Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils (ASS) in Queensland 1998, published by the Queensland Department of Natural Resources and Mines; and

b. propose the appropriate level of treatment under the State Planning Policy & Guideline 2/02: Planning and Managing Development involving Acid Sulfate Soils: Section 9 Treatment.

Any alterations necessary to electricity, telephone, stormwater drainage system or other public utility installations resulting from the development or from road and drainage works required in connection with the development is at the full cost of the developer. The capacity of any new services is not to be less than the capacity of existing services.
24. The development is to be connected to Council’s reticulated sewerage system prior to the commencement of the use, at a point nominated by the Chief Executive Officer, and at no cost to Council.

25. The development is to be connected to Council’s water supply system prior to the commencement of the use, at a point nominated by the Chief Executive Officer, and at no cost to Council.

26. The development is to be connected to an existing energy supply as approved by the electricity supplier.

27. The development is to be connected to telecommunications infrastructure in accordance with the acceptable standards of the telecommunications provider.

28. Rainwater storage tanks shall be provided in accordance with Planning Services Policy 4.18 – Rain Water Storage Tanks. Additional water supply headworks contributions are required for any difference between the desirable storage and the installed storage. Any additional contributions shall be calculated at the rate applicable at the time of payment. Payment of any additional water supply headworks contributions are to be made prior to the issue of a development permit for building works.

29. Swimming pools are not to be filled or topped up with Council reticulated water supply.

30. All vehicles must enter and leave the site in a forward direction.

31. Car parking areas, dimensions and access ways are to be designed and constructed to comply with Australian Standards AS 2890.

32. Lightning used to illuminate any areas of the premises shall be angled or shaded in such a manner that light does not directly illuminate any nearby premises or roadways.

33. Waste receptacles are to be of sufficient capacity to contain all waste produced on site and located to enable collection on site and be located in an enclosure providing weather protection and visible screening limiting visibility of the bins from outside of the site. A washdown area is to be provided which does not allow washdown water to enter the stormwater system. Taps in the washdown area are to be fitted with backflow prevention devices.

34. The service point for waste collection service, is to be:
   a. clearly separated from a parking bay and other similar areas; and
   b. clear of any hindrance to servicing by a lift arm; and
   c. clear of a footpath and a pedestrian access; and
   d. not in front of a shop entrance or a residential premises; and
   e. not blocking the vision of vehicles using the road or entering and exiting the site; and
   f. capable of being serviced without the collection vehicle impeding the traffic flow; and
   g. capable of being serviced while the collection vehicle travels forward; and
   h. serviced a maximum of two times per week.

35. Prior to the issue of a development permit for building works, a Water Supply Strategy in accordance with planning services policy 4.18 – Rainwater Storage Tanks, is to be submitted to Council for approval by the Chief Executive Officer detailing –
a. the rainwater capture devices (roof area, gutter and downpipes) to ensure the rainwater storage areas are to be effectively utilised;

b. the location and capacity of each rainwater storage area;

c. proposed plumbing of the building to ensure that cold water for laundries, landscaping and toilets is serviced from the rainwater storage areas;

d. proposed plumbing of the building to ensure that drinking water is only sourced from Council’s reticulated water supply; and

e. method of filling and top up of swimming pools.

36. The applicant must ensure that habitable buildings have a minimum floor level of:

a. 300 mm above the 100 year ARI flood level; or

b. 600 mm above the highest recorded flood level, where no design flood level has been determined.

37. Prior to issue of a development permit for building works, a stormwater management plan prepared by a suitably qualified person is to be prepared and submitted to Council for approval by the Chief Executive Officer indicating the following –

a. site contours before and after site development;

b. points of discharge;

c. overland flows;

d. compliance with Environmental Protection Policy (Water) 1997; and

e. all necessary infiltration trenches, pits, pipes, GPTs, swales, wetlands, biological filters, filters or conveyance structures and associated infrastructure designed in accordance with Council’s policies, codes and guidelines and/or Standard Best Management Practice to ensure that runoff from the site does not constitute an actionable nuisance to any properties.

38. Payment prior to issue of a development permit for building works of a contribution toward water supply headworks in accordance with Council’s Policy for the determination of water supply and sewerage contributions on development applications. Contributions shall be calculated in accordance with rates and charges applicable at the time of payment. Note: At current rates for 42.0 equivalent persons the contribution amount is $145,202.40.

39. Payment prior to issue of a development permit for building works of a contribution toward sewerage headworks in accordance with Council’s Policy for the determination of water supply and sewerage contributions on development applications. Contributions shall be calculated in accordance with rates and charges applicable at the time of payment. Note: At current rates for 59.0 equivalent persons the contribution amount is $89,042.40.

40. Payment prior to issue of a development permit for building works of a contribution toward external roadworks contributions in accordance with Council’s Road Contributions Policy (less credits allowable under Council’s Road Contributions Policy). Contributions shall be calculated in accordance with rates and charges applicable at the time of payment. Note: Contributions currently amount to $39,650.00 based on 27 dwelling units and 25 m2 of retail shop area.

41. Payment prior to issue of a development permit for building works of a contribution toward public gardens and recreation space in accordance
with Council’s Policy on Park Contributions. Contributions shall be calculated in accordance with rates and charges applicable at the time of payment. Note: Contributions currently amount to $15,000 based on 27 dwelling units.

42. A development permit will be required for building works prior to commencement of works on site.

43. The applicant must provide, adopt and implement the measures of a Sediment and Erosion Control Plan to be approved by the Chief Executive Officer prior to the issue of a development permit for building works and prior to the commencement of any works on site. The Sediment and Erosion Control Plan must be updated as required to reflect current standards, best practices, plant modifications, etc. However, any modifications with the potential to result in increased environmental impacts, must be approved.

44. Prior to the issue of a development permit for Building Works, a Construction and Site Management Plan prepared by a suitably qualified person is to be provided and approved by Council detailing –
   a. parking procedures and practices for all construction and other associated vehicles so as not to cause nuisance or harm to existing businesses and residents in the locality;
   b. proposed access to site during the construction phases of the development;
   c. a communication protocol with adjoining owners to establish agreed construction times;
   d. complaint management procedures including contact details for the on-site manager, and dispute resolution procedures;
   e. proposed fencing of the site during the construction phases of the development;
   f. proposed vehicular and pedestrian traffic management measures related to the site during the construction phases of the development;
   g. proposed management plan for the removal of any excess spoil from the site; and
   h. proposed methods of groundwater maintenance and monitoring of adjoining structures for possible subsidence during dewatering operations during the construction phases of the development.

Advice to applicant

- The Integrated Planning Act 1997 provides that, if this approval is not acted upon within a period of four (4) years, the approval will lapse.

- All conditions, the subject of this approval, must be complied with prior to commencement of the use unless otherwise specified.

- This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the Aboriginal Cultural Heritage Act 2003 you have a duty of care in relation to such heritage. Section 23(1) provides that “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage”. Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the
associated duty of care guidelines explain your obligations in more detail and should be consulted before development or on-site works commence.

- Any businesses involving the preparation of food will require a permit under the Food Act.
- In accordance with the Dangerous Goods Safety Management Act 2001, a permit may be required for the storage of any flammable, combustible, or otherwise hazardous materials or liquids.
- The proposal is required to comply with the provisions of the Disability Discrimination Act and associated legislation. It is the applicant’s responsibility to ensure that the development complies and remains compliant with such legislation for the life of the development.

Rainwater Storage

Based on an equivalent population for the development of 64.1EP, the Desirable Storage for the development is 442,750 litres.

Based on an estimated roof area of 438m² the minimum Installed Storage for the development is 32,105 litres.

Additional headworks contributions are required for any difference between the desirable storage and the installed storage and shall be calculated in accordance with the following:

\[ \text{Additional Contribution} = \frac{C_w \times EP \times (\text{Desirable Storage} - \text{Installed Storage})}{200 \text{EP}} \]

where \(C_w\) = the water supply headworks contribution required per EP at the time of payment. Currently \(C_w = $3457.20\).

Based on the installation of the minimum installed storage, the additional water supply headworks contribution applicable would be $151,824.80.

Water Supply Contribution

At current rates the contribution amount is $145,202.40. Current contributions are calculated as follows –

<table>
<thead>
<tr>
<th>No.</th>
<th>Use</th>
<th>Unit Rate</th>
<th>Water Factor</th>
<th>Total EP</th>
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<tr>
<td>1</td>
<td>1 BR Unit</td>
<td>1.5EP</td>
<td>0.75</td>
<td>= 1.1 EP</td>
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<tr>
<td>26</td>
<td>2 BR Unit</td>
<td>2.4EP</td>
<td>0.75</td>
<td>= 46.8 EP</td>
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<tr>
<td>25m²</td>
<td>Retail Shop</td>
<td>2EP/100m²</td>
<td>1.0</td>
<td>= 0.5 EP</td>
</tr>
<tr>
<td></td>
<td>Existing allowance</td>
<td>3.2EP/Site</td>
<td>1.0</td>
<td>= 5.4 EP</td>
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</table>

Headworks payable on Contribution per EP

\[ \text{Contribution} = 42.0 \times $3457.20 = $145,202.40 \]

Sewerage Supply Contribution

At current rates the contribution amount is $199,052.40. Current contributions are calculated as follows –

<table>
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<th>Unit Rate</th>
<th>Sewerage Factor</th>
<th>Total EP</th>
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### GENERAL MEETING AGENDA

**1 Feb 2011**

<table>
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<th>Description</th>
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<td>1.0</td>
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<tr>
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<td>2.4EP</td>
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<td>Retail Shop</td>
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<td>Contribution = 58.0 EP x 11,707.80 = 199,052.40</td>
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**BY CONSENT:**

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Solicitors for the appellant

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Solicitors for the respondent

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Solicitors for the co-respondent

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APPENDIX D

Civil Engineer Report

Prepared by

VDM Group Pty Ltd
PROPOSED MULTI UNIT DWELLING DEVELOPMENT

ENGINEERING REPORT
ISSUE 1

Lots 46 & 47 on RP613382
23 & 25 Jeffrey Court, Agnes Water

Client: Mecki Pty Ltd
CI: Conics
PO Box 1559
Fortitude Valley QLD 4006

December, 2009

Job Reference: B/1760
Document Control Sheet

Proposed Multi Unit Dwelling Development

Report Details:

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<tr>
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<td>Alme Powell</td>
</tr>
<tr>
<td>File reference:</td>
<td>B1760</td>
</tr>
<tr>
<td>Project Leader:</td>
<td>Daniel Pescher</td>
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<td>Email:</td>
<td><a href="mailto:daniel.pescher@vdmgroup.com.au">daniel.pescher@vdmgroup.com.au</a></td>
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<tr>
<td>Client:</td>
<td>Mechi Pty Ltd</td>
</tr>
<tr>
<td>Client Contact:</td>
<td>Mr. Simon Pollock</td>
</tr>
<tr>
<td>Synopsis:</td>
<td>The purpose of this report is to accompany and be considered part of an application to Gladstone Regional Council to seek approval for the proposed multi unit dwelling development.</td>
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Revision History:

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<th>Date</th>
<th>Author</th>
<th>Reviewer</th>
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<tr>
<td>1</td>
<td>15 Dec, 2009</td>
<td>Alme Powell</td>
<td>Kane Ekoka</td>
<td>Daniel Pescher</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Civil Engineer</td>
<td>Civil Engineer</td>
<td>Civil Principal</td>
</tr>
</tbody>
</table>

Recipients are responsible for eliminating all superseded documents in their possession.

The information contained within this report is provided in good faith in the belief that no information, opinions or recommendations made are misleading. All comments and opinions given in this report are based on a limited survey of the study site or on information supplied by the client, their agent and third parties. VDM Consulting, its agents and employees, expressly disclaim any and all liability for representations, expressed or implied, contained in, or omissions from, this report or any of the written or oral communications transmitted to the client or any third party. Acceptance of this document denotes acceptance of these terms.

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Appendix A: Town Planning Drawings

Figures

Figure 2.1.1: Aerial photograph of the proposed development site.
Figure 2.1.2: Locality map of the proposed development site.
Figure 3.1: Proposed ground floor plan.
1. Introduction

1.1. Purpose of Report

The purpose of this report is to accompany and be considered part of an application to Gladstone Regional Council (GRC) to allow development of the subject site. The development will be undertaken in accordance with the provisions of the town planning principles incorporated in the Integrated Planning Act and the planning scheme policies adopted by the former Miriam Vale Shire Council.

The main objective of this report is to determine the suitability of the land for the proposed development in relation to Civil Engineering design parameters.

1.2. Scope of Report

This report describes the existing physical conditions of the site and the suitability of the land for the proposed subdivision with particular respect to:

- site access;
- stormwater management; and the
- provision of essential services, including water and sewerage supply.

This report represents an assessment of the facts and circumstances pertaining to the issues listed above, as they are identified to the writer at the time of preparation of this document.
2. Site Identification

2.1. Property Description

The subject site is located at 23 – 25 Jeffrey Court, Agnes Water. The site is legally described as Lots 46 and 47 on RP613382. Figure 2.1.1 displays an aerial photograph of the site and Figure 2.1.2 displays a locality map of the site.

![Aerial photograph of the proposed development site.](image1)

![Locality map of the proposed development site.](image2)
2.2. Physical Description

The subject site is bounded by Jeffrey Court to the north, Agnes Street is located towards the west and Springs Road is located towards the south. Residential properties are in the immediate vicinity of the subject site. An existing caravan park is located to the immediate north-east and Tom Jeffrey Park is located to the north.

The total area of the subject site is approximately 1446m². There are currently existing residential homes located on each of the subject lots with surrounding grassed areas and heavily planted boundaries.
3. **Proposed Development**

Mecki Pty Ltd is proposing to develop the subject site into a multi unit dwelling development. The proposed development involves the following:

- 27 units over three stories, including a caretaker's dwelling;
- ancillary office;
- retail shop of 25m², and
- semi-sunken basement car parking.

The ground floor coverage of the development is proposed at approximately 1218m². Figure 3.1 illustrates the proposed Ground Floor Plan of the development. Refer to Appendix A for copies of the proposed town planning drawings prepared by Roth Lowman Property Pty Ltd.

![Proposed ground floor plan](image-url)

**Figure 3.1: Proposed ground floor plan.**
4. Civil Engineering Design Parameters

4.1. Site Access

Access to the proposed units will be via the existing vehicular crossover of Lot 47 on RP613382 leading to the semi-sunken basement. The existing vehicular crossover of Lot 48 on RP613382 will be removed and reinstated as nature strip. This point of access has been chosen to provide safe vehicle movements onto and off of the site onto Jeffrey Court.

The semi-sunken basement car parking layout will be designed in accordance with AS/NZS 2890.1:2004 Parking facilities, Part 1: Offstreet car parking.

4.2. Stormwater Management

It remains the responsibility of the applicant to direct the stormwater drainage flows from the subject site to the lawful point of discharge as nominated by the former MVSC.

Existing stormwater infrastructure is located within the vicinity of the subject site. The existing kerb and channel in Jeffrey Court collects stormwater drainage discharge from the existing residential homes located on the subject lots. At the Agnes Street/JeFFery Court intersection, to the west of the subject site, a 300mm diameter pipe road crossing drains towards an outlet to the west of Agnes Street.

Drainage will be designed to ensure the level of immunity to downstream infrastructure, including properties and roadways, is maintained. Detailed design of the stormwater drainage will be provided at the Operational Works stage of the project.

4.3. Water Reticulation

It is proposed to supply the development by the existing 100mm diameter water main located on the southern side of Jeffrey Court. Previous discussions with Council officers have indicated that there is substantial pressure within the existing main. Therefore, it is believed that the existing water main will be adequate to supply the proposed development. Boosters may be required for fire fighting purposes.
Mult: Unit Dwelling Development

Engineering Report

Network analysis to ensure desirable pressures and flows are available will be undertaken and points of connection will be determined in collaboration with Council during the detailed design stage of the project.

4.4. Sewer Reticulation

It is proposed to discharge sewerage to the existing sewer line in Jeffrey Court. Existing sewer lines service the subject lots via house connections. Those lines connect to the existing sewer line located in Jeffrey Court. Road crossings connect the associated sewerage manholes.

4.5. Electricity and Telecommunications Supply

A survey of utility services provided confirms that there is an existing Telstra pit located at the frontage of the lots, in line with the boundary between Lots 46 and 47.

Existing power poles are located along the southern side of Jeffrey Court adjacent to the kerb and channel. Ergon Energy has advised that adequate power supply can be provided to the proposed development.
5. Conclusion

The findings of this Engineering Report support the proposed use of the subject site as a multi unit dwelling development.

All required essential services can be suitably provided and all necessary site access and stormwater management can be designed without adversely affecting the safety and amenity of the immediate locality.

We trust that this report addresses all major civil engineering aspects to be considered.
Appendices

Appendix A – Town Planning Drawings
Appendix A

Town Planning Drawings
APPENDIX E

Traffic Impact Assessment

Prepared by

TTM Consulting
15th December 2009

Our Ref: 51490
Your Ref:

Mecki Pty Ltd
c/o COMICS Brisbane Office,
PO Box 1599,
Fortitude Valley QLD 4006

Attention: Simon Pollock

Residential Development 47 Jeffery Court Agnes Waters - Proposed Development
Application: Traffic and Parking Review

Dear Simon,

TTM have been engaged by Mecki Pty Ltd to review the traffic and parking aspects in relation to a proposed residential development at 23 & 25 Jeffery Court, Agnes Water being Lots 46 & 47 on RP6/13382. This development was approved by the Planning and Environment Court, December 2000 which was subject to a Court Consent Order.

It is TTM's understanding that an updated Development Application (DA) for this development will seek approval for effectively the same residential development that was approved, with minor amendments to the development. These amendments have included the deletion of the roof deck and further minor changes to reflect the negotiation of the Consent Order.

This letter will detail TTM's traffic response in relation to this DA and will make reference to the previous Transport Assessment (TA) Report submitted by TTM in May 2005. TTM will therefore review:

- the potential development traffic impacts;
- the development access locations and internal car park layout; and
- the car parking and commercial vehicle provision.

Proposed Development

As noted, the DA is based on the previous court approved development including minor negotiated amendments, with the following points below providing an overall development summary:

- It is proposed for 27 residential units including the caretaker's dwelling and ancillary office (reduced from 30 units) as a consequence of negotiations with the Council;
- A small retail shop (250sqm) is proposed and located on the ground floor as a consequence of negotiations with the Council as part of the previous Consent Order;

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The level of parking provision to remain as per the court approved DA; and

One access will serve the development from Jeffery Court as per the court approved DA.

Reference has been made to the Rothie Lowman architectural development plans: notably, drawings (TP1.08 and TP1.09).

It should be noted that as a consequence of negotiations the number of units originally applied for was reduced to 27 units (including a caretaker's dwelling and ancillary office) and the inclusion of a small retail shop (25sqm).

Assessable Development Criteria

It is proposed to lodge the DA against the superseded Miriam Vale Shire Council Planning Scheme policy guidelines which were adopted by the former Miriam Vale Shire Council in December 2006. The following sections provide a review by TTM of the Council assessable development guidelines in relation to the development proposals.

Development Traffic Impacts

TTM have reviewed the development traffic generation and distribution and potential traffic impacts and note the following:

Due to this DA retaining the same development characteristics in the type and scale as per the previous approved DA, TTM can assume that the traffic generated, distributed and its impacts will remain exactly as noted within the previous TA Report dated May 2005, which states:

'The additional traffic generated by the proposed development will not have an adverse effect on the operation of the surrounding network.'

Development Access

It is proposed for one access to serve the entire development, which is consistent with the approved development as noted below:

- Jeffery Court: A new two-way 6 metre wide access serving the basement car park area.

TTM have reviewed the access requirements and have found that the access layout including the ramp gradients and sight distances comply with the relevant Australian Standards, namely AS 2890.1: 2004 and AS 2890.2. TTM therefore considers that the proposed access layout is adequate and meets the relevant Council and Australian design standards.

Parking Requirements

The provision on the number of car parking spaces is based on the provision as per the approved court DA with a total of 45 car parking spaces provided. However, based on the current Council's Off-Street Car Parking Policy the proposed development parking provision is less that the Policy requirements. A further Technical Note in relation to the proposed development parking provision will be prepared that will detail the reasoning and justification for a parking relaxation.
TTM has undertaken a review of development basement level parking layout that will be accessed from Jeffery Court and note the following:

- The parking bay aisles within the basement level have been designed to provide for two-way traffic which are 5.8m and 6.35m wide, with the parking bays generally 2.6m wide x 5.4m in length.

- Tandem parking is intended to be provided, with 11 number spaces. This tandem layout has previously approved and TTM understand that tandem parking will be only used for the two and three bedroom apartments. Two visitor and one disabled parking space and bike racks will be provided and again, the further Technical Note will further explain the provision and operation of the tandem parking.

TTM has reviewed the car parking accessibility and can confirm that each space can be adequately accessed, with the spaces close to the basement ramp requiring a two or three turn vehicle manoeuvre. Due to the low traffic movements within the basement car park, TTM consider that these turning manoeuvres into the parking spaces should not cause any significant safety concern.

TTM can further confirm that the layout and physical geometry of the car park has been designed in accordance with Australian Standards AS 2890.1, AS 2890.2 and AS 2890.3.

Pedestrian Access

TTM has reviewed the pedestrian access in relation to the development site and do not envisage any safety issues to arise as a result of the Minor Amendment particularly in respect of sight distances at the vehicular conflict points.

The proposed access entrance onto Jeffery Court has taken taken into account the pedestrian requirements and the needs of the disabled persons, such as persons using wheelchairs.

Servicing Provision

The servicing to the development will be taken from development frontage on Jeffery Court. It is intended that the bins will be managed by the on-site manager and taken from the basement bin storage area to a further temporary storage area located on Jeffery Court.

TTM considers that if the bins are adequately managed and emptied and removed from Jeffery Court in an efficient manner there should be no significant servicing operational concerns.

Summary

In summary, TTM has undertaken a traffic, parking and accessibility review of the proposed development at Jeffery Court with no significant issues found in relation to the development traffic impacts, access, servicing and pedestrian provision. As noted, a separate Technical Note will be prepared in relation to the development parking provision.
TTM hope that this Technical Note provides you with a satisfactory traffic response which can be lodged in support of your DA and please contact me if you require any further clarification or further details, and I look forward to hearing from you in the near future.

Yours faithfully,

[Signature]

Paul Pennman
Senior Engineer
1 April 2010

Mr Graeme Kanofski
Chief Executive Officer
Gladstone Regional Council
PO Box 29
GLADSTONE QLD 4680

Dear Mr Kanofski:

RE: REFERRAL AGENCY RESPONSE

Applicant: Mecki Pty Ltd, c/- Conics (Brisbane) Pty Ltd
Proposal: Material Change of Use (multiple dwellings, caretakers dwelling, ancillary office, shop and semi-basement carpark)
Location: Lots 46 & 47 on RP613382
23 & 25 Jeffery Court, Agnes Water

I advise that a review of the proposed development has been undertaken on behalf of the Chief Executive of the Department of Environment and Resource Management (DERM). DERM's interests in this application are in relation to:

1. Planning and managing development involving acid sulfate soils (ASS) as an Advice Agency where State Planning Policy 202 (SPP) applies and the development involves excavating more than 1000m³ of soil or sediment or using more than 1000m³ of material as fill (Integrated Planning Regulation 1998, Schedule 2, Table 3, 4); and
2. Cultural Heritage on a third party advice basis.

The attached comments are provided to assist Council assess the impact of the application on the matters of State Interest relevant to DERM.
Should you have any questions about the assessment, please contact Tracey Beath on (07) 4938 4383.

The department would be pleased to receive an electronic copy of Council’s Decision Notice on the application in due course.

Yours sincerely

Tracey Beath
Senior Natural Resource Officer
Regional Planning & Coordination
Central West Region

CC: Medki Pty Ltd
   c/- Conico (Brisbane) Pty Ltd
   PO Box 1559
   FORTITUDE VALLEY QLD 4006
   Attention: Mr Simon Pollock

Attachments
1. Referral Agency Response – Acid Sulfate Soils (Advice Agency)
2. Third Party Advice – Cultural Heritage
Application Information

Applicant: Mecki Pty Ltd, c/- Conics (Brisbane) Pty Ltd
Proposal: Material Change of Use (multiple dwellings, carpark, dwelling, ancillary office, shop and semi-basement carpark)
Location: Lots 46 & 47 on RP613382
23 & 25 Jeffery Court, Agnes Water

Advice Agency Response – Acid Sulfate Soils

State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils (SPP 2/02) and associated guideline applies to all land, soil or sediment at or below 5 metres AHD where the natural ground level is less than 20 metres AHD. SPP 2/02 applies to development that would result in:

- excavations at or below 5m AHD of 100 m³ or more; or
- filling of land at or below 5m AHD with an average depth of 0.5m or more, with 500 m³ or more of material.

Furthermore, DERM is an Advice Agency for Acid Sulfate Soils (ASS) where the development will involve:

- excavation at or below 5 m AHD of 1000 m³ or more and the surface of the land is below 20 m AHD; or
- filling of land at or below 5 m AHD with 1000 m³ or more

Section 4.1 of the application information states “an Acid Sulfate Soil management plan will be developed and implemented as part of the operational works phase of the development and can be conditioned accordingly.” The volume of excavation or filling proposed to occur at or below 5 m AHD is unclear. In the absence of an investigation or report with respect to acid sulfate soils, as required by State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils (SPP 2/02), DERM cannot currently advise further on this issue.

DERM would be pleased to receive a copy of any ASS investigation report or proposed management practices for review.

Tracey Beath
Senior Natural Resource Officer
Regional Planning & Coordination
Central West Region
Application Information

Applicant: Meckl Pty Ltd, c/- Conics (Brisbane) Pty Ltd
Proposal: Material Change of Use (multiple dwellings, caretakers
dwelling, ancillary office, shop and semi-basement carpark)
Location: Lots 46 & 47 on RP613382
23 & 25 Jeffery Court, Agnes Water

Third Party Advice – Cultural Heritage

A search has been performed on the inventory of recorded Aboriginal sites over Lots 46
and 47 on RP613382. No Aboriginal sites were found on the subject lot and DERM does
not require any additional information from the applicant in relation to protection of
cultural heritage; however, the Chief Executive of DERM provides the following advice:

In Queensland, Aboriginal cultural heritage is protected whether or not it has been
identified or listed. Aboriginal cultural heritage can exist on an area of land regardless
of the land tenure. Substantial penalties exist for unlawfully harming Aboriginal
cultural heritage.

Under section 23 of the Aboriginal Cultural Heritage Act 2003, a person who carries out an
activity must take all reasonable and practicable measures to ensure the activity does not
harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum
penalties for breaching the duty of care are $750,000 for a corporation and $75,000 for an
individual.

The applicant will comply with the cultural heritage duty of care if they are acting in
accordance with gazetted cultural heritage duty of care guidelines. An assessment of the
proposed activity against the duty of care guidelines will help determine whether or to what
extent Aboriginal cultural heritage may be harmed by the activity.

If following an assessment of the duty of care guidelines the applicant believes cultural
heritage may be harmed by the proposed activity, they should contact the Cultural Heritage
Coordination Unit for further advice on (07) 3239 3647 or
e-mail cultural.heritage@derm.qld.gov.au

Further information on cultural heritage, together with a copy of the duty of care guidelines
and cultural heritage search forms, may also be obtained from
8 Mary Munro  
Agnes water  
22.11.10

DA/90/2009

To whom it may concern

I feel compelled to write and lodge my strong disapproval of the upcoming building development earmarked for Jeffrey court in Agnes water.

I believe the development of 27 units to be totally out of character with the relaxed village atmosphere of Jeffrey’s Court.

I lived at Jeffrey’s Court for almost 2 years the residents all new each other and we never lock our doors.

I believe developments of this scale will be the demise of village atmosphere and community as units are generally inhabited by a transit clientele or left empty for most of the year and used only as holiday homes.

We have many resorts and unit blocks already in Agnes which struggle to retain business throughout the year, one of which has been in liquidation for many years and is a public eyesore.

A community does not have to be large to be deemed as successful; Agnes water is a very unique community and is one of the very last small and undeveloped communities on the East coast. As a council you have the power to preserve Agnes for future generations to enjoy, please don’t allow outside developers to rape and plunder the township and destroy the community. Agnes does not have to be another Byron Bay Noosa or Port Douglas.

Yours faithfully

\[Signature\]

Happiness isn’t having what you want,  
It’s wanting what you have?
G/5.8.2 Development Application DA/9/2009 Reconfiguring a Lot (1 into 11) under Community Title Scheme at 570 Springs Road, Agnes Water

Responsible Officer: Director Statutory Planning

Council Meeting Date: 1 February 2011

Development Application:

Application Number: DA/9/2009
Applicant: C L Cross C Humphreys Reynolds Perkins Consulants
Owner: H Dawson and C L Cross and L M Chandler and T J Dawson
Date Of Receipt: 29 June 2009
Location: 570 Springs Road, AGNES WATER QLD 4677
RPD: Lot 4 RP907757:PAR UXBRIDGE
Area: 8.8 Ha
Current Use of Land: Two residential dwellings
Zoning: Special Residential & Conservation Zone
Proposal: 1 into 11 Residential Lots under a Community Management Title

Executive Summary:

A Code Assessable Development Application for 11 Residential Lots under a Community Management Title has been received by Council on 29 June 2009. This development is located in an area with numerous other residential allotments created under relatively similar arrangements. The proposed development is considered to be consistent with the intent of the Planning Scheme for Miriam Vale and the outcomes for the general area and as such is recommended for approval subject to reasonable and relevant conditions.

Subject Site:

The subject site is located at 570 Springs Road, Agnes Water and is predominately zoned Special Residential with 30 metres of the eastern side of the site adjacent Springs Beach being within the Conservation Zone. The subject site is 8.8 hectares in size and is long and rectangular in shape with 70 metres frontage to Springs Road. The site is moderately vegetated and is quite steep towards the northern end. The site is currently improved by two older style residential dwellings with beach access. The Agnes Water township is located approximately 5 kilometres to the north west of the site.

This locality also has several other developments, constructed or approved, of a similar nature. The ‘Sunrise at 1770’ development surrounds this site to the south and west.
and is comprised of lots in a community management scheme. 'Rocky Point' is another existing community management subdivision at the end of Springs Road comprised of 7 lots. Adjoining the site to the east is a similar approved development ‘The Cove’ for 15 lots in a community management scheme and health and fitness centre. Further to the south is another approved development, ‘Red Rock’ which has several approvals the most significant of which is for a 49 lot subdivision, restaurant, multiple dwellings, sewer treatment plant also in a community management scheme.

The following figures illustrate the location and existing form of the subject site.

Figure 1: Location and Zoning of Subject Site

Figure 2: Current form of Subject Site
Background:

The application was received by Council on 9 July 2009 and therefore was received after the commencement of The Miriam Vale Planning Scheme 2009. Under The Miriam Vale Plan the proposed DA – within the Special Residential Zone and Conservation Zone requires Code Assessment. As the application was received prior to the commencement of the Sustainable Planning Act 2009, the application has been assessed in accordance with the Integrated Planning Act 1997.

This site was also subject to a previous application in 2006. The application was for a 16 Lot Residential Subdivision and 16 Dwelling Houses. There were significant issues with the previous application particularly as the site was previously zoned Rural under the now Superseded Planning Scheme. The then Department of Natural Resources and the Environmental Protection Agency also identified several issues with the development including clearing of native vegetation, coastal management and bushfire hazard. As a result, when the current planning scheme was adopted in February 2009 it was considered by the applicant that the application could be more favourably regarded and the current application was lodged.

Proposal:

The proposal is for reconfiguring a lot to create 11 residential allotments with building envelopes and common property. The development application is for a community title subdivision which seeks to establish an environmentally sustainable residential development.

The proposed lots will have areas ranging from 4,005m² to 9,945m² each with a building envelope of 800m². The common property will incorporate an access road.
which provides access to each lot and turnaround areas, a pedestrian access to the beach area and servicing infrastructure such as bores for water supply for both fire fighting and potable water reserve purposes. It is noted that each lot will have private rainwater tanks and on site septic system. This method of servicing is different to the infrastructure at both the existing 'Sunrise at 1770' and the approved 'The Cove' developments which utilise integrated water and sewer systems owned and operated by the body corporate/developer.

A Community Management Statement (CMS) will be prepared to facilitate the management and maintenance of the development. The requirements for development and maintenance of the site will have the effect of body corporate bylaws binding the residents and/or members of the body corporate.

An Ecologically Sustainable Development (ESD) House Design Code is proposed to be incorporated within the Community Management Statement. The Code would be reviewed by the Design Review Committee appointed by the Body Corporate to assess applications for dwelling houses. The ESD House Design Code is intended to ensure that each new dwelling is designed and constructed in an ecologically sustainable manner and all houses proposed to be constructed within the development will be required to be assessed against this code which addresses aspects including, topography and hydrology, vegetation retention, building materials, building structure, privacy, water and energy efficiency.

The following plan illustrates the proposed development.
Referral:

The application triggered referral to the following referral agencies in accordance with the Integrated Planning Act 1997:

- Ecoaccess Customer Service Unit (Advice Agency) for being within 100m from a referrable wetland, a marine park and world heritage listed area;
- Environmental Protection Agency (Concurrence Agency) for being within the Coastal Management District; and
- Department of Natural Resources and Water (Concurrence Agency) for vegetation clearing.

In March 2009, the above agencies amalgamated to form the Department of Environment and Resource Management (DERM). DERM issued an information request in September 2009. Several items of correspondence were passed between the applicant and DERM surrounding the issues of clearing vegetation and bushfire risk management. DERM issued their referral agency response on 3 December 2010 (attached) and included several conditions regarding the extent of clearing of vegetation, construction of beach accesses and compliance with the applicants Bushfire Management Plan.

In regard to the dedication of the land within the Coastal Management District, DERM have acknowledged that this is a voluntary contribution. As it is to be a voluntary contribution, DERM have not included a specific condition requiring this dedication, rather a condition that notes the development is approved in accordance with the plan which shows this dedication to the state. This response in its entirety will be included within the conditions of approval as required by IPA.

Assessment:

Planning Scheme Requirements:

The proposed subdivision is located in the Agnes Water Locality and the Special Residential and Conservation Zones. The proposal is considered to be generally compliant with the intent of the Agnes Water Locality and the existing development in the area and is proposed in a manner which is considered to be the orderly and logical progression of development in the locality ie. adjoining Sunrise development and approved sites such as The Cove and Red Rock.

The application has been assessed against the following codes of the Miriam Vale Planning Scheme:

- Agnes Water Locality Code;
- Special Residential Zone Code;
- Conservation Zone Code;
- Reconfiguring a Lot Code; and
- Works, Services & Infrastructure Code.

The following additional overlay codes were also triggered to be assessed against:

Acid Sulphate Soils Overlay Code;
Coastal Management Overlay Code;
Bushfire Hazard Overlay Code; and
The Hillslopes Protection Overlay Code.
The Overall Outcomes of the Agnes Water Locality Code which are relevant to this proposal are as follows:

- Urban development is consolidated within the Agnes Water Locality and land uses that are inconsistent with the role of Agnes Water as a ‘district centre’ do not occur within the Locality;
- Growth in the Agnes Water Locality occurs in a manner that is an orderly and logical progression of development;
- Significant vegetation on site is maintained, to assist in retaining the leafy, ‘beachside Character’ of the locality;
- Suitable access is provided to the use; and
- Services appropriate to the land and its location are provided;

The proposed development is considered to be generally consistent with the Overall Outcomes of the Agnes Water Locality Code for the following principal reasons:

- It will not compromise Agnes Water as a ‘District Centre’, and will provide for the orderly and logical progression of development to the north-east of ‘Sunrise at 1770’ and adjoining ‘The Cove’;
- The majority of the vegetation on-site will be retained and maintained to ensure the beachside character of the site except for clearing for building pads;
- Adequate access into and throughout the development will be provided; and
- The development will be adequately serviced utilising infrastructure to be developed and maintained on site.

Special Residential Zone Code

The Overall Outcomes for the Special Residential Zone Code are the purpose of the Special Residential Zone Code and are as detailed below:

- Residential neighbourhoods in the Special Residential Zone provide for residential living in a manner sensitive to the natural environment.
- Residential neighbourhoods are located close to services and community facilities and provide a high standard of residential amenity.
- The scale and density of development is consistent with the existing character of the locality.

The proposed development is considered to be generally consistent with the Overall Outcomes of the Special Residential Zone Code as it will provide for residential living that is sensitive to the natural environment and provide a high standard of residential amenity with close access to the beach environment. The scale of the development is consistent with the existing character and current approvals in the area.

It is noted that the property is also within the Conservation Zone along the portion of the site which fronts the beach. No development will occur in this area and the applicant proposes to dedicate this portion of the site to the state as a Reserve for Beach Protection and Coastal Management purposes. DERM have also included a condition recognising this and a condition has been recommended to ensure this dedication occurs.

Reconfiguration of a Lot Code

The Overall Outcomes for the Reconfiguration of a Lot Code are as follows:
NEW LOTS ARE SUITABLE FOR FUTURE USES AND ARE APPROPRIATELY DESIGNED AND SITED GIVEN THE TOPOGRAPHY AND LANDSCAPE ELEMENTS OF THE AREA;

- The design is an efficient use of the land;
- A suitable level of infrastructure is provided;
- Reconfiguration does not impact on the Shire’s natural resources such as water, native habitat area and known areas of cultural significance;
- Good Quality Agricultural Lands and other economic resources are not compromised;
- The design provides for the convenient and safe movement of people; and
- The road network is efficient and safe.

It is considered that the proposed lots are of suitable size and dimension for their intended use for single residential dwellings. The lots have been designed to take advantage of their beachside location, while still retaining the majority of vegetation. Section 4.38.3 of this Code additionally provides both Specific Outcomes and Acceptable Solutions that must be considered. The proposal complies with all lots proposed being larger than the minimum 4,000m² (lots range from 4,005m² to 9,945m²).

WORKS, SERVICES & INFRASTRUCTURE CODE

The Overall Outcomes for the Works, Services and Infrastructure Code are the purpose of the code and are as follows:

- All development is provided with an appropriate level of services; and
- Infrastructure is designed and constructed to a suitable standard according to the size and location of the proposed development”.

The development proposes the use of individual on site sewer systems for each lot as well as rainwater tanks for potable water supply. To supplement the water supply the applicant has also proposed to utilise the existing on site groundwater supply for toilets, washing machines and outdoor use as well as backup potable water supply.

The servicing for this development differs from the servicing arrangements in adjoining developments. ‘Sunrise at 1770’ (existing), ‘The Cove’ and 'Red Rock' (approved) have servicing arrangements where the body corporate/developer maintains and manages the sewer and water infrastructure as an integrated system. In this instance it is proposed that each lot will have its own private water tanks and septic system and each individual owner will be responsible for these. It is noted that investigation was undertaken into the connection of this development to Sunrise’s infrastructure as was connection into Council's services, however being located a significant distance from the subject site and other practicality issues, these options were not pursued. Given the slope in this area, it was determined that both options would be quite costly and individual water tanks and septic systems would be a more feasible option.

ACID SULPHATE SOILS OVERLAY

The site is subject to Acid Sulphate Soils in the north eastern portion of the site. The development would involve little physical construction works that require large amounts of earthworks. The proposed access road already exists for a large portion and requires minor upgrading. The final portion of the access road will involve some earthworks that may result in disturbance. Construction of houses within the proposed lots may also involve acid sulphate soils disturbance. To minimise the risk of potential acid sulphate soils disturbance it is considered that an Acid Sulphate Soils
Management Plan be submitted and assessed which is consistent with DERM's requirements.

**Coastal Management Overlay**

Given the site's proximity to the beach, it is important to protect the coastal processes. It is noted that the applicant is proposing to dedicate approximately 11,000m² of land along the seaward side of the site for the purpose of Beach Protection and Coastal Management Purposes. No development will occur in this area and it will be protected from any future development.

**Bushfire Hazard Overlay**

The subject site is mapped as moderate to high bushfire hazard. DERM also had considerable concerns regarding the bushfire hazard of the site. The applicant developed a Fire Management Plan to demonstrate that the development can be protected from bushfire. The Plan proposes the ongoing removal of fuel loads by removing weeds and grassy undergrowth as well as fire resistant dwelling designs to mitigate the fire threat. Maintenance in and around dwellings is proposed to reduce fuel sources within a fire safety buffer. Further details of the ongoing management of the estate and fire risk will be managed by the Body Corporate. The Management Plan was approved by DERM.

**Hill slopes Protection Overlay**

The northern portion of the subject site is identified as having a slope of 15% to 30%. The applicant undertook a geotechnical report to assess the stability of the slopes on site. It was indicated that the site is clear of unstable areas and instability of residential dwellings was not likely. The report did identify that during any earthworks on the site, there would need to be particular attention given to retaining and construction given the hillside location. Several guidelines regarding this were recommended as part of the report. This report is considered acceptable by Council Engineers and will form part of the development approval.

**Conclusion**

This proposal involves the extension of similar existing development (Sunrise at 1770) as well as similar approvals that have not yet been acted upon (The Cove to the east and Red Rock to the south). The development involves the dedication of a large amount of land for conservation purposes along the seaward side of the site. The development can adequately address the site constraints such as slope and bushfire hazard with long term maintenance and suitable hillside residential design overseen by a Body Corporate. It is considered that the development generally complies with the requirements of the Planning Scheme for Miriam Vale and as such is recommended for approval subject to reasonable and relevant conditions.

**Officer's Recommendation:**

That the application for Reconfiguring a Lot (1 into 11) located at 570 Springs Road, Agnes Water described as Lot 4 on RP907757 be granted approval subject to the following conditions:
1. Development undertaken in accordance with this approval must generally comply with the approved plans of development. The approved plans are detailed as follows, except as modified herein.

<table>
<thead>
<tr>
<th>Plan/Document Number</th>
<th>Plan/Document Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>Overall Layout Plan prepared by Opus Qantec McWilliam</td>
<td>6 December 2006</td>
</tr>
<tr>
<td>Drawing Number A1-G2177/SK1</td>
<td>Overall Site Plan &amp; Services Layout prepared by Opus Qantec McWilliam</td>
<td>6 December 2006</td>
</tr>
<tr>
<td>Drawing Number A1-G2177/SK2</td>
<td>Overall Site Plan, Services Layout and Typical Road Cross Sections prepared by Opus Qantec McWilliam</td>
<td>6 December 2006</td>
</tr>
<tr>
<td>Project No: GT 0910/620 Rev 0</td>
<td>“Geotechnical Investigation and Report” prepared by Roadtest Geotechnical Services</td>
<td>15 September 2010</td>
</tr>
<tr>
<td>Job Ref: CC-1227 Revision A</td>
<td>“Development Drainage Strategy” prepared by Empire Engineering</td>
<td>dated 28 August 2010</td>
</tr>
<tr>
<td>Job Ref: CC-1227</td>
<td>“Erosion and Sediment Control Plan” prepared by Empire Engineering</td>
<td>June 2010</td>
</tr>
<tr>
<td>Project No. 991</td>
<td>“Springs Fire Management Plan” prepared by HELPA Environmental Consultants (including Appendix 1 – Provision of a fire suppression system in accordance with AS2419.1 prepared by Spice Consulting)</td>
<td>2006 (Revised November 2010 by Kakadu Consulting Services)</td>
</tr>
<tr>
<td>QFRS reference: RO.CR.10910MV-RP907757 &amp; DERM reference: IC0709ROK0012</td>
<td>Advice agency letters from the Queensland Fire and Rescue Service</td>
<td>6 September 2010 and 5 October 2010</td>
</tr>
</tbody>
</table>

2. The development shall comply with the Department of Environment and Resource Management’s Referral Agency Conditions dated 3 December 2010 and attached.

3. Prior to the endorsement of the plan of survey, payment of a contribution of $20,000 towards external roadworks is required in accordance with Council’s Road Contribution Policy. Contributions shall be calculated in accordance with the rates and charges applicable at the time of payment.

4. Prior to the endorsement of the plan of survey, payment of a contribution of $20,000 towards public gardens and recreation space is required in accordance with Council’s Policy on Park contributions. Contributions shall be calculated in accordance with the rates and charges applicable at the time of payment.

5. All residential allotments shall comply with the following criteria:
   - The total number of residential allotments created shall not exceed 11.
   - The Building envelopes shall have a maximum area of 800m².
   - No residential allotments shall be filled and a plan shall be submitted with the Operational Works application demonstrating that the natural landform and landscape are not modified to accommodate the development. The plans shall include a cross section of each site also
demonstrating the maximum allowable building height for each allotment.

6. The Community Management Statement shall protect the vegetation from disturbance in all areas outside the building envelope except for the purposes of fire management and require that any new planting is indigenous to the particular vegetation unit. The Community Management Statement must be registered in conjunction with the endorsement of the survey plan and should be submitted to Council for approval as part of any operational works development application.

7. The Community Management Statement shall incorporate the Ecologically Sustainable Development House Design Code to ensure each new dwelling is designed and constructed in an ecologically sustainable manner.

8. The Community Management Statement shall ensure that the height of any building, measured from the natural ground level to the topmost point of the building, shall not exceed 8.5 metres, to ensure that structures and buildings do not protrude above any horizon or ridgeline when viewed from any public place readily accessible to the public.

9. Development is not to result in the removal of Significant Vegetation, except for:

- The building footprint;
- Necessary bushfire management practices, in accordance with the approved bushfire management plan; and
- The construction of access ways.

10. The Applicant shall make provision of registrable Vegetation Protection Covenant in favour of Council pursuant to the \textit{Land Title Act 1994}, over the areas located outside the building envelope. The covenant shall protect the vegetation from disturbance in these areas and require that any new planting is indigenous to the particular vegetation unit. The Covenant shall be confirmed through a by-law in the Community Management Statement and registered in conjunction with the endorsement of the survey and the covenant plan should be submitted to Council for approval with the operational works development application.

11. The developer shall undertake on-site revegetation utilising plants indigenous to the particular vegetation unit in which the need to revegetate arises. Such areas may include, but may not necessarily be limited to, building footprints, roads, pedestrian accesses and the like.

12. The management of vegetation on land, other than the building footprints, shall be carried out by the Body Corporate and secured through a by-law in the Community Management Statement.

13. The site is to be maintained in a clean and orderly state at all times.

14. Prior to the endorsement of the plan of survey, the developer shall eliminate or control any/all declared pests or weeds on the site in accordance with the Council's Policy 4.22 'Control of Declared Plants – New Subdivisions'.

15. Prior to the submission of the plan of survey to Council, the developer shall reinstate survey marks and install new survey marks in their correct position in
accordance with the plan of subdivision. All such work is to be certified in writing by a surveyor.

16. An Operational Works Permit must be obtained for the following works prior to the commencement of construction:

- earthworks
- roadworks
- stormwater management
- water infrastructure
- street lighting (Springs Road access)
- landscaping

The design and supporting calculations / documentation associated with these works must be certified by a Registered Professional Engineer of Queensland (RPEQ) and are to be in generally in accordance with:

- “Geotechnical Investigation and Report” prepared by Roadtest Geotechnical Services, dated 15 September 2010 (Project No: GT 0910/620 Rev 0) and including the recommendations contained in Section 6.0 Conclusions.
- “Erosion and Sediment Control Plan” prepared by Empire Engineering, (Job Ref: CC-1227 dated June, 2010).
- “Springs Fire Management Plan” prepared by HELPA Environmental Consultants 2006 (Revised October 2010 – Kakadu Consulting Services) including Appendix 1 – Provision of a fire suppression system in accordance with AS2419.1 prepared by Spice Consulting (Project No. 991).
- Advice agency letters from the Queensland Fire and Rescue Service dated 6 September 2010 and 5 October 2010 (QFRS reference: RO.CR.10910MV-RP907757, DERM reference: IC0709ROK0012)

17. Prior to the endorsement of the plan of survey of the development, the developer shall construct a stormwater drainage system which conveys stormwater from the development site to a legal point of discharge. Where stormwater from any allotment cannot be drained to the road frontage, a piped inter-allotment stormwater system shall be provided which conveys stormwater to a legal point of discharge and provides each allotment with a connection to the stormwater system.

18. Any on-site civil works shall be undertaken and executed under the supervision of a RPEQ. On completion, give to Council “as constructed” details of the civil works including certification that all civil works have been completed in accordance with the approved plans and specifications.

19. An Acid Sulphate Soils Management and Control Plan must be submitted and approved with the Operational Works application prior to commencement of any site clearing, construction and earthworks.

20. The rainwater collection system needs to be supplemented with a reliable groundwater supply. A groundwater report shall be prepared on the quality of the groundwater and the proposed treatment measures and the hydraulic
capacity and long term reliability of the proposed bore/s to provide a long term sustainable supply. The assessment of the long term reliability shall be carried out in accordance with AS2368-1990 Test pumping of water wells (Table 3.1 - medium or high usage) under the supervision of a RPEQ or a qualified Hydrogeologist experienced in this type of work. The test pumping of the bore/s shall be carried out for as long as possible and for a period of not less than 100 hours.


ENVIRONMENT & REGULATION DEPARTMENT CONDITIONS

SCHEDULE A – GENERAL CONDITIONS

A1 In carrying out the activity, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.

A2 The holder of this development approval must:
(a) install and operate all works and control equipment, and
(b) take all measures, perform all acts and do all things, necessary to ensure compliance with the conditions of this development approval.

A3 Notwithstanding any other condition of this development approval, this development approval does not authorise any release of contaminants that causes or is likely to cause an environmental nuisance beyond the boundaries of the registered place.

SCHEDULE B – AIR

B1 Odour and visible contaminants, including but not limited to dust, smoke, fumes and aerosols must not be released to the environment in a manner that will or may cause environmental harm or environmental nuisance unless such release is authorised.

B2 Suitable screens and/or barriers shall be erected during excavation and building works, where required, to reduce the emission of dust, water effluent or other matter from the site.

B3 No incineration or open burning shall be carried out on site.

B4 Following site preparation and clearing, all greenwaste material for disposal shall be stockpiled and removed to an approved refuse disposal facility or wood chipped on site. Burning of material prior to removal is not permitted due to interferences with the surrounding areas.

B5 During construction, stockpiles and areas of bare soil or earth that are likely to become eroded must be adequately protected – by upslope surface water diversion, downslope sediment fencing and temporary surface coverings.
**SCHEDULE C – WATER / STORMWATER**

**C1**  Contaminants must not be directly or indirectly released from the site to which this development approval applies, to any waters or stormwater.

**C2**  The vehicle wash down area must be impervious, covered and bunded/graded to exclude any stormwater and drained to either the sewer under the conditions of a trade waste permit or collected for recycling/disposal using a system approved by Council. No waste water is to enter stormwater.

**C3**  Access to the site shall be restricted to a stabilised construction entrance. The entrance shall be an appropriate size, with corduroy or metal grid provided to help shake mud from vehicle tyres.

**C4**  This approval does not relate to structural integrity. The approval holder is responsible for ensuring that the designed facilities, along with ancillary drains, channels and pipes, shall be designed and constructed in accordance with good engineering practice. This approval does not remove any obligation on the holder to obtain any other approval legally required by any other authority.

**SCHEDULE D – NOISE**

**D1**  The installation and operations of noise generating equipment and vehicles shall be carried out in a manner to minimise their impacts on neighbouring properties.

**D2**  The building works must be carried out by such practicable means necessary to prevent the emission or likelihood of emission of noise that constitutes environmental nuisance.

**D3**  All noise producing machinery and equipment (including airconditioners, compressors and cooling systems) are to be fitted with noise attenuation features so that noise at the boundary of the site does not exceed the levels indicated in the table below –

<table>
<thead>
<tr>
<th>Period</th>
<th>Noise Level at a Noise Sensitive Place (ie a residence) Measured as the Adjusted Maximum Sound Pressure Level (Lamax adj, T)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>7am – 7pm</strong></td>
<td>Background noise level plus 5dB(A)</td>
</tr>
<tr>
<td><strong>7pm – 10pm</strong></td>
<td>Background noise level plus 5dB(A)</td>
</tr>
<tr>
<td><strong>10pm – 7am</strong></td>
<td>Background noise level plus 3dB(A)</td>
</tr>
<tr>
<td><strong>Sundays &amp; Public Holidays</strong></td>
<td>Background noise level plus 5dB(A)</td>
</tr>
</tbody>
</table>
NOISE LIMITS AT A COMMERCIAL PLACE

<table>
<thead>
<tr>
<th>Period</th>
<th>Noise Level at a Commercial Place Measured as the Adjusted Maximum Sound Pressure Level (Lamax adj, T)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7am – 7pm</td>
<td>Background noise level plus 10dB(A)</td>
</tr>
<tr>
<td>7pm – 10pm</td>
<td>Background noise level plus 10dB(A)</td>
</tr>
<tr>
<td>10pm – 7am</td>
<td>Background noise level plus 8dB(A)</td>
</tr>
<tr>
<td>Sundays &amp; Public Holidays</td>
<td>Background noise level plus 5dB(A)</td>
</tr>
</tbody>
</table>

SCHEDULE E – WASTE MANAGEMENT

**E1** Where waste is a contaminant, waste must not be released to the environment where the release will or may cause environmental harm or environmental nuisance, unless such release is authorised.

**E2** Building refuse shall *not* be stored on a public place during building operations. All refuse shall be satisfactorily contained on site and stored in bulk refuse bins where appropriate.

**E3** Building materials shall *not* be stored on Council’s footpaths. No construction work is to take place on the footpath.

**E4** Concrete wastes, or washing concrete mixers, must not be deposited in any location where they may flow or be washed into any stormwater system or kerb drainage.

**E5** Paintbrushes, rollers, tins, trays etc shall not be washed out or emptied into stormwater drain/system.

SCHEDULE F – MONITORING AND REPORTING

**F1** All complaints received by the holder of this development approval relating to releases of contaminants from the activity must be recorded and kept in a log book with the following details:

(a) time, date and nature of complaint;
(ii) type of communication (telephone, letter, personal etc.);
(iii) name, contact address and contact telephone number of complainant (note: if the complainant does not wish to be identified then “Not identified” is to be recorded);
(iv) response and investigation undertaken as a result of the complaint;
(b) name of person responsible for investigating complaint; and
(vi) action taken as a result of the complaint investigation and signature of responsible person.
F2 As soon as practicable after becoming aware of any emergency or incident which results in the release of contaminants not in accordance, or reasonably expected to be not in accordance with the conditions of this development approval, the holder of the registration certificate to which this development approval relates, must notify the administering authority of the release by telephone or facsimile.

F3 The notification of emergencies or incidents as required by condition F2 must include but not be limited to the following:

(c) the operator of the activity to which this development approval relates;
(ii) the location of the emergency or incident;
(iii) the name and telephone number of the designated contact person;
(iv) the time of the release;
(d) the time the holder of the registration certificate became aware of the release;
(vi) the suspected cause of the release;
(e) the environmental harm and or environmental nuisance caused, threatened, or suspected to be caused by the release; and
(viii) actions taken to prevent further any release and mitigate any environmental harm and/or environmental nuisance caused by the release.

F4 Not more than 14 days following the initial notification of an emergency or incident, the holder of the development approval must provide written advice of the information supplied in accordance with condition number F3 in addition to:
(f) proposed actions to prevent a recurrence of the emergency or incident;
(ii) outcomes of actions taken at the time to prevent or minimise environmental harm and or environmental nuisance; and
(g) the results of any environmental monitoring performed.

SCHEDULE G – DEFINITIONS

G1 For the purposes of this development approval the following definitions apply:

(a) “L(Amax adj, T)” means the average maximum A-weighted sound pressure level, adjusted for noise character and measured over a time period of not less than 15 minutes, using Fast response

(b) “commercial place” means a place used as an office or for business or commercial purposes.

(c) “noise sensitive place” means –

a) a dwelling, mobile home or caravan park, residential marina or other residential premises; or
b) a motel, hotel or hostel; or
c) a kindergarten, school, university or other educational institution; or
d) a medical centre or hospital; or
e) a protected area; or
f) a park or gardens.

G2 For the purposes of this development approval any term not otherwise defined in the Environmental Protection Act 1994, and the Integrated Planning Act 1997 and any subordinate legislation made pursuant to these Acts or in the
Definitions Schedule of this development approval has the meaning conferred to that term in its common usage.

END OF CONDITIONS

Attachments:

1. DERM Response

Tabled Items:

1. Nil

Report Prepared by: Planning Officer (Student)
3 December 2010

Ms Carolyn Cross
c/- Humphreys Reynolds Perkins Planning Consultants
Level 20, 344 Queen Street
BRISBANE QLD 4000

Attention: Dominic Hammersley

Dear Ms Cross

RE: REFFERAL AGENCY RESPONSE

Applicant: Ms Carolyn Cross,
c/- Humphreys Reynolds Perkins Planning Consultants
Proposal: Reconfiguring a Lot (1 lot into 11 lots)
Location: Lot 4 on RP907757
570 Springs Road, AGNES WATER

I advise that a review of the proposed development has been undertaken on behalf of the Chief Executive of the Department of Environment and Resource Management (DERM). DERM’s interests in this application are in relation to:

1. Clearing vegetation as a Concurrence Agency where a lot subject to an application for reconfiguring a lot (RAL) contains remnant vegetation; the size of the lot before the reconfiguration is 2 ha or larger, 2 or more lots are created; and the size of any lot created is 25 ha or smaller (Integrated Planning Regulation 1998, Schedule 2, Table 2, 4); and
2. Reconfiguring a lot if the land is situated completely or partly within a coastal management district, as a Concurrence Agency (Integrated Planning Regulation 1998, Schedule 2, Table 2, Item 13);
3. Additional information for applicants, as follows:

Aboriginal Cultural Heritage

Under section 23 of the Aboriginal Cultural Heritage Act 2003 a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the “cultural heritage duty of care”). Maximum penalties for breaching the duty of care are $1,000,000 for a corporation and $100,000 for an individual.
Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in accordance with cultural heritage duty of care guidelines gazetted under the Aboriginal Cultural Heritage Act 2003, available on the DERM website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the Aboriginal Cultural Heritage Act 2003.

Applicants are also encouraged to undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, DERM. Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 3239 3647 or on the DERM website www.derm.qld.gov.au/cultural_heritage.

The department would be pleased to receive an electronic copy of Council’s Decision Notice on the application in due course.

Should you have any questions about the assessment, please contact Tracey Beath on (07) 4956 0506.

Yours sincerely

Jacki Wirth
A/Manager
Regional Planning and Coordination
Central West Region

Attachments
Attachment 1: Referral Agency Response – Vegetation Management
Attachment 2: DERM Permit number: IPCC01591409 – Coastal Management

CC: Mr Graeme Kanofski
Gladstone Regional Council
PO Box 29
Gladstone Qld 4680
Attention: Nicholas Cooper
Department of Environment and Resource Management –
Referral Agency Response – Material Change of Use
Given under Section 3.3.16 of the Integrated Planning Act 1997

1. Application information

1.1. Applicant’s name: Ms Carolyn Cross
1.2. Property description: Lot 4 on R907757
1.4. Date application was referred to Department: 13 July 2009
1.5. Departmental Reference: eLVAS Case No: 2009/006549, File Ref No: RCO/23221, Track No: IC07099K0012
1.6. Type/s of development sought by the application:
   • Reconfiguring a Lot

2. Concurrence Agency response:

The Chief Executive of the Department of Environment and Resource Management directs that the following conditions must be imposed on any approval given by the Assessment Manager:

• Any native vegetation may only be cleared for urban purposes.

• The reconfiguring of Lot 4 on R907757 — including establishment of infrastructure and allotment boundaries — must remain consistent with the submitted plan “Overall Layout Plan” prepared by Empire Engineering, job Ref No. CC-1227, drawing No. LP01, issue A, dated 09/11/10. (Attachment 01).

• No clearing of native vegetation is to occur as a result of this approval within the Conservation zone as shown on the current Miriam Vale Shire Planning Scheme which incorporates the amendment dated 11 October 2010 to correct the zoning boundary between the ‘Special Residential’ and ‘Conservation’ zone within Lot 4 on R907757.


• No infrastructure are to be located in or within 6 metres of the Conservation zone as shown on the current Miriam Vale Shire Planning Scheme which incorporates the amendment dated 11 October 2010 to correct the zoning boundary between the ‘Special Residential’ and ‘Conservation’ zone within Lot 4 on R907757.

In particular, no fences are to be built in or within 6 metres of the Conservation zone as shown on the current Miriam Vale Shire Planning Scheme which incorporates the amendment dated 11 October 2010 to correct the zoning boundary between the ‘Special Residential’ and ‘Conservation’ zone within Lot 4 on R907757.
3. Reasons for the concurrence agency response

The conditions are required to ensure that the application meets the Concurrency Agency Policy for Reconfiguring a Lot (RAI) – version 2 dated 21 October 2009.

4. Additional comments or information:

Aboriginal Cultural Heritage

Under section 23 of the Aboriginal Cultural Heritage Act 2003 a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are $1,000,000 for a corporation and $100,000 for an individual.

Applicants will comply with the duty of care in relation to Aboriginal cultural heritage if they are acting in compliance with cultural heritage duty of care guidelines gazetted under the Aboriginal Cultural Heritage Act 2003, available on the Department’s website, or in accordance with an agreement with the Aboriginal party for the area or a cultural heritage management plan approved under part 7 of the Aboriginal Cultural Heritage Act 2003.

Applicants should also undertake a search of the Aboriginal Cultural Heritage Database and the Aboriginal Cultural Heritage Register, administered by the Cultural Heritage Coordination Unit, Department of Environment & Resource Management.

Application forms to undertake a free search of the Cultural Heritage Register and the Database may be obtained by contacting the Cultural Heritage Coordination Unit on (07) 323 9 3647 or on the Department’s website www.derm.qld.gov.au/cultural_heritage.

5. Authorised Officer Signature:

Peter Hall
Senior Vegetation Management Officer

Date of Response:
30 Nov 2010
## Integrated Planning Act 1997

### DERM Permit number: IPCC01591409

| Assessment manager reference: | DERM
| Date application received: | 21 August 2009
| Permit type: | 
| Date of decision: | 2 December 2010
| Decision: | For a concurrence agency response
- Approved with Conditions
  - With conditions that must attach to any development approval
  - Integrated Planning Act 1997
  - Coastal Protection and Management Act 1995
| Relevant laws and policies: | Reconfiguring a lot - Trial works, or development in a coastal management district
| Jurisdiction(s): |

### Development Description(s)

<table>
<thead>
<tr>
<th>Property/Location</th>
<th>Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 4 on RP907757</td>
<td>570 Springs Road, Agnes Water</td>
</tr>
</tbody>
</table>

### Reason(s) for inclusion of conditions

In accordance with section 3.5.18(7) of the Integrated Planning Act 1997 and section 27B of the Acts Interpretation Act 1954, the reason(s) for inclusion of conditions stated in this permit required by the consultation agency response for this application are as follows:

- The Department of Environment and Resource Management (DERM) is a concurrence under the Integrated Planning Regulation 1998 for coastal management under the Coastal Protection and Management Act 1995, excluding amenity or aesthetic significance or value.

### Approved plans / specifications

<table>
<thead>
<tr>
<th>Document No.</th>
<th>Document Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>LP01</td>
<td>Overall Layout Plan</td>
<td>Not Dated</td>
</tr>
</tbody>
</table>

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**Delegate**

Sacha Welsh
Delegated, Chief Executive administering the Coastal Protection and Management Act 1995
Department of Environment and Resource Management

DATE: 2 December 2010

1 Permit includes license, approval, permit, authorisations, certificates, sanctions or equivalent as required by legislation administered by the Department of Environment and Resource Management.
Additional information for applicants

Other approvals

This concrence response pursuant to Section 104 of the Coastal Protection and Management Act 1995 does not remove the need to obtain any further approval for this development which may be required pursuant to this or other legislation, both State and Commonwealth. Applicants are advised to check with all relevant statutory authorities for such approvals as may be required.

Future operational works approval - Coastal Dunes

Any future operational works that would interfere with the dune near the seaward boundary of the lot would require referral to the Department of Environment and Resource Management.

Land surrender

It is noted that the applicant is voluntarily contributing land within the coastal management district to the State as a Reserve for Beach Protection and Coastal Management purposes. Gladstone Regional Council have accepted trusteehip of the land to be dedicated to the State.

As this land is to be voluntarily contributed, the chief executive has not included a land surrender condition in accordance with section 113 of the Coastal Protection and Management Act 1995. The chief executive's decision to not include a land surrender condition does not prejudice future decisions regarding land surrender for further applications to reconfigure a lot that is land completely or partly within the coastal management district.

Advice to assessment manager

Future building approvals

The DERM recommends that it is necessary for coastal management that the assessment manager impose a condition on any future building development approval requiring that all material excavated from the land for the building work be placed, levelled and stabilised against wind erosion on land seaward of the building or structure, or at another location, in accordance with section 30A(2)(a) of the Standard Building Regulation 1993.

It is recommended that the assessment manager require as part of the building work development approval that all excess clean sand material (free of acid-generating materials) be placed at nearby suitable location such as the adjacent beach to assist in managing erosion. Please note that an approval from the DERM may be required to place material on State coastal land within the coastal management district. Please contact the project manager for further details.

Stormwater management

Regard should be given to Policy 2.4.4 (Stormwater management) of the State Coastal Management Plan in the future design and construction of dwellings, access roads and driveways. Please note that carrying out operational work completely or partly within the coastal management district that involves draining or allowing drainage or flow of water or other matter across State coastal land above high water mark is assessable development under the Sustainable Planning Regulation 2009.
CONDITIONS OF APPROVAL

1. The development is approved in accordance with the attached approved plan which shows the identified
   as 'Coastal Zone to be dedicated to the State as a reserve for beach protection and coastal
   management purposes under the Land Title Act 1994' to be voluntarily contributed to the State as a
   reserve for beach protection and coastal management purposes, under the trusteeship of the Gladstone
   Regional Council.

2. The Department of Environment and Resource Management is to be advised by written communication
   of the date of work commencement and expected date of works completion, at least five days prior to
   the commencement date.

3. Prior to lodgement of the registered plans, provide a copy of the final plan to the Manager of
   Environmental Services – Central West Region (Rockhampton) of the Department of Environment and
   Resource Management.

4. No development (including operational works) is to be undertaken within that part of the land within the
   erosion prone area that is to be voluntarily contributed to the State.

5. All rubbish, foreign matter and weed species shall be removed from the area to be voluntarily
   contributed prior to voluntary contribution to the State.

6. Beach accesses are not to be constructed without prior approval from the Department of Environment
   and Resource Management.

7. Any erosion caused by the works must be rectified.

8. The development is approved in accordance with the following plans and documents:
      Subdivision at Springs Road, Agnes Water' Job Ref CC-1227, July 2010 prepared by Empire
      Engineering
   ii) Erosion and Sedimentation Control Plan and Erosion Hazard Assessment, or H and T Dawson,
       L Chandler and C Cross 'Proposed Subdivision at Springs Road, Agnes Water' Job Ref
       CC-1227, July 2010 prepared by Empire Engineering

9. All temporary works associated with the construction of the works are to be removed from the site at the
   completion of the works.

10. All wastes shall be collected and disposed of at an appropriate lawful facility.

11. If acid sulphate soils are found to be present in areas subject to excavation, then the works must be
    managed to prevent release of acidic drain water to any natural waters in accordance with procedures
    outlined in the current version of the Queensland Acid Sulphate Soils Technical Manual Soil
    Management Guidelines.

12. Within ten (10) days following completion of the works, notify the DERM so that an inspection can be
    undertaken.
DEFINITIONS

Words and phrases used throughout the permit are defined below. Where a definition for a term used in this permit is sought and the term is not defined within this permit, the definitions provided in the relevant legislation shall be used.

"administrating authority" means the DERMA or its successors.

"approved" means notice of development application decided or notice of concurrence agency response under the Integrated Planning Act 1997.

"approved plans" means the plans and documents listed in the approved plans section in the notice attached to this concurrence response.

"artificial waterway" means an artificial channel, lake or other body of water. Artificial waterway includes—

* an artificial channel that is formed because the land has been drained from tidal water and is intended to allow boiling access to elements or subdivisions land;
* other artificial channels subject to the ebb and flow of the tide; and
* any additions or alterations to an artificial waterway.

"causal" means an artificial waterway surrenderd to the State. A canal is an artificial waterway connected, or intended to be connected, to tidal water, and from which boiling access to the tidal water is not blocked by a lock, weir or similar structure.

"coastal dune" means a ridge of sand or other material on the coast and built up by the wind.

"commercial place" means a place used as an office or for business or commercial purposes.

"development approval" means material taken from the bed or banks of water by using dredging equipment or other equipment designed for use in extraction of earth and material.

"dredging" means any of the following structures or vehicles that is principally used as a residence—

* a house, unit, motel, nursing home or other building as part of a building;
* a caravan, mobile home or other vehicle or structure on land;
* a watercraft in a marine.

"Department of Environment and Resource Management (DERMA)" means the department or agency (whichever called) administering the Coastal Protection and Management Act 1995 or the Environmental Protection Act 1994.

"exclusion zone area" means an area declared to be an exclusion zone area under section 70(1) of the Coastal Protection and Management Act 1995.

"high water mark" means the ordinary high water mark at spring tides.

"land" in the "land schedule" of this document means land excluding waters and the atmosphere.

"permit" includes licence, approval, permits, authorisations, permit, consent or equivalent manner as required by legislation administered by the DERMA and the Queensland Parks and Wildlife.

"podded pasture" means a permanent or periodic pondage of water in which the dominant plant species are pasture species used for grazing or harvesting.

"protected area" means—

* a protected area under the Nature Conservation Act 1992; or
* a main park under the National Parks Act 1992; or
* a World Heritage Area.

"quarry material" means material on State coastal land, other than a mineral within the meaning of any Act relating to mining. Material includes for example stone, gravel, sand, rock, clay, mud, silt and soil, unless it is removed from a culvert, stormwater drain or other drainage infrastructure as waste material.

"site" means land or tidal waters on or in which it is proposed to carry out the development approved under this development approval.

"tidal water" means the sea and any part of a harbour or watercourse entirely within the ebb and flow of the tide of spring tides.

"watercourse" means a river, creek or stream in which water flows permanently or intermittently.

* in a natural channel, whether artificially improved or not; or
* in an artificial channel that has changed the course of the watercourse.

"waterways" includes river, stream, lake, pond, swamp, wetland, groundwater, underground active water, groundwater water natural or artificial watercourse, and land and any water, dams, non-tidal and tidal waterways (including the sea), stormwater channel, stormwater drain, roadside gutter, stormwater run-off, and groundwater and any part thereof.

"waterway" includes a river, creek, stream, watercourse or inlet of the sea.

"work" or "operation" means the development approved under this development approval.

"you" means the holder of this development approval or owner/occupier of the land to which the subject of this development approval.

END OF CONDITIONS
G/5.9 STRATEGIC PLANNING

G/5.9.1 Gladstone Regional Urban Stormwater Quality Management Plan (GRUSQMP) Tender Evaluation

Responsible Officer: Director Strategic Planning

Council Meeting Date: 1 February 2011

Executive Summary:

This report seeks Council's acceptance of a tender for the completion of the Gladstone Regional Urban Stormwater Quality Management Plan (GRUSQMP).

Tenders were received from eight (8) companies, including:

- Opus International Consultants PCA Pty Ltd
- VDM Consultants Pty Ltd
- Aurecon Australia Pty Ltd
- GHD Pty Ltd
- BMT WBM Pty Ltd
- SMEC Australia Pty Ltd
- O2 Environmental Pty Ltd
- Cardno QLD Pty Ltd

Background:

Recently the State Government's policy framework for urban stormwater management in Queensland has undergone significant change aimed at strengthening the role of the State in guiding best practice management of urban stormwater for healthy waters objectives. This involves, in particular, the Environmental Protection (Water) Policy 2009 (EPP Water); and the drafting of a new State Planning Policy: Healthy Waters (SPP Healthy Waters).

It has been recognised that significant infrastructure planning is required in order to satisfy the EPP Water (2009) and the draft SPP Healthy Water policies. Additionally the trunk stormwater infrastructure is required to be identified in order to develop appropriate stormwater infrastructure charges for the PIPS process.

For these reasons a Stormwater Scoping Study was completed in June 2010 which identified that Council should complete an Urban Stormwater Quality Management Plan for the Gladstone Region.

Council advertised a Request for Tender for the Gladstone Regional Urban Stormwater Quality Management Plan (GRUSQMP) on Thursday 18 November 2010 and it closed at 2pm, Thursday 16 December 2010.
Comment:

The overall purpose of this plan is to provide a framework under which detailed catchment based plans can be prepared as well as defining Council's requirements in respect to stormwater quantity and quality management throughout the region. The GRUSQMP is broken into three (3) significant phases which includes:

- Phase 1: Project Definition
- Phase 2: Broad Scale Quality and Quantity Assessment
- Phase 3: Development of the Gladstone Regional Urban Stormwater Quality Management Plan

The GRUSQMP is a management type document which identifies the standards to be meet in terms of stormwater quality and quantity.

An internal Project Team will be established to discuss and brainstorm the various facets of the plan through all three phases. It is envisaged that this team will generally be made up of the relevant Council Officers.

The plan is required to be developed in consultation with the relevant Stakeholders in the region including, but not limited to, DERM, Regional NRM Groups, GBRMPA & DPI. Consultation with these groups will occur through a series of workshops conducted by the successful consultant.

Community Meetings will also take place to inform the community of the project progress and also give them an opportunity to provide comment about the plan.

It is foreseen that the successful consultant will need to be able to not only complete the technical content of the project but also be able to communicate easily with the wide variety of parties that may become involved in this project.

Council invited offers for Tender 51/11, Gladstone Regional Urban Stormwater Quality Management Plan and tenders were received from the following companies:

<table>
<thead>
<tr>
<th>Company</th>
<th>Price (GST Incl.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opus International Consultants PCS Pty Ltd</td>
<td>$ 207,587.60</td>
</tr>
<tr>
<td>VDM Consultants Pty Ltd</td>
<td>$ 73,518.50</td>
</tr>
<tr>
<td>Aurecon Australia Pty Ltd</td>
<td>$ 57,970.00</td>
</tr>
<tr>
<td>GHD Pty Ltd</td>
<td>$ 62,480.00</td>
</tr>
<tr>
<td>BMT WBM Pty Ltd</td>
<td>$ 37,620.00</td>
</tr>
<tr>
<td>Smec Australia Pty Ltd</td>
<td>$ 72,028.00</td>
</tr>
<tr>
<td>O2 Environmental Pty Ltd</td>
<td>$ 53,912.00</td>
</tr>
<tr>
<td>Cardno Qld Pty Ltd</td>
<td>$ 96,250.00</td>
</tr>
</tbody>
</table>

Staff from the Procurement and Contracts Units and Infrastructure Planning Section assessed the tenders using Council's Standard Assessment Matrix. Following is the outcome of the assessment.
Tenders from BMT WBM and O2 Environmental were scored relatively close due to BMT WBM having a very low price compared to the other tenders and O2 Environmental providing a clear and concise methodology which was very detailed.

BMT WBM was the lowest priced offer however there is some concern as to whether it is value for money considering that the bulk of the prices (6 tenders) range from approximately $57,000 to $96,000. Additionally BMT WBM staff hourly rates identified in their tender are approximately $20-$30 more expensive than O2 Environmental however they have indicated that the first phase of the project will take the same time as O2 Environmental (approx 3 months). On this basis it indicates that BMT WBM have not allocated as much staff time and possible depth of work as O2 Environmental.

It is recommended that Council accept the tender of O2 Environmental Pty Ltd as the highest ranked tenderer and due to the following reasons:

- Best value for Money due to their previous experience and track record.
- The company has substantial local knowledge in the stormwater/flooding field as they have completed projects in the past for Gladstone Regional Council.
- Council Officers responsible/involved in the previous projects completed by Sargent Consulting (now called O2 Environmental) were extremely happy with the work completed and acknowledged that David Sargent (Director & Principal Engineer) is very professional and easy to deal with. It was also noted that they did not receive any unexpected variations.
- Their tender submission showed a good understanding of the objectives of the project and the proposed methodology is clear & logical. Also to note their methodology outlined an extra level of detail not provided by the other submissions.

The contract will be for all phases however flexibility is included in the contract to allow either Council or the successful tenderer to terminate the contract at the end of each phase. For Phase 2 and 3 a fixed price lump sum quote based on the original hourly rate will be submitted and agreed upon (and a variation made) before the phase can be commissioned.

Alternatives Considered:

Nil

Link to Corporate/Operational Plan:
1.2.1 - Manage Council's financial and physical resources to the most beneficial and sustainable effect
3.5.1 - Foster a positive and proactive relationship with developers to achieve a common understanding of each others needs and drivers
4.1.II - Develop and maintain an effective stormwater drainage network for the region

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

Director of Infrastructure Services, Manager Development Works & Procurement and Contracts Unit

**Legal Implications (statutory basis, legal risks):**

Nil

**Policy/Local Law/Delegation Implications:**

Nil

**Financial and Resource Implications:**

Nil

**Asset Management Implications:**

Nil

**Officer’s Recommendation:**

That

1. Council engage O2 Environmental to complete the Gladstone Regional Urban Stormwater Quality Management Plan (Phase 1) for a fixed price lump sum cost of $53,912 (including GST) with the option to continue this contract for Stage 2 and Stage 3, subject to agreement on a fixed price lump sum based on the original hourly rate, and further, provided that either Council or O2 Environmental may terminate the contract at the end of each phase.
2. The unsuccessful tenderers be advised accordingly and offered the opportunity of a tender debrief by Council’s tender evaluation panel.

**Attachments:**

1. Evaluation Matrix

**Tabled Items:**

1. Nil

**Report Prepared by:** Manager Infrastructure Planning
### Evaluation of Gladstone Regional USQMP 58/11

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weighting</th>
<th>Opus Informational Consultants Pty Ltd</th>
<th>UDEM Consultants Pty Ltd</th>
<th>Aurecon Australia Pty Ltd</th>
<th>GHJ Pty Ltd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with Offer Documents</td>
<td>10%</td>
<td>4.00</td>
<td>3.00</td>
<td>3.30</td>
<td>2.00</td>
</tr>
<tr>
<td>Enhancement of Local Business &amp; Industry</td>
<td>10%</td>
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<td>3.30</td>
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<td>7.01</td>
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<p>| Total Points (out of 18)                  | 23.00     | 19.00                                  | 13.44                    | 13.73                     |</p>
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<td>6.00</td>
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<td>6.00</td>
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<tr>
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G/6 COUNCILLOR'S REPORT

G/6.1 Councillor's Report - Mayor Gail Sellers

Responsible Officer: Chief Executive Officer

Council Meeting Date: 1 February 2011

Executive Summary:

Cr Sellers submits the following report.

Background:

Councillor Report:

Australia Day
Gladstone Regional Council hosted three Australia Day events, the first was the Awards Presentation Evening held at the Gladstone Entertainment Centre on 25th January. Judy Whicker and Rick Bichsel were named the regions' Citizens of the Year, each with over twenty five years of supporting our community. Courtney Rohde is our young Citizen; John Dahl our Sports Official; Alex William the young Sports person; Jeannine Butler the Senior Cultural Award Winner; George Bush the Junior Cultural Winner; and the Community Event of the Year is newcomer to the region Beach Arts Music (BAM). There were fifty six nominations in the awards this year, which reflects the number of talented people who are willing to give back to the community in which they live.

The celebrations held at Seventeen Seventy were well attended by the community and were extremely well received by all in attendance. The old style games of egg and spoon races, sack races and tug-a-war were enjoyed. Unfortunately, once again the Gladstone Regional Council team were defeated by the Surf Life Saving Team. The afternoon Australia Day function was held in Gladstone at the Marina area. Once again the function was well attended and the atmosphere was one of relaxed family enjoyment.

Thursday Night Event Youth Initiative
Councillors attended the PCYC on Thursday 27th January during the Thursday night event. This is an event organised by a team of young people and has a weekly attendance of around four hundred young people. This event, organised by Brad Dredge has been extremely successful in attracting the youth away from the usual Thursday night shopping centre visits. There is a wide range of activities which is added to, and changed over the weeks. A major boost was received with a donation of $25000 by Rio Tinto and will ensure the programme continues for several years.

Officer's Recommendation:

That

1. The report be received.
Attachments:

1. Nil

Tabled Items:

1. Nil

Report Prepared by: Mayor Gail Sellers
G/7 QUESTIONS FROM THE PUBLIC GALLERY
Nil.

G/8 CONFIDENTIAL ITEMS
Nil.