



GENERAL MEETING AGENDA

**TO BE HELD AT THE GLADSTONE ENTERTAINMENT CONVENTION
CENTRE, 56 GOONDOON STREET, GLADSTONE**

On 7 July 2020

Commencing at 9.00am

Notice *Section 277E Local Government Regulation 2012*: This meeting will be closed to the public, due to health and safety reasons associated with the public health emergency involving COVID-19.

Live streaming will be available on Council's website.

**Leisa Dowling
CHIEF EXECUTIVE OFFICER**

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G/1. MAYORAL STATEMENT OF CURRENT ISSUES

Nil.

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 16 JUNE 2020

Responsible Officer: Chief Executive Officer

Council Meeting Date: 7 July 2020

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 16 June 2020.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 16 June 2020 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 16 June 2020.

Tabled Items:

Nil.

Report Prepared by: Executive Secretary

G/3. OFFICERS' REPORTS

G/3.1. AMENDMENT TO MINUTES FOR THE GENERAL MEETING OF 19 MAY 2020

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 7 July 2020

File Ref: CM7.2

Purpose:

To recommend an amendment to the confirmed minutes of the General Meeting of 19 May 2020.

Officer's Recommendation:

That the Minutes of the General Meeting of 19 May 2020 for Item G8.1. TENDER 223-20 GOONDOON STREET PAVEMENT RECONSTRUCTION be amended to replace the words "Doval Constructions (Qld) Pty Ltd" with the words "Oaka Constructions QLD Pty Ltd".

Background:

At the General Meeting of 19 May 2020, after consideration of Item G/8.1. TENDER 223-20 GOONDOON STREET PAVEMENT RECONSTRUCTION Council resolved to accept the tender from Oaka Constructions QLD Pty Ltd for tender 223-20 Goondoon Street Pavement Reconstruction and to authorize the Chief Executive Officer to enter into a contract with Oak Constructions QLD Pty Ltd for tender 223-20 Goondoon Street Pavement Reconstruction.

The minutes for the General Meeting of 19 May 2020 were confirmed at a General Meeting of Council on 2 June 2020. Following confirmation of the minutes it has been brought to the attention of the Manager Governance that the minutes for Item G/8.1. TENDER 223-20 GOONDOON STREET PAVEMENT RECONSTRUCTION erroneously refers to "Doval Constructions (Qld) Pty Ltd" and has been recorded as:

G/20/4204 Council Resolution:

*Moved Mayor Burnett
Seconded Cr Cameron*

That in support of local business through the COVID-19 pandemic Council:

- 1. Accept the tender from Oaka Constructions QLD Pty Ltd for tender 223-20 Goondoon Street Pavement Reconstruction; and*
- 2. Authorise the Chief Executive Officer to enter into a contract with Doval Constructions (Qld) Pty Ltd for tender 223-20 Goondoon Street Pavement Reconstruction.*

CARRIED

The minutes require amendment so that they are an accurate record of the resolution for Item G/8.1. TENDER 223-20 GOONDOON STREET PAVEMENT RECONSTRUCTION.

A review of the recording for the General Meeting of 19 May 2020 has confirmed that Council's resolution was in favour of Oaka Constructions QLD Pty Ltd.

Options, Risk and Opportunity Analysis:

Nil.

Communication and Consultation:

The confirmed minutes are currently located on Council's website and accessible by the general public. Following resolution, an amended copy of the minutes will replace the existing minutes.

Legal Strategy and Policy Implications:

The Chief Executive Officer must ensure minutes of each meeting of a local government are taken under the supervision of the person presiding at the meeting: *Local Government Regulation 2012 (Qld) s272(1)*.

Council's Council Meetings Procedures Policy P-2018-27 requires that the minutes of General Meetings must record resolutions proposed.

Financial and Resource Implications:

Nil.

Summary:

Nil.

Anticipated Resolution Completion Date:

14 July 2020

Attachments:

Nil.

Tabled Items:

Nil.

Report Prepared by: Manager Governance

G/3.2. INLAND QUEENSLAND ROADS ACTION PROJECT (IQ-RAP) WORKING GROUP REPRESENTATION

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 7 July 2020

File Ref: CM7.1

Purpose:

The purpose of this report is for Council to consider its representative on the Inland Queensland Roads Action Project (IQ-RAP) Working Group.

Officer's Recommendation:

That Council appoint Cr _____ as Council's representative on the Inland Queensland Roads Action Project Working Group for the current term of Council with Cr _____ to serve as proxy delegate.

Background:

Former Councillor Peter Masters was Council's representative on the Inland Queensland Roads Action Project Working Group. The Terms of Reference for the Working Group is Attachment 1 to this report.

The Queensland Inland Roads Action Project was developed as an economic development initiative by local government with the support of Regional Development Australia and the RACQ. Its goal is to achieve sustainable regional development outcomes in regional Queensland such as jobs, productivity gains for the increasing freight movements, investment attraction, better safety outcomes and more resilient connectivity.

IQ-RAP brought together 28 local governments, 5 Regional Development Australia Committees and the RACQ and developed a strategy (Inland Queensland Road Network Strategy (IQRNS), July 2018) that takes a long-term, network-wide approach to road planning and investment with the common goal to improve regional sustainability, productivity and safety on Queensland's inland road network. The Working Group's primary responsibility is to oversee the implementation of the strategy. The strategy can be viewed online at <https://www.rdanwq.org.au/wp-content/uploads/2019/12/IQRNS-July-2018-FINAL-Sep-2018.pdf>. Other major documents of the Working Group are also available at <https://www.rdanwq.org.au/current-projects/inland-queensland-roads-action-project/>.

Up until the local government elections in March 2020, the IQ-RAP Working Committee had the following membership:

Name	Organisation
Cr Rick Britton (Chair)	Mayor of Boulia Shire Council
Cr Jane McNamara (Deputy Chair)	Mayor of Flinders Shire Council
Cr Tom Gilmore (Deputy Chair)	Mayor of Mareeba Shire Council
Cr John Wharton	Mayor Richmond Shire Council
Cr Peter Masters	Councillor Gladstone Regional Council
Cr Christine Rolfe	Councillor Central Highlands Regional Council
Cr Liz Schmidt	Mayor Charters Towers Regional Council
Cr Stuart Mackenzie	Mayor Quilpie Shire Council

Bryan Gray (RDA Representative)	CEO, RDA Darling Downs and South West
Greg Miskowycz	RACQ Representative
Glenys Schuntner (IQ-RAP Secretariat)	CEO, RDA Townsville & North West Queensland

The Working Group meets monthly by teleconference or via zoom meetings every fourth Wednesday of the month between 4pm-5pm. Meetings were suspended in October 2019 ahead of the local government elections, with the proposal to recommence in July 2020.

The Council representatives on this Working Group are also the representatives on their Regional Roads and Transport Group (RRTG). The Gladstone Region has its Regional Roads and Transport Group with Cr Goodluck and Cr Branthwaite serving as the Councillor representatives.

The initial meeting proposed in July will seek each RRTG region to nominate a person to the working group with a decision to be made about follow up work. This may include a review of the Terms of Reference and commencing advocacy for funding for the inland regional road network ahead of the upcoming State Government election.

Options, Risk and Opportunity Analysis:

Option 1 – Recommendation

The opportunity of remaining on the IQ-RAP Working Group is that Council's regional road needs are represented and Council can play an active role in the advocacy for further development of the Inland Queensland Road Network Strategy (IQRNS) connecting to our region.

Option 2 – Council no longer participate on the Working Group

The major risk associated with not continuing with an IQ-RAP Working Group representative is that Council would no longer have input into a major advocacy group for the further development of the Inland Queensland Road Network Strategy (IQRNS) connecting to our region.

Communication and Consultation:

Officers contacted the Secretariat of the IQ-RAP to discuss the objectives and meeting arrangements of the Working Group which are detailed in the background of this report.

Legal Strategy and Policy Implications:

There is no legal obligation for Council to participate in the IQ-RAP Working Group.

Financial and Resource Implications:

The resource and financial implications of participating in the IQ-RAP Working Group is that it requires Councillor time to participate in and prepare for meetings and associated activities of the Working Group. Council is not required to make a financial contribution to the Working Group.

Summary:

Not applicable

Anticipated Resolution Completion Date:

31 July 2020

Attachments:

1. IQ-RAP Terms of Reference

Tabled Items:

Nil.

Report Prepared by: Governance Advisor

G/3.3. DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE OF PREMISES FOR A TOURIST PARK (14 SITES) AT 135 NEWTONS ROAD, ROSEDALE QLD 4674

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 7 July 2020

File Ref: DA/50/2019 and DB 1.7

Development Application:

Application Number:	50/2019
Applicant:	Burnett Country Certifiers Pty Ltd
Owner:	Ms D M Laurie
Confirmation Notice	4 November 2019
Location:	135 Newtons Road, Rosedale QLD 4674
RPD:	Lot 15 RP619121
Area:	16.08 hectares
Current Use of Land:	Dwelling House with associated structures and Camping Grounds
Zoning:	Rural Zone
Proposal:	Tourist Park (14 Sites and Lodge (12 Guests))
Planning Scheme:	<i>Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2</i>
Public Notification Period:	22 November 2019 to 12 December 2019
Number of Submissions:	One (1) Properly Made Submission

Purpose:

The purpose of this report is to assess Development Application 50/2019 for a Material Change of Use of Premises for a Tourist Park (14 Sites and Lodge (12 guests)) at 135 Newtons Road, Rosedale against the *State Planning Policy July 2017* and the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* under the *Planning Act 2016* (the Act).

Executive Summary:

A Development Application for a Material Change of Use of Premises for a Tourist Park (14 Sites and Lodge (12 Guests)) located at 135 Newtons Road, Rosedale was lodged with Council on 23 October 2019 after identification of operating unlawfully without an approval.

As per the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* (the Planning Scheme), the proposal triggered Impact Assessment within the Rural Zone. By virtue of the level of assessment, Public Notification was required for fifteen (15) business days and was conducted by the Applicant from 22 November 2019 to 12 December 2019. During this period, one (1) Properly Made Submission was received. The relevant content raised by the submitter related to the number of persons the Tourist Park can accommodate, testing of potable water and refuse collection and disposal.

The Development Application required assessment against the relevant provisions of the *State Planning Policy 2017* and the Planning Scheme under the *Planning Act 2016*. After various correspondence between the Applicant and Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) the application did not trigger any referrals.

Assessment of the proposal against the Planning Scheme and issues pertaining to the amenity, scale, intensity and maintaining the rural character of the area within the Rural Zone Code were considered. The proposal does not compromise the rural purpose of the land; therefore, it is recommended that Development Application 50/2019 be approved. The approval is supported by a Notice of Reasons and subject to reasonable and relevant conditions.

Subject Site:

The site is located at 135 Newtons Road, Rosedale, otherwise described as Lot 15 on RP619121. The site comprises a single, rectangular shaped lot with an existing access point to Newtons Road. The subject site is also serviced by an existing boat ramp located along the rear boundary of the property in an Esplanade Reserve. In terms of size, the site has an area of 16.08 hectares and is relatively flat.



Figure One: Aerial View of the Subject Site

The subject site is located within the Rural Zone under the Planning Scheme. The site is currently occupied by a Dwelling House known as 'Midskinrick Lodge' with associated structures and unlawful camping grounds.

Figure Two illustrates the approved Nature-based Tourism developments within the vicinity of the subject site. DA/29/2019 was approved for 15 sites on 22 August 2019 and DA/25/2019 was approved on 10 October 2019 for 21 sites over 3 stages.

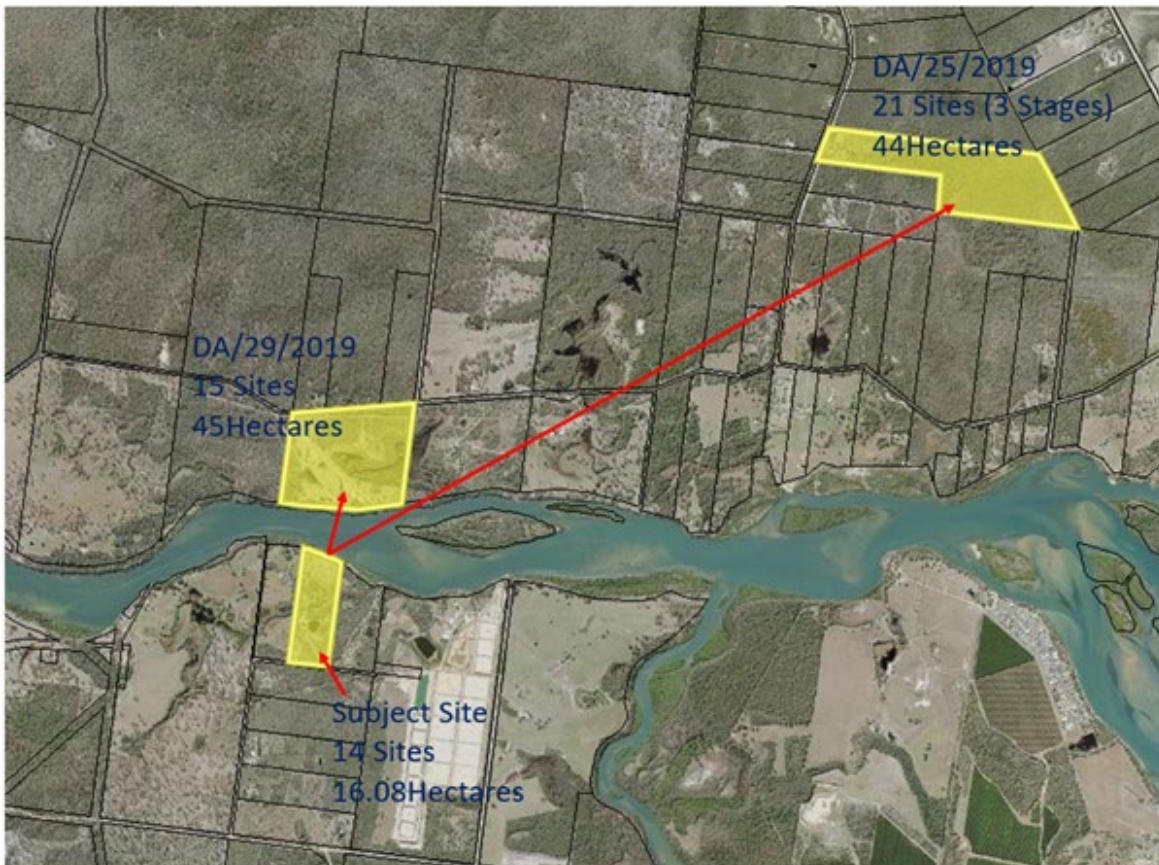


Figure Two: Approved surrounding Nature-based Tourism developments

The site does not have access to Council's infrastructure such as water and sewerage. The site has vehicular access to/from Newtons Road which is an unsealed Rural Access Road under Council's Road Hierarchy Policy.

Background:

Previous Approvals

A Plumbing Works application for the Dwelling House was lodged and approved by Council on 1 February 2009 (Ref: 44716/2009/DA and PW/09/0005). An associated Building Works application was lodged and approved on 3 March 2009 (Ref: 44715/2009/DA and BW/09/0012).

Council received a Customer Service Request (CSR 584168) on 10 January 2019 regarding amenity issues of the site during the school holidays. Council received a further Customer Service Request (CSR 585162) with regard to an illegal 'Caravan Park' operating at the site, with several subsequent Customer Service Requests about the road condition due to the operation of the site. Upon inspection, it was determined that the property owners were operating a Tourist Park without a Development Approval. Council issued a Demand Letter on 23 January 2019. In response to the Demand Letter, a Pre-lodgement Meeting request was received on 31 July 2019 (Ref: PL/35/2019) for a Nature-Based Tourism development proposal.

The Pre-lodgement meeting was held on 6 August 2019. During the Pre-lodgement meeting the Applicant advised the number of guests on site would be 80 over 3 camping areas. During the Pre-lodgement Meeting, Council discussed the following items:

- The Rural Zone Code outlines scale and intensity for Nature-Based Tourism uses: 10 guests where the site area is 0-20 hectares. The Applicant proposed 80 guests;
- The lot is mapped Bushfire Hazard Overlay (Medium Intensity) within the frontage of the site;

- The site is affected by the Medium and High Storm Tide Inundation as per the Coastal Hazard mapping;
- Compliance with the *Local Law Policy 1.6 (Operation of Camping Grounds) 2011* in regard to the bathing facilities and toilet requirements;
- Adequate on-site potable water supply;
- Adequate on-site sewer arrangements in accordance with the Engineering Design Planning Scheme Policy; and
- Access to the site is to be all-weather accessible with a two – way traffic design in accordance with the Engineering Design Planning Scheme Policy and AS2890.

Current Application

Despite the Pre-lodgement advice being for a Nature Based Tourism use, the Applicant lodged a Development Application for a Tourist Park on 23 October 2019.

Following discussions with DSDMIP on 18 November 2019, it was determined an ERA was not required as the peak design capacity of the sewerage treatment operation was less than 21 equivalent persons. Therefore, Council issued a revised Confirmation Notice on 19 November 2019 removing the ERA component.

The Applicant undertook Public Notification from 22 November 2019 to 12 December 2019. During the Public Notification Period, one (1) submission was received. The submission raised concerns regarding the number of persons an 18 site Tourist Park can accommodate, testing of potable water, refuse collection and disposal.

Correspondence was issued to the Applicant on 28 November 2019 during the Public Notification stage which identified the following concerns;

- Water Supply;
- Disability Access;
- Coastal Hazard Overlay;
- Quality of Water in accordance with *Australian Drinking Water Guidelines*; and
- Adequate amenities.

On 2 December 2019, the Applicant provided further comments regarding the abovementioned concerns. On 13 February 2020, Council requested an extension to the Decision Period to allow sufficient time to respond to the additional material provided by the Applicant. Upon review of the material, further correspondence was issued to the Applicant.

Council continued to work with the Applicant to address the concerns of the proposal as a number of matters remained outstanding to enable the application to progress favorably. These points were specifically highlighted to the Applicant with respect to scale and amenity, siting and natural hazards.

On 26 February 2020, the Applicant requested that Council 'Stop the Current Period' until 18 August 2020. Given the site continued to operate without a Development Approval, a Show Cause Notice was issued to the owner on 28 February 2020. The notice advised the owner that the operation of the Tourist Park was to cease until a decision and subsequent compliance is achieved. An extension to the response period for the Show Cause Notice was requested by the Applicant to allow further time to reply. Upon review, social media confirmed no further bookings were occurring.

On 25 May 2020, the Applicant provided an updated Town Planning Report demonstrating compliance regarding the items listed in the correspondence issued by Council on 13 February 2020, including the reduction in the number of sites.

Proposal:

The proposed development seeks to obtain use rights to lawfully operate a Tourist Park at the subject site. As such, the Applicant seeks a Development Permit for a Material Change of Use of Premises for a Tourist Park (14 Sites and Lodge (12 Guests)), which is defined under the Planning Scheme as *premises used to provide for accommodation in caravans, self-contained cabins, tents and similar structures for the public for short term holiday purposes. The use may include, where ancillary, a manager's residence and office, kiosk, amenity buildings, food and drink outlet, or the provision of recreation facilities for the use of occupants of the tourist park and their visitors, and accommodation for staff.*

The existing Dwelling House will incorporate the manager's residence, office and the Lodge. The design of the Dwelling House includes two separate sections (one side incorporating the manager's residence and another side incorporating the lodge) with a breeze way to separate either side. The Lodge has three bedrooms while further utilising the lounge room and media room as additional bedrooms (opportunity to offer five bedrooms in total). The Applicant will be required to reclassify the existing Dwelling House to comply with Class 1b requirements to ensure fire safety requirements are achieved with a maximum of 12 guests.

The Tourist Park proposes two camping areas, each containing seven sites located around the existing dam and behind the lodge. The development is proposing to provide seven toilets and three showers within five different structures throughout the site.

To provide context, Figures Three and Four illustrate the original lodged Site Plan and the revised Site Plan. Figures Five and Six demonstrate the size and layout of the proposed toilet blocks.

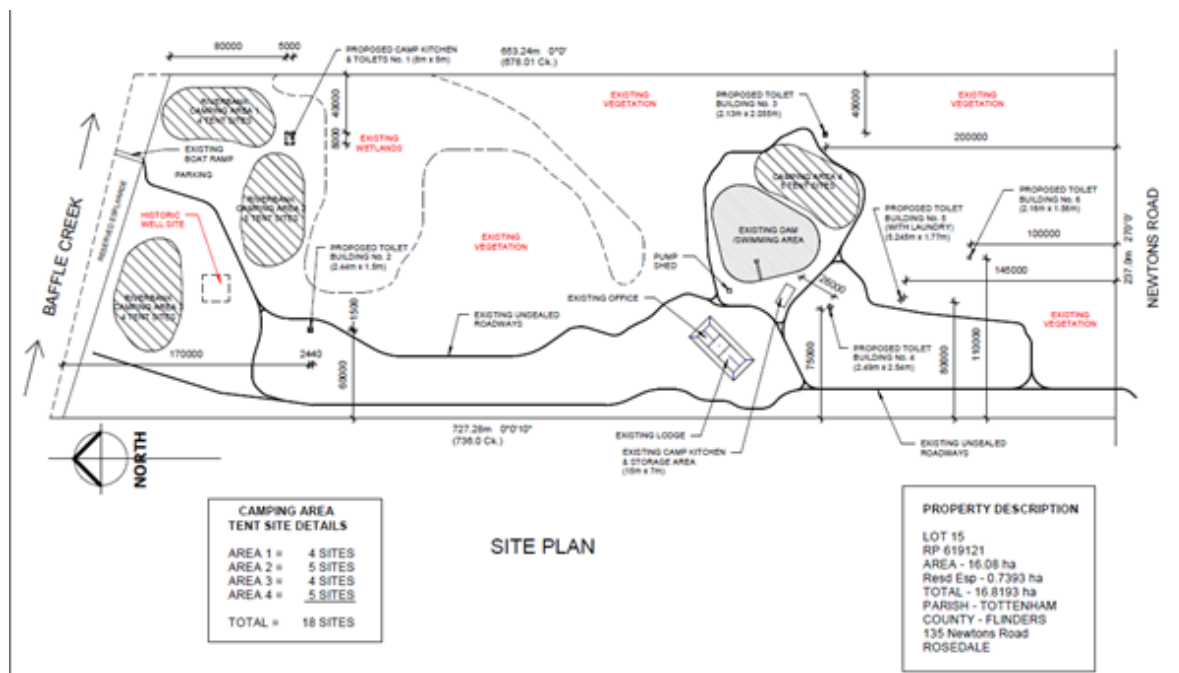


Figure Three: Original Lodged Site Plan

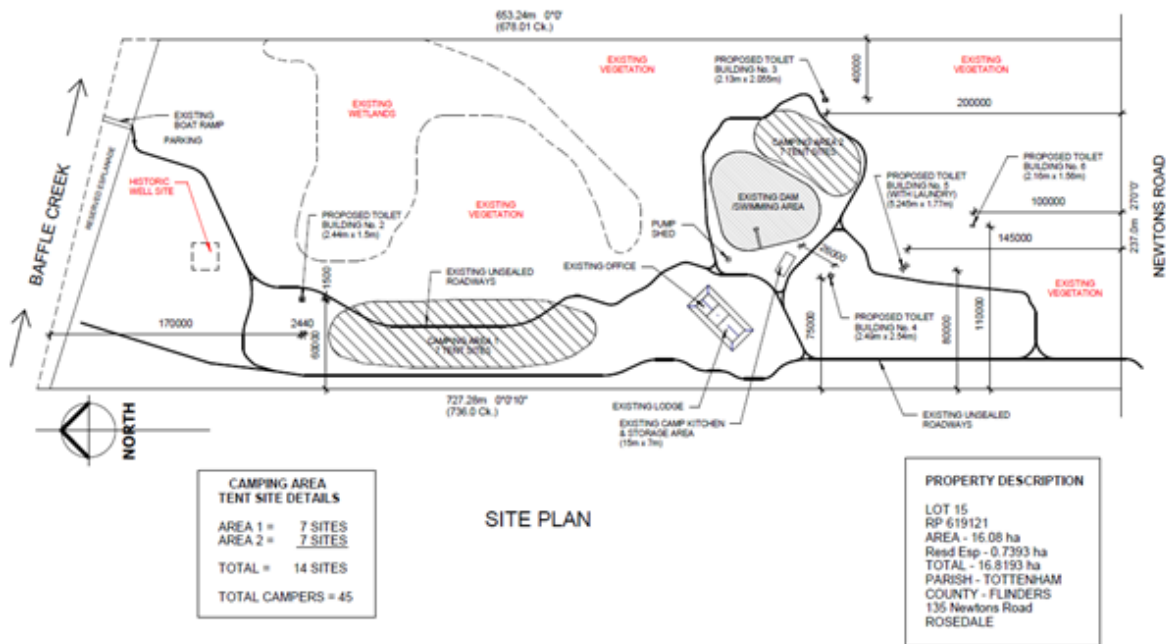


Figure Four: Revised Site Plan

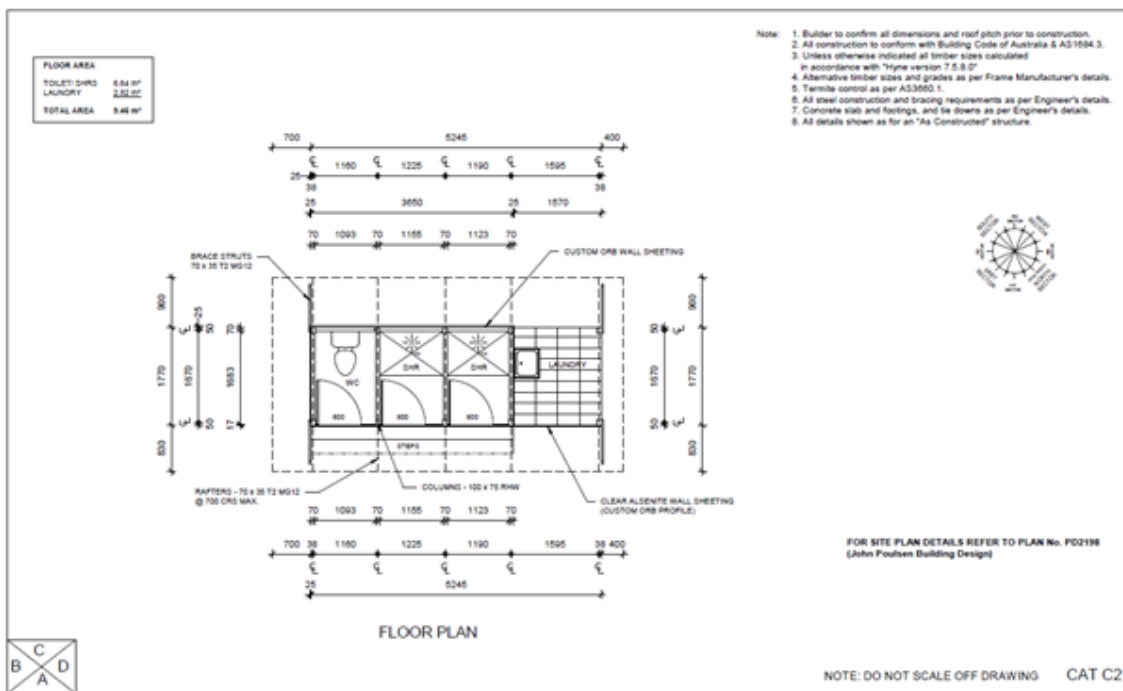


Figure Five: Proposed Toilet Blocks Floor Plan

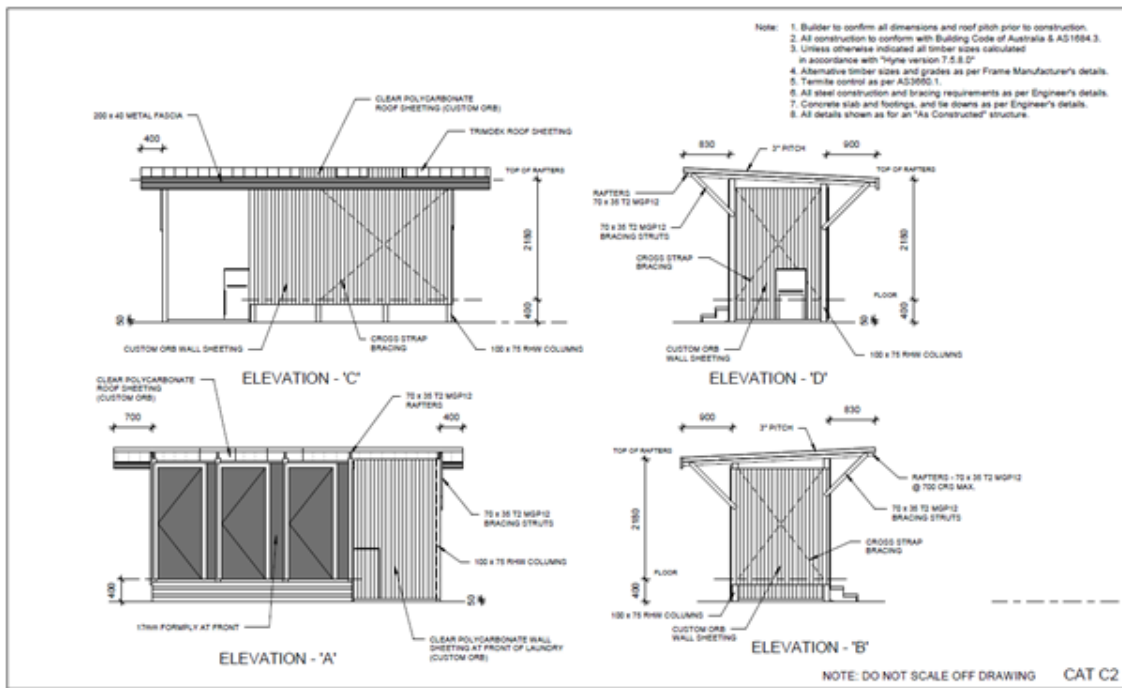


Figure Six: Proposed Toilet Blocks Elevations

Adopted Infrastructure Charges Notice Calculation:

Existing Lawful Use		Proposed Use		
Planning Scheme Definition	GFA/Bedroom	Planning Scheme Definition	GFA/Bedroom	Stage
Dwelling House (4 bedroom)	860m ²	Tourist Park (14 Sites and Lodge (12 Guests))	\$8,900 per 3 tent/caravan sites; \$6,350 per 1 or 2 tent/caravan sites; and \$8,900 per 3+ bedroom cabin	N/A

The Development Permit was calculated against the *Gladstone Regional Council Adopted Infrastructure Charges Resolution (No. 1) – 2015 – Amendment No. 2 (AIC)*. As per the AIC, the development will attract a charge of \$50,850 minus the applicable credit of \$17,800, resulting in a total AIC charge of \$33,050. As part of any Decision Notice, an Adopted Infrastructure Charge Notice will be issued in accordance with the Act.

It is noted that under the Infrastructure Charges Rebate Scheme, the proposed development is located outside of the Priority Infrastructure Area (PIA). As such, the proposal is unable to comply with the criteria of the Infrastructure Charges Rebate Scheme.

Referral:

Development Application 50/2019 did not trigger referral under the requirements of the *Planning Regulation 2017* (the Regulation).

Assessment:

Consideration of the proposed development will be undertaken within the requirements of the Act and assessed against the benchmarks within the SPP and the Planning Scheme. The assessment will focus on areas where the proposal fails to comply with the relevant outcomes as well as identifying where relevant conditions can mitigate impacts.

Statutory Planning:

State Planning Policy

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

State Interest	Trigger	Assessment
Biodiversity	MSES – Regulated vegetation (category C) MSES – Regulated vegetation (category R) MSES – Regulated vegetation (intersecting a watercourse)	Complies – The proposed development is located outside of the mapped MSES and associated buffer. As such, the proposal complies.
Natural Hazards, Risk and Resilience	Flood hazard area – Level 1 – Queensland floodplain assessment overlay Flood hazard area – Local Government flood mapping area	Complies – The proposed development is mapped with Flood Hazard Areas under the Queensland floodplain assessment overlay. Despite no endorsed Local Government flood mapping, the development has been assessed against section 45 of the Act which can consider material relevant to the Development Application. As such, weight has been given to a Flood Study conducted for Baffle Creek that is not yet an endorsed document in the Planning Scheme. This further assessment will demonstrate compliance with SPP benchmark.
	Bushfire Prone Area	Complies – The proposed development is mapped with areas of Potential Impact Buffer and Medium Potential Bushfire Intensity. As such, the Applicant has provided an Emergency Evacuation Plan

		and Map in case of a Bushfire event therefore, not increasing the risk to people or property. Furthermore, assessment of the impacts of bushfire will be assessed as part of the Bushfire Hazard Overlay Code under the Planning Scheme.
	Erosion Prone Area	Complies – The proposed development is mapped with areas of Erosion Prone areas. The impact is minimised with the proposed structures and camping areas being located outside of the Erosion Prone Area and clear of vegetation. A defined pedestrian path is located through the subject site to reduce disruption to the Erosion prone area. Furthermore, assessment of the impacts of erosion will be assessed as part of the Coastal Hazard Overlay Code under the Planning Scheme.
	Medium Storm Tide and High Storm Tide Inundation Area	Complies – The proposed development is mapped with areas of Medium Storm Tide and High Storm Tide inundation areas. In response to the correspondence issued by the Council on 13 February 2020, the Applicant provided an Emergency Evacuation Plan and map in case of a Storm Tide Surge/Flooding event. Further assessment will be undertaken against the Coastal Hazard Overlay Code under the Planning Scheme.

Planning Scheme Requirements:

In accordance with the Planning Scheme Table of Assessment, the proposal triggers Impact Assessment against the whole of the Planning Scheme, however, assessment has been conducted against the following benchmarks:

- Strategic Framework
- Acid Sulfate Soils Overlay Code
- Bushfire Hazard Overlay Code
- Coastal Hazard Overlay Code

- Scenic Amenities Overlay Code
- Rural Zone Code
- Development Design Code
- Landscaping Code

Strategic Framework – Gateway to the World

Strategic Outcome 3.3.1 (14) references that *tourism occurs in mixed use centres and the Gladstone CBD through short term accommodation and in integrated tourist resort complexes and associated facilities on the islands of Heron, Quoin and Lady Elliot. Other smaller scale tourist uses in rural and coastal townships (such as Agnes Water and Seventeen Seventy) and rural places are appropriate where associated with rural and coastal attractions.* The subject site is zoned Rural and located in the Rosedale locality. The proposal is for 14 Camp Sites and Lodge (12 Guests) with a full capacity of 45 people, therefore, resulting in a small-scale Tourist Park. The subject site has access via Newtons Road and Baffle Creek (by way of an existing boat ramp). This allows campers the opportunity to undertake fishing either on the esplanade or visit islands such as Mackay and Long Island in a boat. As such, the proposal is considered to comply with the Gateway to the world strategic intent.

Strategic Framework – Community Living

Strategic Outcome 3.4.1 (9) references that *major short-term accommodation is concentrated in the Gladstone CBD, urban revitalisation areas and mixed use centres. Smaller scale short term accommodation within rural and coastal townships supports tourism associated with rural and coastal attractions.* The small-scale Tourist Park is able to support tourism associated with the rural and coast attractions as it is well situated to Rosedale, Rules Beach and Bundaberg. As such, the proposal is considered to comply with the Community Living strategic intent.

Strategic Framework – Our Environment and Heritage

Strategic Outcome 3.7.1 (9) seeks to ensure development avoids areas affected by natural hazards. This is further articulated through the Strategic Elements. 3.7.2 Element – Sustainable management of the natural environment and resources references that *development minimises and mitigates impacts on ecological, hydrological and water quality values and the natural processes within coastal foreshores, waterways and rivers; particularly in the largest catchments and tributaries of the Boyne River, Calliope River and Baffle Creek and other waterways such as, the Kolan River, Police Creek, Auckland Creek, Raglan Creek, and Diglum Creek.* The Applicant has redesigned the camping sites to minimise the impacts to Baffle Creek and the mapped Coastal Hazard constraints by relocating the camping grounds clear of these areas.

Furthermore, Strategic Element – Safety and resilience to environmental change and natural hazards references that *development must avoid or be designed to mitigate the risks of natural hazards for the safety and resilience of the population in flood, bushfire, coastal hazard or steep land areas.* Following ongoing discussions with the Applicant in regard to proposed locations of camping areas within the erosion prone hazard and esplanade reserve, the Applicant revised the locations to ensure they are outside of these areas to mitigate the risks of natural hazards to people and property. A condition will be included in the suite of conditions to ensure no camping occurs within the esplanade reserve.

Therefore, the proposal is considered to comply with the Our Environment and Heritage strategic intent.

Strategic Framework – Our Rural and Coastal Townships and Places

Strategic Outcome 3.8.1 (1) - *the individual character and unique identity of rural and coastal communities is retained and their roles clearly defined*. Following ongoing discussions with the Applicant about the scale and amenity of the proposed Tourist Park on the surrounding area, the Applicant reduced the number of camp sites to 14 sites. The small-scale Tourist Park will ensure the character of the surrounded area is protected. Therefore, the proposal is considered to comply with Strategic Outcome 3.8.1 (1).

Strategic Outcome 3.8.1 (6) references that *non-residential development in rural and coastal townships supports local level service needs with the exception of small-scale tourism activities. Development supporting urban scale needs is not supported*. The proposed development is for a Tourist Park with a full capacity of 45 people. However, it is worth noting that visitors to Midskinrick Lodge can support local rural and coastal townships by purchasing necessities such as food and fuel as they are not available on site. Midskinrick Lodge relies on local services in surrounding townships such as Miriam Vale and Rosedale. Therefore, the proposal is considered to comply with Strategic Outcome 3.8.1 (6).

Element 3.8.2 – Southern townships and places references that *Baffle Creek/ Rules Beach is strategically located but loosely structured rural community with a significantly fragmented rural hinterland. It has poor connectivity to commercial and community facilities and lacks essential infrastructure. Flooding constraints, infrastructure provision and access will determine future growth prospects in this area*. The proposed development is for a small- scale tourism activity that does not undermine the existing townships such as Miriam Vale and Rosedale. Furthermore, the proposed use compliments their existing services such as food, service station and small-scale shopping. Whilst it is acknowledged that there is poor connectivity via low order road networks, the development will have minimal impacts on these corridors. As such, it is considered the proposal complies with the Our Rural and Coastal Townships and Places strategic intent.

Acid Sulfate Soils Overlay Code

The subject lot is affected by the Acid Sulfate Soils Overlay (0-5m AHD and 5-20m AHD). As the proposed development is for camp sites, there will be minimal earthworks required for the development. The minimal earthworks will be associated with the installation of the on-site effluent disposal units. As part of the Plumbing Works application, the Applicant is required to provide a certified Soil Test to confirm if Acid Sulfate Soils are present and to ensure the septic design is adequate depending on the soil composition. As such, the development will comply with the Acid Sulfate Soils Overlay Code and will not require further assessment.

Bushfire Hazard Overlay Code

Performance Outcome 1 states *development maintains the safety of people and property by not exposing them to an unacceptable risk from bushfire*. Figure Seven demonstrates the Bushfire Hazard Overlay – Medium Potential Intensity constrains small pockets on the eastern and southern boundaries of the site.



Figure Seven: Bushfire Hazard Overlay Map

As a result, the Applicant will be required to ensure the site has access to sufficient water, maintain fire breaks and internal road networks. Conditions have been recommended for the Applicant to submit an Emergency Evacuation Plan prior to the commencement of use, provide on-site water with firefighting infrastructure, maintain fire breaks and internal road networks, and to ensure there are no open fires to be undertaken on the site without approval from the Rural Fire Service. As a result of these proposed conditions, the development is considered compliant with the Bushfire Hazard Overlay Code.

Coastal Hazard Overlay Code

Performance Outcome 4 (PO4) states *development directly, indirectly and cumulatively avoids an unacceptable increase in the severity of coastal erosion and does not significantly increase the potential for damage on the site or to other properties*. The proposed toilet blocks and camping areas are located outside of the mapped Erosion Prone area. As a result, a condition has been recommended for the Applicant to ensure no camping is to occur in the Coastal Hazard Overlay Area and the esplanade reserve.

Acceptable Outcome 5.1 (AO5.1) requires *sensitive land uses do not locate within the high storm tide inundation area*. The existing lodge is not located in a high storm tide inundation area. The revised site plan illustrates that the proposed camping areas have been located to be outside of the Storm Tide inundation areas. Notwithstanding this, a condition has been recommended for the Applicant to ensure no camping is to occur in Storm Tide inundation area.

Acceptable Outcome 5.2 (AO5.2) states *development has direct and safe access to an evacuation route above the high storm tide inundation level. Evacuation routes do not include land in a high storm tide inundation area*. With reference to the site plan, the internal road to access camping area one is affected by High Storm Tide Inundation. As part of the Emergency Response and Evacuation Plan, the Applicant is required to identify alternative routes for evacuation in case of a flood event to

ensure patrons can safely evacuate the site. As a result, the recommended condition will ensure compliance with AO5.2.

Acceptable Outcome 6 (AO6) requires *any components of infrastructure that are likely to fail to function or may result in contamination when inundated by coastal waters (e.g. electrical switchgear and motors, water supply pipeline air valves) are:*

- a. *located above the defined storm tide event level, or*
- b. *designed and constructed to prevent coastal water intrusion/infiltration.*

A condition has been recommended to ensure that all plumbing, such as on-site effluent disposal units, are appropriately designed and located to ensure if any coastal waters were reached, the units are designed in such a way that there is no potential contamination occurring during an event.

Performance Outcome 12 (PO12) states *coastal protection works or erosion control structures are:*

- a. *consistent with a shoreline management plan for the area, or*
- b. *constructed only to protect coastal-dependent development or other existing permanent structures from imminent adverse coastal erosion impacts if abandonment or relocation of the structures is not feasible, and a relevant shoreline management plan has not been prepared.*

Following ongoing discussions with the Applicant in regard to the location of the camping grounds and concerns in regard to Coastal Hazards and the esplanade reserve, a condition has been recommended to ensure there is no camping or structures to be constructed in the esplanade reserve to guarantee the shoreline is protected from any impacts associated with the use.

Scenic Amenities Overlay Code

Performance Outcome 2 (PO2) states *development is visually integrated with the landscape elements to maintain or enhance the landscape and scenic amenity values.* The Applicant does not propose to remove any of the existing vegetation on the site or locate any structures within the esplanade reserve. The structures are located to the southern end of the site, away from Baffle Creek. Furthermore, the Applicant has suggested that the structures are nestled either within existing vegetation or near small areas of trees. The position of these structures will assist in reducing any perceived amenity impacts, thus, protecting the scenic amenity of Baffle Creek. As such, the development is considered to comply with Performance Outcome 2.

Rural Zone Code

Performance Outcome 10 (PO10) states *development:*

- a. *is consistent with the rural character of the locality*
- b. *support the primary rural function of the zone, and*
- c. *protects rural, natural and scenic values of the locality.*

The Applicant has stated that the subject site is not suitable for commercial rural agricultural production given the size and coastal nature of the site. The Baffle Creek area can be characterised as containing a mix of uses. Surrounding land uses include small scale rural blocks, Aquaculture, Nature-based Tourism and other Tourist Parks. It is considered given the nature of the existing land uses; the proposed use is consistent with the rural character of the locality. Furthermore, the use allows tourists the opportunity to camp and explore the natural and scenic values of Baffle Creek, and surrounding areas. As such, the development is considered to comply with Performance Outcome 10.

Performance Outcome 11 (PO11) states *tourism (including associated accommodation) and recreation-related uses are:*

- a. *small scale, and*
- b. *compatible with rural production, natural resources and landscape amenity.*

The Applicant has proposed the Tourist Park to utilise the existing scenic amenity, natural vegetation and waterways such as Baffle Creek to attract tourist to the subject site. The Tourist Park is proposing 14 Camping Sites with the capacity of 45 guest on site. The proposed development limits the number of permanent structures on site to ensure the use remains small scale. The locations of the proposed camping sites have been placed around the existing vegetation and existing structures such as the Lodge, to reduce the impact on the visual amenity and retain the existing rural character of the locality. As such, the development is considered to comply with Performance Outcome 11.

Performance Outcome 14 (PO14) states *development does not unduly impact on the existing amenity and character of the locality having regard to:*

- a. *the scale, siting and design of buildings and structures*
- b. *visibility from roads and other public view points, screening vegetation and landscaping*
- c. *the natural landform and avoidance of visual scarring, and*
- d. *vibration, odour, dust, spray drift and other emissions.*

The development proposes to predominately utilise existing structures that are located on site and screened by existing vegetation. All existing and proposed structures are small in scale and are settled within the existing landscape. In respect to vibration, odour and spray drift these are not associated within the proposed development as the Tourist Park. As such, the development is considered to comply with Performance Outcome 14.

Performance Outcome 15 states *all uses:*

- a. *minimise noise, dust, odour or other nuisance from existing lawful uses including rural and industrial uses*
- b. *minimise nuisance caused by noise, vibration and dust emissions generated by the state-controlled road and rail network in the vicinity of the land.*

As part of the submission received during the Public Notification period, concerns were raised around campers trespassing onto adjoining properties and noise associated with cutting firewood late at night. A condition has been recommended to ensure the boundaries are clearly delineated for Campers to mitigate trespassing on adjoining properties and remaining in the approved Camp Site areas to minimise noise.

Development Design Code

Acceptable Outcome 1.2 (AO1.2) which states *if connection to Council's reticulated water supply network is not possible, a potable on-site water supply is provided in accordance with the Engineering Design Planning Scheme Policy.* The Applicant has advised the site has access to 132,000 litres of potable water located in water tanks on site. All onsite infrastructure appears to be in the vicinity of the existing Lodge to the west of the camp sites. As such, a condition has been recommended for the provision of a potable water supply consisting of 182,000 litres to be located outside of the Coastal Hazard Overlay i.e at the Lodge. The table below provides a breakdown of the existing and required water supply on site. The Applicant is required to provide an additional 50,000 litres on site to ensure adequate supply of drinking water is available. The additional water supply is to be in accordance with the *Water Supply (Safety and Reliability) Act 2008* by undertaking regular testing in accordance with the Act and provide signage to display outlets that are not suitable for drinking.

Existing Water Supply	Required Water Supply	Additional Water to be provided
132,000 litres	182,000 litres	50,000 litres

In regard to Fire Fighting, the site has access to an existing dam located within the development footprint. A condition has been recommended to ensure the dam is readily identifiable and accessible for fire fighting purposes and referenced in the Emergency Evacuation Management Plan.

Acceptable Outcome 2.2 (AO2.2) states *if connection to Council's reticulated sewerage treatment system is not possible, development wastewater is treated in accordance with Council's Engineering Design Planning Scheme Policy and relevant Australian Standards (including AS1547) and State requirements as amended*. The Applicant has proposed to construct five toilet blocks consisting of seven toilets and three showers to service the proposed camp site areas, which are to be connected to on-site sewerage systems. As per the *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011*, the Applicant is required to provide and maintain adequate toilet and showering facilities. As such, a condition has been recommended requiring the Applicant provide the required toilets and showers as per the Local Law and lodge a Plumbing Application for assessment of plumbing works.

Acceptable Outcome 5.1 (AO5.1) states *development does not result in an increase in flood level flow velocity or flood duration on upstream, downstream or adjacent properties*. The stormwater is currently managed on-site and with no new building works apart from the toilet blocks, it is considered the proposed development is unlikely to create an actionable nuisance on upstream, downstream or adjacent properties. Therefore, the proposed development is considered to be compliant with Acceptable Outcome 5.1.

Acceptable Outcome 11.1 (AO11.1) states *access driveways are:*

- a. *designed and constructed in accordance with the Engineering Design Planning Scheme Policy, and*
- b. *in accordance with AS2890 as amended, and*
- c. *certified by a Registered Professional Engineer of Queensland*

The Applicant has proposed to utilise the existing all-weather driveway as it is keeping with the small scale of the Tourist Park and the rural amenity. The existing driveway is approximately 5.7 metres wide. The *Capricorn Municipal Development Guidelines – Drawings and Specifications* requires a Rural Road Access driveway to be 7 metres wide. Therefore, a condition has been recommended to this effect.

Acceptable Outcome 15 (AO15) requires that *development achieves the air quality design objectives set out in the Environmental Protection (Air) Policy 2008, as amended* and Acceptable Outcome 16 (AO16) requires that *development achieves the noise generation levels set out in the Environmental Protection (Noise) Policy 2008, as amended*. AO15 and AO16 are applicable to ensure the adjoining residents are not adversely impacted by the development. A condition has been recommended to this effect.

Acceptable Outcome 19 (AO19) states that *the vertical illumination resulting from direct, reflected or other incidental light coming from a site does not exceed 8 lux when measured at any point 1.5m outside of the boundary of the property at any level from ground level up*. A condition has been recommended to this effect.

Acceptable Outcome 21 (AO21) requires *waste storage and management arrangements are sited, screened and designed in accordance with the Waste Management Planning Scheme Policy*. The Applicant has stated that waste management at the site will involve separating the waste into recyclable and general waste. The general waste will be taken to the transfer station Rosedale whilst, the recyclable items will be transported to Gladstone. The waste storage area will not be visible from the road. A condition has been recommended to this effect.

Acceptable Outcome 31 (AO31) states *external road works are provided in accordance with the requirements of the Engineering Design Planning Scheme Policy*. A Customer Service Request (CSR 613870) was lodged on the 15 January 2020 in regard to the condition of Newtons Road, Bottle Creek Road and Barnetts Road. Concerns were raised by locals in regard to the condition of the road as it has deteriorated due to the amount of traffic associated with the illegal Tourist Park operating at 135 Newtons Road Rosedale. Council undertook an inspection of the roads on 30 January 2020 and confirmed the roads do not meet the 'intervention levels' as per the Council

Adopted Roads Level of Service Policy as the roads had recently be graded and re-sheet in September 2019. Newtons Road, Bottle Creek Road and Barnetts Road are classified as Rural Access Roads within Council's Road Hierarchy Policy. As a result of this development, it is considered no further maintenance or upgrade to the roads will be required.

Acceptable Outcome 38 requires *weed control practices and plant and equipment cleaning and inspection protocols* are:

- a. *implemented to avoid the introduction and spread of weeds along transport routes and delivery points*
- b. *undertaken to control existing declared weeds and pest animals prior to the commencement of and during works.*

A Property Pest Management Plan is required to be undertaken by the Applicant to ensure any Biosecurity matter that is restricted and prohibited can be controlled in accordance with the *Biosecurity Act 2014*. Therefore, a condition has been recommended for the Applicant to submit a Property Pest Management Plan prior to commencement of use.

Landscaping Code

As the proposed development is for a Tourist Park within an area of 16.08 hectares, further landscaping has not been proposed. The proposal is to provide camping grounds for people wanting to explore the surrounding area and fish along Baffle Creek. The purpose of the Landscaping Code is *to ensure landscaping in both the private and public domain: a. Complements built form, topography and existing landscape elements. b. Enhances the visual appeal and local identity of different places throughout the region. c. Is designed and constructed to a high standard. d. Is functional for users and remains fit for purpose over the long-term.*

It is considered that the existing vegetation is appropriate and meets the requirements of visual amenity for the purpose of long-term use of the Tourist Park. No further landscaping requirements are to be recommended.

Planning Act 2016:

Section 45(5) (b)

As per section 45(5) (b) of the Act:

An impact assessment is an assessment that –

- a. *must be carried out –*
 - i. *against the assessment benchmarks in a categorising instrument for the development; and*
 - ii. *having regard to any matters prescribed by regulation for this subparagraph; and*
- b. *may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.*

Examples of another relevant matter –

- *a planning need*
- *the current relevance of the assessment benchmarks in the light of changed circumstances*
- *whether assessment benchmarks or other prescribed matters were based on material errors*

Under the Planning Scheme, the subject site is not identified in the Flood Hazard Overlay. However, the *State Planning Policy 2017* mapping identifies the subject site is entirely affected by the Flood hazard area – Level 1 – Queensland floodplain assessment overlay and Flood hazard area – Local Government flood mapping area. The SPP states that:

Flood hazard area means an area that is:

1. *Identified by a local government in a local planning instrument as a flood hazard area, based on a localised flood study that is prepared by a Registered Professional Engineer of Queensland; or*
2. *If a local government has not identified flood hazard areas in a local planning instrument in accordance with (a) above, shown on the SPP IMS as a flood hazard area*

Council have engaged Engeny Water Management to prepare a flood study for Baffle Creek and other waterways to be implemented into the Panning Scheme as part of a future Planning Scheme amendment. However, to date, the study is still being progressed. As the study is yet to be endorsed, this information is not available online for the general public however must be acknowledged as relevant information in the consideration of a development proposal with respect to the safety of patrons.

The Baffle Creek Study undertaken in 2015 is considered 'another relevant matter' as set out in the Act. Upon review of the study, the site has recorded flood level of 5.51m AHD. The only permanent structures located within the Flood Hazard area are the proposed toilet blocks. The proposed toilet blocks are not required to comply with the development height of 6.51m AHD as they are non-habitable. The Applicant has relocated the proposed camping sites to be situated outside of the Coastal Erosion and Storm Tide mapping areas to reduce any risks in case of the occurrence of an event.

With respect to disaster response planning, estimated evacuation times depend on the size, type and severity of an event and would naturally be communicated through the regular media channels with respect to road closures and the like. Detail of how the development will deal with such a response is to be provided in the form of an Emergency Evacuation Plan included as a recommended condition.

Whilst there is an increase of people in this location as a result of the development, they are not permanent and are appropriately managed through the site manager and the evacuation plans required through conditions. There are minimal structures and the flexible nature of camping to ensure that users are readily prepared for relocation if required in the event evacuation is necessary. A condition has been recommended for the Applicant to provide an Emergency Evacuation Plan for both bushfire and flood in case of a significant event occurs impacting the subject site.

Public Notification and Submissions:

Public Notification was triggered as the application is categorised as Impact Assessable, as prescribed by the Act. The Public Notification period occurred between 22 November 2019 to 12 December 2019. During the Public Notification period, one (1) Properly Made Submission was received (attached). A further breakdown of the submission has been included below.

Submission	Officer's Response
Number of Guests	
How many people can an 18 site tourist park accommodate	Additional material was submitted after the Public Notification Period which now details 45 people onsite. To ensure the development maintains this scale throughout the operation, a condition has been recommended restricting numbers to that effect.
How many persons can the lodge accommodate	
What is the total number of "tourists" that would be permitted to be accommodated	
Services	

The provision and testing of potable water	The Applicant has advised a potable on-site water supply network is present at the site. The developer advises that there are 132,000 litres of potable water located in water tanks on site. As per a recommended condition, the Applicant is required to ensure the water supply for drinking is in accordance with <i>Water Supply (Safety and Reliability) Act 2008</i> by undertaking regular testing in accordance with the Act and provide signage to display outlets that are not suitable for drinking.
Refuse collection and Disposal	The Applicant has advised the waste management on site will enable the opportunity to separate the waste into recyclable and general waste. General waste will be taken to the transfer station in Rosedale and Recyclable items will be transported to Gladstone. As per a recommended condition, the Applicant will be required to provide a Waste Management Plan prior to commencement of use.
Recurring Incidents to neighbouring sites	
Campers wandering into adjoining properties	As per recommended conditions, the Applicant will be required to ensure noise complies with the <i>Environmental Protection (Noise) Policy 2008</i> and the Applicant is to delineate the extent of the boundaries to prevent trespassers.
Rubbish being thrown across the fence into the bush area on adjoining properties	
Campers cutting firewood in adjoining properties	
Campers cutting firewood with a chainsaw near adjoining boundaries late at night (11:00pm)	
Large groups during long weekends and Easter	

Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011 and Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011

Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011 and Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011 comes into effect when the use of the site as a Tourist Park use commences. If the Applicant meets the minimum requirements of this policy, the operation of the campground will not trigger a requirement for a license to operate. The proposed plans do not provide sufficient detail to determine if they meet the policy or not. As such, based off the applicable numbers, a condition has been included which states the minimum.

Summary:

The proposed development will result in a small-scale Tourist Park along Baffle Creek in the Rural Zone. Concerns raised by the submitters regarding number of visitors, testing of potable water and

Waste management have been addressed with recommended conditions. As such, the proposed development is considered to comply with the Planning Scheme.

Officer's Recommendation:

That Development Application 50/2019 for a Material Change of Use of Premises for a Tourist Park (14 Sites and Lodge) located at 135 Newtons Road, Rosedale Qld 4674, be approved subject to reasonable and relevant conditions.

Notice of Reasons:

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

Description of the development:

The approved development is for a Material Change of Use of Premises for a Tourist Park (14 Sites and Lodge).

Assessment Benchmarks:

Benchmarks applying to the development:	Benchmark reference:
<i>State Planning Policy July 2012</i>	<ul style="list-style-type: none"> • Biodiversity; and • Natural Hazards, Risk and Resilience
<i>Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2</i>	<ul style="list-style-type: none"> • Strategic Framework; • Acid Sulfate Soils Overlay Code; • Bushfire Hazard Overlay Code; • Coastal Hazard Overlay Code; • Scenic Amenities Overlay Code; • Rural Zone Code; • Development Design Code; and • Landscaping Code

Reasons for the Assessment Managers Decision:

1. The Application was properly made in accordance with the *Planning Act 2016* and the Development Assessment Rules; and
2. The Application is generally compliant with the relevant benchmarks of the *State Planning Policy July 2017* and the *Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2* despite conflicts within the Rural Zone Code.

Reasons for approval despite any non-compliance with certain benchmarks:

Benchmark reference:	Reasons for the approval despite non-compliance with benchmark:
Strategic Framework – 3.3 Gateway to the World – Strategic Outcome 3.3.1 (14)	Generally compliant with Strategic Framework – 3.3 Gateway to the World – Strategic Outcome 3.3.1 (14)
Strategic Framework – 3.4 Community Living – Strategic Outcome 3.4.1 (9)	Generally compliant with Strategic Framework – 3.4 Community Living – Strategic Outcome 3.4.1 (9)
Strategic Framework – 3.7 Our environment and heritage – Strategic	Generally compliant with Strategic Framework – 3.7 Our environment and

Element 3.7.2 – Sustainable management of the natural environment and resources	heritage – Strategic Element 3.7.2 – Sustainable management of the natural environment and resources
Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Outcome 3.8.1 (1)	Generally compliant with Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Outcome 3.8.1 (1)
Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Outcome 3.8.1 (6)	Generally compliant with Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Outcome 3.8.1 (6)
Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.8.2 – Southern townships and place	Generally compliant with Strategic Framework – 3.8 Our rural and coastal townships and places – Strategic Element 3.8.2 – Southern townships and place
Acid Sulfate Soils Overlay Code – Table 8.2.1.3.1	Compliance with Acid Sulfate Soils Overlay Code – Table 8.2.1.3.1 via conditions.
Bushfire Hazard Overlay Code - Table 8.2.4.3.1 – Performance Outcome 1	Compliance with Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Performance Outcome 1 via a condition
Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Performance Outcome 2	Generally compliant with Coastal Hazard Overlay Code – Table 8.2.5.3.1 – Performance Outcome 2
Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Performance Outcome 4	Compliance with Coastal Hazard Overlay Code Table 8.2.5.3.1 – Performance Outcome 4 via a condition
Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Acceptable Outcome 5.1	Compliance with Coastal Hazard Overlay Code Table 8.2.5.3.1 – Acceptable Outcome 5.1 via a condition
Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Acceptable Outcome 5.2	Compliance with Coastal Hazard Overlay Code Table 8.2.5.3.1 – Acceptable Outcome 5.2 via a condition
Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Acceptable Outcome 6	Compliance with Coastal Hazard Overlay Code Table 8.2.5.3.1 – Acceptable Outcome 6 via a condition
Coastal Hazard Overlay Code - Table 8.2.5.3.1 – Performance Outcome 12	Compliance with Coastal Hazard Overlay Code Table 8.2.5.3.1 – Performance Outcome 12 via a condition
Scenic Amenity Overlay Code – Table 8.2.11.3.1 – Performance Outcome 2	Generally compliant with Scenic Amenity Overlay Code – Table 8.2.11.3.1 – Performance Outcome 2
Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 10	Generally compliant with Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 10
Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 11	Generally compliant with Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 11
Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 14	Generally compliant with Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 14

Rural Zone Code – Table 6.2.22.3.1 – Performance Outcome 15	Compliance with Rural Zone Code Table 6.2.22.3.1 – Performance Outcome 15 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.2	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 1.2 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 2.2	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 2.2 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 5.1	Generally compliant with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 5.1
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 11.1	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 11.1 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 15	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 15 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 16	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 16 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 19	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 19 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21	Compliance with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 21 via a condition
Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 31	Generally compliant with Development Design Code – Table 9.3.2.3.1 – Acceptable Outcome 31
Development Design Code – Table 9.3.2.3.1 – Performance Outcome 38	Compliance with Development Design Code – Table 9.3.2.3.1 – Performance Outcome 38 via a condition
Landscaping Code – Table 9.3.5.3.1	Generally compliant with Landscaping Code – Table 9.3.5.3.1

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

1. The subject site is not constrained by Flood Hazard Overlay under the Planning Scheme. However, updated flood information and data is considered relevant in the assessment of this proposal.

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

Tabled in this report.

Matters prescribed by a Regulation:

1. The *State Planning Policy – July 2017 – Part E*;
2. The *Central Queensland Regional Plan*; and

3. The *Our Place Our Plan Gladstone Regional Council Planning Scheme, Version 2.***Conditions of Approval:**

The following provides the Conditions of Approval under section 63(2)(3e) of the *Planning Act 2016*:

Approved Documentation

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

Drawing Number	Revision	Description	Author	Date
PD 2198	3	Site Plan	John Poulsen Building Design	22/5/20
PD 2200	-	Proposed Toilets No. 2 Floor Plan	John Poulsen Building Design	21/5/19
PD 2200	-	Proposed Toilets No. 2 Elevations	John Poulsen Building Design	21/5/19
PD 2201	-	Proposed Toilets No.3 Floor Plan	John Poulsen Building Design	21/5/19
PD 2201	-	Proposed Toilets No.3 Elevations	John Poulsen Building Design	21/5/19
PD 2202	-	Proposed Toilet No. 4 Floor Plan	John Poulsen Building Design	21/5/19
PD 2202	-	Proposed Toilet No. 4 Elevations	John Poulsen Building Design	21/5/19
PD 2203	-	Proposed Toilet No. 5 Floor Plan	John Poulsen Building Design	21/5/19
PD 2203	-	Proposed Toilet No. 5 Elevations	John Poulsen Building Design	21/5/19
PD 2204		Proposed Toilet No. 6 Floor Plan	John Poulsen Building Design	21/5/19
PD 2204	-	Proposed Toilet No. 6 Elevations	John Poulsen Building Design	21/5/19

Special Conditions

2. At all times, the total number of guests must not exceed 45 people on site during the operation of the 14 Camp Sites and Lodge (12 guests).

3. The Operation of the Tourist Park shall be monitored by the onsite Manager with respect to the number of a guests and compliance with conditions of this approval.
4. At all times, open campfires are prohibited unless a permit from Rural Fire Services has been obtained.
5. Boundaries are to be clearly delineated for Campers to mitigate trespassing on adjoining properties. Camping is to remain within the approved Camping Areas 1 and 2 and outside of the Esplanade reserve.
6. Prior to the commencement of the use, the Applicant must submit an Emergency Response and Evacuation Plan to Council for approval. The Plan is to:
 - a. Be prepared by a suitably qualified person;
 - b. Be provided for the whole of the site;
 - c. Provide an evacuation and emergency plan in the event of a bushfire or flood event;
 - d. Be implemented by the Applicant for the life of the approval.

Bushfire Event

- i. Identify of the location and severity of all bushfire risks including vegetation, topography and bushfire history;
- ii. Identify fire risk reduction features including fire-fighting facilities to be installed and their ongoing maintenance schedule; and
- iii. Demonstrate that the site will be adequately serviced with onsite firefighting equipment.

Flood and Cyclone Event

- i. Identify an alternative evacuation route in order to achieve an acceptable level of flood risk;
 - ii. Identify any influence including storm tide which alters the behaviour of flood hazard; and
 - iii. Identify of the location and severity of all flood risks including creeks, waterways and floodplains.
7. As part of any Development Application for Building Works, the Applicant is to construct all internal roads with a minimum width of 6m and a minimum formed width of 4m and with a maximum grade of 12.5%.
 8. As part of Building Works, a cleared fire break is to be provided at a minimum of 10m *of the immediate development footprint*.
 9. Prior to the commencement of the use, a water tank of a minimum size of 50,000 litres is to be constructed prior to the commencement of the use for the purpose of on-site potable water.
 10. At all times, an adequate supply of water must be provided and maintained for the purposes of drinking, cooking and personal hygiene. The water supply for drinking purposes must be potable water in accordance with the *Water Supply (Safety and Reliability) Act 2008*.

Advisory Note: If water obtained from a particular water outlet in the campground is not suitable for drinking, a sign must be permanently displayed at the outlet stating that it is "Unsuitable for Drinking".

11. As part of Building Works, the Applicant is to provide an easily accessible concrete water storage tank or in-ground swimming pool or dam. The water storage infrastructure is:
 - a) To be constructed with fire brigade fittings;

- b) To have a minimum capacity of 5,000 litres;
- c) To be located within 100m of the immediate development footprint;
- d) To be located outside of the Coastal Hazard Overlay; and
- e) To be readily identifiable with clear signage.

Building, Plumbing and Drainage Works

- 12. The Applicant is required to obtain a Development Permit and Building Final for Building Works in accordance with the *Planning Act 2016*. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.
- 13. The Applicant is required to obtain a Development Permit and Building Final for Building Works to reclassify the current Dwelling House to a Class 1b prior to the commencement of use.

Advisory Note: A final inspection is required prior to the commencement of operation.

- 14. The Applicant is required to obtain a Development Permit for Plumbing and Drainage Works and Plumbing and Drainage Final in accordance with the *Planning Act 2016*. Construction is to comply with the *Plumbing and Drainage Act 2018* and the requirements of other relevant authorities.
- 15. Details of the proposed colour scheme, materials and finishes for all external areas of the new structures are to be submitted to Council for approval prior to the issue of a Development Permit for Building Works.
- 16. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.
- 17. Prior to the commencement of the use, all lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting.

Environmental and Health

- 18. Provide and maintain adequate toilet and showering facilities as per the *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011* as follows:
 - a. at least 2 showers (in separate cubicles) for each sex, for every 14 individual camp sites (within the camping ground);
 - b. at least 2 handbasins; and
 - c. for water closets – for every 14 individual camp sites (within the camping group) –
 - i. for males – at least 2 water closet pedestals and 0.9 metres of urinal stall; and
 - ii. for females – at least 4 water closet pedestals.

Sewerage Infrastructure

- 19. As part of any Development Application for Plumbing and Drainage Works, any on-site effluent disposal systems are to be designed to withstand inundation during a Flood Event.
- 20. Prior to the commencement of the use, the Applicant must construct a suitably sized on-site sewerage treatment system, designed by a suitably qualified professional to cater for the development.

Transportation Services

21. Prior to the commencement of use, the Applicant is to construct all internal driveways with a minimum cleared width of 6m and a minimum formed width of 4m and with a maximum grade of 12.5%.
22. Prior to the commencement of the use, a 7m wide Rural Road Access driveway is to be constructed in accordance with Council's Standard Drawing Rural Roads Access.

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

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

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

Waste Management

24. As part of any Development Application for Building Works, a Waste Management Plan is to be submitted and approved by Council. The Waste Management Plan is to be in accordance with the Waste Management Planning Scheme Policy of the Our Place Our Plan Gladstone Regional Council Planning Scheme.
25. Prior to the commencement of the use, refuse bins are to be provided in accordance with Table SC6.7.3.2 of Schedule 6.7 Waste Management at a rate of one 240L waste storage bin and one 240L recycling bin per 4 campsites.
26. Prior to the commencement of the use, open storage areas shall be adequately screened so as not to detract from the visual amenity of the area. One way of achieving compliance with this condition is as follows:
 - a. Outdoor storage areas are situated in locations not visible from the street; and
 - b. A 1.8m solid screen fence is located around storage areas.

Miscellaneous

27. Prior to the commencement of the use, the Applicant must submit a Property Pest Management Plan for approval by Council. The Plan is to detail what restricted matter under the *Biosecurity Act 2014* (Qld) the Plan relates to; the location of restricted matter on the site; and what actions will be undertaken to manage the restricted matter before, during and after the development activity. The Plan must be drafted by a suitably qualified person who has a minimum of five years of experience in invasive species management. Upon approval of the Pest Management Plan, the Applicant must undertake all recommended actions.

Advisory Note: Council's Regulatory Services Division (Pest Management Section) can provide support in the development of this Property Pest Management Plan which are contactable on (07) 4970 0700.

28. At all times, the development must achieve the noise generation levels set out in the *Environmental Protection (Noise) Policy 2008*. That is the development must prevent or minimise the generation of any noise or vibration such that nuisance is not caused to other nearby sensitive land uses.

Lawful Commencement

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

END OF CONDITIONS

Advice to Applicant:

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

If any proposed Advertising Devices are to be included onsite, please note the Gladstone Regional Council *Subordinate Local Law No 1.4 (Installation of Advertising Devices) 2011* or Planning Scheme - Advertising Devices Code may be applicable.

Attachments:

1. Proposed Site Plan
2. Proposed Toilet Blocks Plans
3. Submission received during Public Notification Period

Tabled Items:

Nil

Reported Prepared by: Planning Officer

G/3.4. REQUEST FOR NEGOTIATED DECISION TO DEVELOPMENT APPLICATION 26/2018 FOR A MATERIAL CHANGE OF USE OF PREMISES FOR A RELOCATABLE HOME PARK (190 SITES) (16 STAGES)

Responsible Officer: General Manager Customer Experience

Council Meeting Date: 7 July 2020

File Ref: DA/26/2018 and DB1.7

Development Application:

Application Number:	26/2018
Applicant:	Vellamo Lifestyle Pty Ltd C/- Urban Planet Town Planning Consultants
Owner:	ARDNEH Developments Pty Ltd & Auckland Point Pty Ltd
Date Of Receipt:	18 May 2020
Location:	Lot 101 Bryant Street, Agnes Water
RPD:	Lot 101 SP 176830
Area:	11.07 hectares
Current Use Of Land:	Vacant
Zoning:	Emerging Community Zone
Proposal:	Material Change of Use of Premises for a Relocatable Home Park (190 sites) over 16 stages
Number Of Submissions:	19 Properly Made Submissions & Two (2) Not Properly Made Submissions

Purpose:

The purpose of this report is to consider the request for a Negotiated Decision to Development Application 26/2018 for a Material Change of Use of Premises for a Relocatable Home Park (190 sites over 16 stages) located at Lot 101 Bryant Street, Agnes Water, approved at Council's General Meeting on 28 April 2020. The Applicant lodged representations against condition 2, 3, 7, 10, 25, 26 and 34 to negotiate flexibility for the developer to commence the use, remove additional design and operation restrictions and associated timing of additional technical reports.

Executive Summary:

A Development Application for Material Change of Use of Premises for a Relocatable Home Park (190 sites over 16 stages) located at Lot 101 Bryant Street, Agnes Water was lodged with Council on 16 July 2018 and approved on 28 April 2020 at Council's General Meeting with reasonable and relevant conditions.

After receipt of the Decision Notice, the Applicant lodged representations against conditions 2, 3, 7, 10, 25, 26 and 34. The request to amend these conditions has been considered against the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2* (the Planning Scheme) in accordance with the *Planning Act 2016* (the Act). From the additional justification provided by the Applicant, the request to amend several conditions has been assessed and recommended for approval in part.

Subject Site:

The site is located at the southern end of Bryant Street, Agnes Water, otherwise described as Lot 101 SP 176830. The site is comprised of a single allotment with a total site area of 11.017 hectares. Figure One provides an aerial view of the subject site.



Figure One: Subject Site

The subject site is vacant and has the opportunity to access Council's water and sewer infrastructure. The site gradually rises from the eastern corner from 17m AHD to the north western corner at 40m AHD.

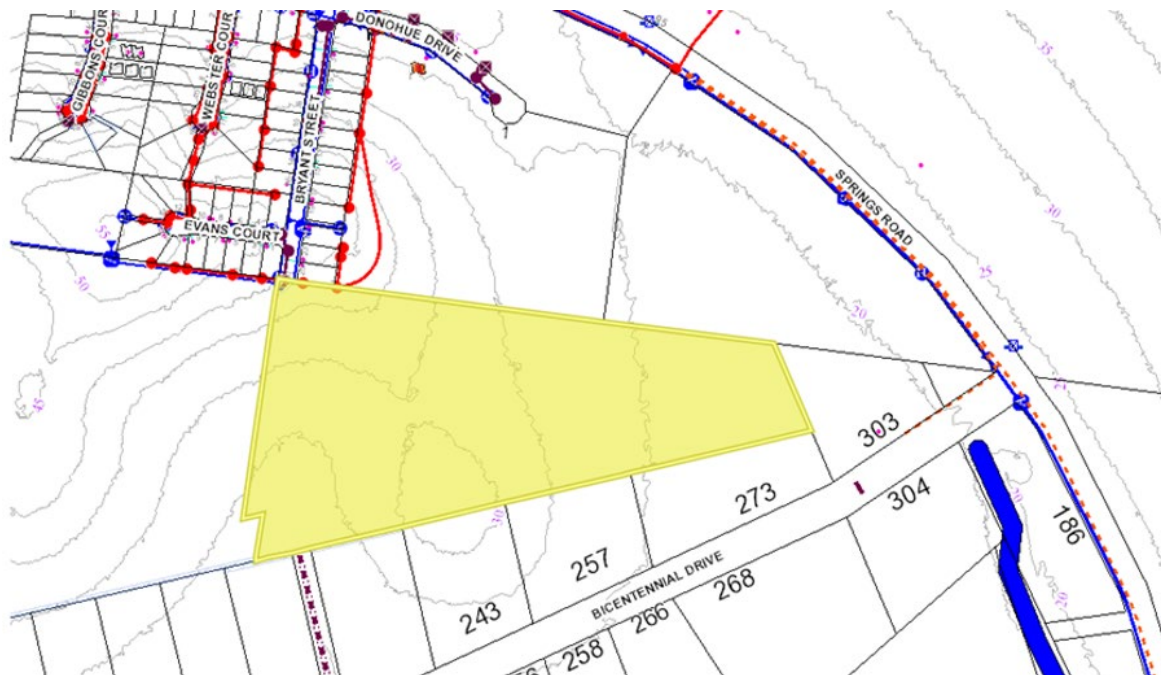


Figure Two: Council's reticulated Water and Sewer Infrastructure

The subject site is located within the Emerging Community Zone as per Figure Three in a large pocket of land at the end of Bryant Street. As such, the site does not have a large street presence and is rather set behind the existing developed area of residential and educational to the north. The zone of the surrounding lots varies between Low Density Residential, Community Facilities (Primary State School), Conservation and Rural Residential zoning.

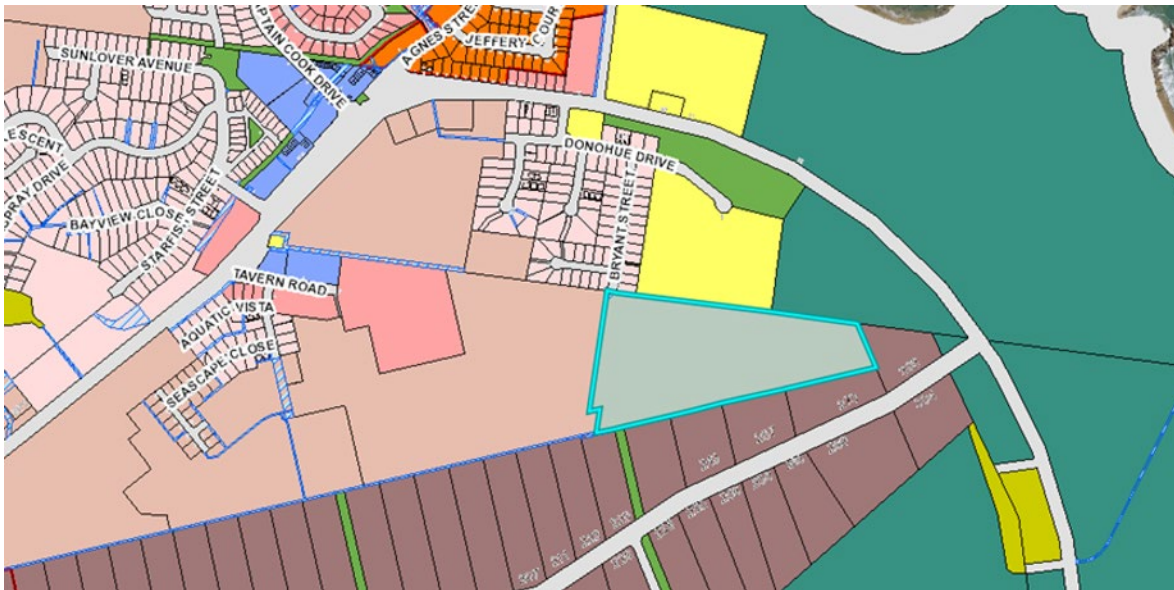


Figure Three: Zoning of Site and Surrounding Area

Background:

The Development Application was lodged with Council on 16 July 2018 with an Action Notice issued on the 20 July 2018 pertaining to outstanding fees and incorrect DA Form 1. Council confirmed the Application on 16 August 2018.

Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) issued a Concurrence Agency approval subject to conditions on 17 May 2019.

A Development Permit for this application was approved by Council and issued on 6 May 2020. After receipt of the Development Permit, the Applicant suspended the Appeal Period and lodged representations against several conditions of the Development Permit on 18 May 2020.

Council and the Applicant mutually agreed to an extension to the Negotiated Assessment period to allow time to prepare a report for an upcoming Council Meeting.

Approved Development:

The Development Approval was for a Relocatable Home Park under the *Manufactured Home (Residential Uses) Act 2003* (Manufactured Homes Act). The development offers a Lifestyle Village for independent living in a gated, secure facility that comprises of:

- 190 detached dwellings in differing formats based on client demands;
- Community facilities centre;
- Community recreational facilities;
- RV parking; and
- Open Space.

The proposed community facilities include parking, electronic entry gates, tennis, bocce and lawn bowls facilities, men's shed, community centre, passive recreational space and landscaped buffers to adjoining land. The proposed community facilities are contained in a single location with boundary setback, vegetation buffers and building designs that will protect the amenity of existing and future residential land uses.

The single road access for the development site is via Bryant Street which is currently sealed with kerb and channelling installed. The looped internal road network proposes two-way traffic.



Figure Four: Approved Plan

The development will be progressed in 16 stages. A further breakdown of the staging plan has been included below in table one:

Table One: Staging Plan

Stage One A	<ul style="list-style-type: none"> • Connection from Bryant Street • Main entry road, internal road network, entry gate • All applicable services connected to the property • 12 x Type 1 dwellings • RV Parking, RV Wash Bay, Service and Community Parking • Maintenance Shed • Tennis Court and shelter hut • Lake - Western Stormwater Detention Basin • Boundary Landscaping
Stage One B	<ul style="list-style-type: none"> • Internal Road Network • Community Centre • Lawn Bowls, Bocce court, Men's Shed and Shelter hut • Boundary Landscaping
Stage Two	<ul style="list-style-type: none"> • Internal Road Network • 7 x Type 2 dwellings • 5 x Type 3 dwellings • Boundary Landscaping
Stage Three	<ul style="list-style-type: none"> • Internal Road Network • 6 x Type 1 dwellings • 5 x Type 2 dwellings • 2 x Type 4 dwellings
Stage Four	<ul style="list-style-type: none"> • Internal Road Network • 11 x Type 2 dwellings • Boundary Landscaping
Stage Five	<ul style="list-style-type: none"> • Internal Road Network • 12 x Type 1 dwellings

Stage Six	<ul style="list-style-type: none"> • Internal Road Network • 12 x Type 1 dwellings
Stage Seven	<ul style="list-style-type: none"> • Internal Road Network • 6 x Type 2 dwellings • 6 x Type 3 dwellings • Lake – Eastern Stormwater Detention Basin • Boundary Landscaping
Stage Eight	<ul style="list-style-type: none"> • Internal Road Network • 12 x Type 3 dwellings
Stage Nine	<ul style="list-style-type: none"> • Internal Road Network • 11 x Type 1 dwellings • 2 x Type 4 dwellings
Stage 10	<ul style="list-style-type: none"> • Internal Road Networks • 11 x Type 2 dwellings • Boundary Landscaping
Stage 11	<ul style="list-style-type: none"> • Internal Road Networks • 9 x Type 1 dwellings • 3 x Type 4 dwellings
Stage 12	<ul style="list-style-type: none"> • Internal Road Networks • 12 x Type 1 dwellings • 2 x Type 4 dwellings
Stage 13	<ul style="list-style-type: none"> • Internal Road Networks • 6 x Type 2 dwellings • 6 x Type 3 dwellings • Boundary Landscaping
Stage 14	<ul style="list-style-type: none"> • Internal Road Network • 6 x Type 2 dwellings • 2 x Type 3 dwellings • 2 x Type 4 dwellings • Boundary Landscaping
Stage 15	<ul style="list-style-type: none"> • Internal Road Network • 8 x Type 1 dwellings • 2 x Type 3 dwellings
Stage 16	<ul style="list-style-type: none"> • Internal Road Network • 2 x Type 1 dwellings • 10 x Type 2 dwellings • Park • Boundary Landscaping

Adopted Infrastructure Charges Notice:

The Development Permit was calculated against the *Gladstone Regional Council Adopted Infrastructure Charges Resolution (No. 1) – 2015 – Amendment No. 2 (AIC)*. As part of the Decision Notice, an Adopted Infrastructure Charge was issued for \$5,350,816.80. The lodged representations against the Development Permit will not result in an amended Adopted Infrastructure Charge Notice.

Planning Scheme Requirements:

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

Condition 2

Stage 1 is to be completed within four (4) years from the subject approval taking effect. Each subsequent stage is to be completed within two (2) years of the commencement of use of the previous stage.

Applicant's Comments

This condition is not reasonable or relevant and should be deleted. The Planning Act 2016 prescribes the currency period for a development approval and thus the Assessment Manager requirement to complete the first stage within 4 years is not reasonably required.

Pursuant to the Planning Act 2016 once the initial stage of the development is operational within the prescribed currency period, there is no limitation on the development of the subsequent stages. This is a valid planning outcome given the nuances of the property market and other economic considerations in the ongoing development of a site. The requirement to complete further stages within 2 years of the initial stage is not reasonable or relevant and has no planning outcomes attached to it.

Officer's Comments

As the subject site is located within the Emerging Community Zone, the development was required to provide a Community and Economic Need Assessment to demonstrate the overwhelming need to release urban expansion land. With reference to the approved Community and Economic Need Assessment, the Applicant provided significant justification for community need, the proposed development's 'unique residential model' and the lack of the product within the Agnes Water locality and wider Gladstone region.

However, as per the Act, it was acknowledged that the application could hold ongoing development rights once Stage 1 is completed. It should be noted that this development (190 sites over 16 stages) would need to be reflected in any future consideration under the Community and Economic Need Assessments as an approved/constructed development which may be a critical factor in the decision making of future development within the Emerging Community Zone, regardless of the speculation of completion of all stages. The condition imposed ensured ongoing development rights in a timely manner without compromising future decisions if the balance of this proposal were to lapse as set by the condition. Furthermore, the Act does not prohibit conditions relating to restricted Currency Periods, which is detailed in the criteria of lapsing a Development Application as per section 85.

In considering the proponents request, and the fact that this site is the most suitable for sequential development in this location it is reasonable to accept the Applicant's position and enable the legislation to govern the currency without further intervention. As such, it is recommended that Condition 2 be deleted.

Condition 3

Prior to lodging the first Development Application to Council, the Applicant must amend the Site Plan to include the following changes:

- a. **Each dwelling site adjoining a Rural Residential Zone must be a minimum of 300m² in area; and**
- b. **The proposed rear landscape buffer directly adjoining the Rural Residential Zone is to be increased to 5m off the boundary. The relevant dwellings must maintain an offset a minimum of 1.5m off the dwelling site boundary in addition to the landscape buffer.**

Applicant's Comments

This condition is not reasonable or relevant and should be deleted. The proposed development advocates residential development and as such there is no valid planning grounds to increase the

already significant buffer to the southern boundary of the site. Compliance with this condition would not provide any additional buffer values to that advocated on the plan of development and will through design changes reduce the internal amenity of passive landscape area values.

Officer's Comments

Condition 3 was recommended to ensure the unique residential development reflects the character of the locality, scale and reduces any potential impacts on adjoining residential uses.

Furthermore, upon review of adjoining development approvals, it was acknowledged the minimum buffer was maintained to protect the southern Rural Residential sites. This was a matter raised in several submissions.

As condition 3 demonstrated compliance with several benchmarks within the Planning Scheme, it is considered that the condition is reasonable and relevant. As such, it is recommended Condition 3 remains in its current format.

Condition 7

At all times, strata titling of individual sites will not be permitted.

Applicant's Comments

This condition is irrelevant and should be deleted. The development is advocated to be undertaken under the Manufactured Homes (Residential Uses) Act 2003 and as such "strata titling" is irrelevant. Regardless, the implementation of a BFP is not assessable development and has no identifiable planning impacts.

Officer's Comments

To ensure future operations of the site are managed under the Manufactured Homes Act or by a Developer (one owner), condition 7 was recommended to restrict the site from being further developed and sold to individual purchasers within a Body Corporate arrangement. As the Applicant does not propose to operate under a traditional Body Corporate, the condition does not unreasonably restrict the Applicant. As such, Condition 7 is recommended to remain in its current form.

Condition 10

A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction of each applicable stage. The Development Application for Operational Works is to include the following:

- a. Earthworks (including retaining walls) (as applicable);
- b. Road works (including extensions, private access gates, signage and footpaths) (Stage 1);
- c. Water Infrastructure (Stage 1);
- d. Sewer Infrastructure (Stage 1);
- e. Stormwater Management (quantity, quality, flood and drainage control) (as applicable);
- f. Erosion and Sediment Control (as applicable);
- g. Construction Management (as applicable);
- h. Street lighting, electrical and telecommunications (Stage 1); and
- i. Landscaping, environmental protection and associated works (as applicable).

Applicant's Comments

This condition should be modified to reflect the outcomes advocated by the proposed development. This condition requires for Operational Works applications to include all works to be constructed. This should not be the case when all the internal infrastructure is to remain in private ownership.

Officer's Comments

The requirements outlined in condition 10 are for Council infrastructure (extension of water, sewer and road network), earthworks, and associated infrastructure (construction management,

stormwater, lighting and landscaping) which are considered critical in delivering this staged Development Permit. As such, it is recommended that Condition 10 is to remain.

Condition 25

As part of the first Development Application for Operational Works, a Master Landscaping and Rehabilitation Plan is to be provided in accordance with Table 9.3.5.3.2 - Plant Species List of the Landscaping Code of the *Our Place Our Plan Gladstone Regional Council Planning Scheme* and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification. The Master Landscaping Plan is to be certified by a Landscape Architect and/or a suitably qualified environmental consultant. It must include a detailed ongoing rehabilitation and maintenance plan for the area marked as "Revegetated Open Space and Activity Area" including the revegetation, enhancement and weed management of the disturbed area.

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

Applicant's Comments

This condition should be modified to reflect the outcomes advocated by the proposed development. The master landscape plan should be required to be submitted at the time of Building Works application, an application that will be referred to the Assessment Manager for assessment from the building certifier.

Officer's Comments

As there are several conditions relating to proposed changes to the development and specific requirements regarding onsite landscaping and rehabilitation, requesting the above material upon receipt of the Building Approval would not be suitable to ensure the technical report is compliant and reflects the required components. As such, requesting the above report as part of the first Development Application for Operational Works allows Council Officers suitable time and a legislative framework to ensure the report is sufficient for the proposed development. Therefore, Condition 25 is recommended to remain as per the original wording.

Condition 26

As part of the first Development Application for Operational Works, the Applicant must construct a minimum 1.8m high solid acoustic fence to all property boundaries.

Applicant's Comments

This condition is not reasonable or relevant and should be deleted or modified. There is no planning basis to suggest the development has any acoustic impacts on the adjoining sites given the residential nature of the use. It may be relevant to provide acoustic buffers to adjoining sites in the locality of the proposed community facilities however the majority of the site in concert with the landscape buffers and vegetation retention will provide a suitable level of buffer to adjoining sites.

Further, the development of site fencing in any manner should accord with development staging. The requirement to develop a fence for the whole site in the first stage should be modified.

Officer's Comments

This condition was recommended to ensure the development mitigated any potential adverse amenity impacts on the adjoining residential sites given the proposed scale and intensity onsite. In addition to the proposed fencing, landscaping and dwelling site buffers were recommended to further reduce any perceived amenity impacts. As the Applicant has not provided additional technical material demonstrating minimum impact on the adjoining residential uses, Condition 26 remains applicable as it demonstrates compliance against the Planning Scheme and raised submissions.

With reference to the Applicant's comments regarding potential staging of the fence to align with the progression of the Development Application, it is considered reasonable to construct a staged

acoustic boundary fence. From review of the subject site, staging and adjoining uses, it is considered that the northern and western boundary would be essential to clearly delineate the site as per Stage 1. Triggering this portion of fence for Stage 1 will ensure the adjoining uses (residential and school) will be protected from any potential amenity impacts of the development site (during construction and operation). Figure Five outlines the proposed Stage 1 fencing portion.



Figure Five: Proposed Stage 1 acoustic fence

From review of the approved plan, Stage 4 and onwards will trigger the subsequent construction of the eastern and southern acoustic boundary fence. As such, it is requested condition 26 is amended as follows:

As part of the relevant Development Application for Operational Works, the Applicant must construct a minimum 1.8m high solid acoustic fence for the following:

- a. Stage 1 – the entire northern and western boundary; and
- b. Stage 4 and onwards – remaining eastern and southern boundary as per the staging plan.

Condition 34

As part of any Building Works, where a habitable room window is within 9m of another habitable room window or private open space of another Dwelling adjacent to the premise:

- a. **Windows are provided with fixed translucent glazing, such as frosted or textured glazing, for any part of the window less than 1.5m above floor level; or**
- b. **Windows are provided with fixed with permanent external screens that are:**
 - i. **Solid translucent screens; or**
 - ii. **Perforated panels or trellises that have a maximum of 50% openings, with a maximum opening dimension of 50mm, and that are permanently fixed and durable; and**
 - iii. **Offset a minimum of 300mm from the wall of the building.**

Applicant's Comments

This condition is not reasonable or relevant and should be deleted. This condition is not relevant to the development format proposed. Each dwelling has greater than 10 metres separating opposite sides of internal roads and side and rear boundaries provide for screen fencing as is the standard for this form of development.

Officer's Comments

Condition 34 does not apply to proposed dwellings within the subject site, it references dwellings adjacent to the site. Although several conditions have been recommended for the Applicant to amend the landscape buffer and dwelling site setbacks, the separation distance between the outer dwellings on this site and adjoining dwellings is unknown. As such, condition 34 was further recommended to provide additional privacy measures. This condition does not unreasonably restrict the proposal, therefore, it is recommended to remain as per the original wording.

Public Notification and Submissions:

As the Development Application triggered Impact Assessment under the Planning Scheme, Public Notification was required. 19 Properly Made submissions and two (2) Not Properly Made submissions were received for the proposed development. The received submissions were addressed as part of the original assessment and included within the Decision Notice.

With reference to the proposed representations submitted by the Applicant and assessment conducted against the Planning Scheme; it was determined that Officer's response to the submissions was not altered.

Summary:

A summary of the requested negotiated assessment and Council Officers recommendation has been included below:

Requested Condition	Officer's Recommendation
Condition 2 – Remove Currency Period	Agreed to be deleted
Condition 3 – Remove additional offset/buffer	Refused
Condition 7 – Remove strata titling	Refused
Condition 10 – Amend to reflect internal works	Refused
Condition 25 – Amend timing of Landscaping Plan	Refused
Condition 26 – Amend construction type and timing of boundary fence	Amended
Condition 34 – Remove additional privacy screening	Refused

Anticipated Completion Date:

N/A

Officer's Recommendation:

That the request for a Negotiated Decision Notice to Development Application 26/2018 for a Material Change of Use of Premises for a Relocatable Home Park (190 sites over 16 stages) located at Lot 101 Bryant Street, Agnes Water, be recommended for approval in part. The approval is supported by a Negotiated Decision Notice.

Notice of Reasons:

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

Description of the development:

The approved development is for Material Change of Use for a Relocatable Home Park.

Assessment Benchmarks:

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

Reasons for the Assessment Manager's Decision:

1. The Application was properly made in accordance with the *Planning Act 2016* and the Development Rules; and
2. Conditions have been recommended to mitigate inconsistencies with the relevant benchmarks of the *State Planning Policy July 2017* and the *Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2*.

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

Benchmarks applying to the development	Reasons for the approval despite non-compliance with benchmark
Strategic Framework – 3.4 Community Living – Strategic Outcome 3.4.1 (1)	Compliance with Strategic Framework – 3.4 Community Living – Strategic Outcome 3.4.1 (1) via a condition
Strategic Framework – 3.4 Community Living – Strategic Outcome 3.4.1 (4)	Generally compliant with Strategic Framework – 3.4 Community Living – Strategic Outcome 3.4.1 (4)
Strategic Framework – 3.4 Community Living – Strategic Element 3.4.2. – Housing Growth	Compliance with Strategic Framework – 3.4 Community Living – Strategic Element 3.4.2. – Housing Growth via conditions
Strategic Framework – 3.4 Community Living – Strategic Element 3.4.2 – Housing Mix	Generally compliant with Strategic Framework – 3.4 Community Living – Strategic Element 3.4.2 – Housing Mix
Strategic Framework – 3.5 Connecting Our Places – Strategic Outcome 3.5.1 (1) and (5)	Compliance with Strategic Framework – 3.5 Connecting Our Places – Strategic Outcome 3.5.1 (1) and (5) via a condition

Strategic Framework – 3.6 Building it Better – Strategic Outcome 3.6.1 (5)	Compliance with Strategic Framework – 3.6 Building it Better – Strategic Outcome 3.6.1 (5) via a condition
Strategic Framework – 3.6 Building it Better – Strategic Outcome 3.6.1 (8)	Compliance with Strategic Framework – 3.6 Building it Better – Strategic Outcome 3.6.1 (8) via a condition
Strategic Framework – 3.6 Building it Better – Strategic Element 3.6.2 - Building it better: New neighbourhoods	Compliance with Strategic Framework – 3.6 Building it Better – Strategic Element 3.6.2 - Building it better: New neighbourhoods via conditions
Strategic Framework – 3.7 Our Environment and Heritage – Strategic Outcome 3.7.1 (5) and Biodiversity Overlay Code	Generally compliant with 3.7 Our Environment and Heritage – Strategic Outcome 3.7.1 (5) and Biodiversity Overlay Code based on Concurrence Agency Decision Notice
Biodiversity Overlay Code – Table 8.2.3.3.1 – Performance Outcome 5.	Compliance with Biodiversity Overlay Code – Table 8.2.3.3.1 – Performance Outcome 5 via a condition.
Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Performance Outcome 1.	Compliance with Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Performance Outcome 1 via a condition.
Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Acceptable Outcome 3.	Compliance with Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Acceptable Outcome 3 via a condition.
Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Acceptable Outcome 4.2.	Compliance with Bushfire Hazard Overlay Code – Table 8.2.4.3.1 – Acceptable Outcome 4.2 via a condition.
Emerging Community Zone Code – Table 6.2.19.3.1 – Acceptable Outcome 4.1.	Compliance with Emerging Community Zone Code – Table 6.2.19.3.1 - Performance Outcome 4 via conditions.
Emerging Community Zone Code – Table 6.2.19.3.1 – Performance Outcome 7.	Compliance with Emerging Community Zone Code – Table 6.2.19.3.1 - Performance Outcome 7 via conditions.
Emerging Community Zone Code – Table 6.2.19.3.1 – Performance Outcome 8.	Compliance with Emerging Community Zone Code – Table 6.2.19.3.1 - Performance Outcome 8 via conditions.
Development Design Code – Table 9.3.2.3.1	Compliance with Development Design Code – Table 9.3.2.3.1 via conditions.
Landscaping Code – Table 9.3.5.3.1	Landscaping Code – Table 9.3.5.3.1 via conditions.

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

N/A

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

As listed in the report.

Matters prescribed by a regulation:

1. *The State Planning Policy – July 2017;*
2. *The Central Queensland Regional Plan;* and
3. *The Our Place Our Plan Gladstone Regional Council Planning Scheme Version 2.*

Conditions of Approval:

The following provides the Conditions of Approval under section 63(2)(3e) of the *Planning Act 2016*:

Approved Documentation

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

Drawing Number	Revision	Description	Author	Date
SD100	6	Site Plan	PW Architecture	17/9/2019
SD101	2	Community Centre Floor Plan	PW Architecture	5/3/2018
SD102	2	Unit Floor Plans 1	PW Architecture	5/3/2018
SD101	2	Unit Floor Plans 2	PW Architecture	5/3/2018

And supporting documents

Document Number	Revision	Description	Author	Date
FC-16-078	0	Conceptual Stormwater Management Plan (Quality)	Engineering Solutions Qld Pty Ltd	4/4/2018
FC-16-078	1	Conceptual Stormwater Management Plan (Quantity)	Engineering Solutions Qld Pty Ltd	25/10/2018
FC-16-078	A	Sewerage Supply Analysis	Engineering Solutions Qld Pty Ltd	17/10/2018
FC-16-078	0	Engineering Services Report	Engineering Solutions Qld Pty Ltd	17/4/2018
-	1	Agnes Water Relocatable Home Park Economic Need Assessment	MacroPlan	October 2019

Special Conditions

2. Deleted.

3. Prior to lodging the first Development Application to Council, the Applicant must amend the Site Plan to include the following changes:
 - a. Each dwelling site adjoining a Rural Residential Zone must be a minimum of 300m² in area; and
 - b. The proposed rear landscape buffer directly adjoining the Rural Residential Zone is to be increased to 5m off the boundary. The relevant dwellings must maintain an offset a minimum of 1.5m off the dwelling site boundary in addition to the landscape buffer.
4. Prior the lodging the first Development Application to Council, the Applicant must submit to Council for approval detailed Building Plans for the proposed dwelling types further outlining the
 - a. a variety of at least four different textures, colours and designs within the external façade of the building must complement the established costal character of the area. Details of the proposed colour scheme, materials and finishes for all external areas of the building
 - b. dwelling heights must not exceed 4.5 metres and one storey from ground level.
5. At all time, the Relocatable Home Park must operate in accordance with the *Manufactured Homes (Residential Uses) Act 2003*.
6. At all times, the Relocatable Home Park must not exceed the development yield of 190 sites.
7. At all times, strata titling of individual sites will not be permitted.
8. Communal facilities must be accessible for the sole use of the residents and their guests and must be provided in a central location. Construction shall be in accordance with the *Disability Discrimination Act 1992*.
9. Upon commencement of the use, the identified RV parking must remain as ancillary parking for the Relocatable Home Park residents.

Note: Use of the site for accommodation in Caravans/RVs for the general public for short term holiday purposes is not permitted.

Operational Works

10. A Development Permit for Operational Works must be obtained from Council prior to the commencement of construction of each applicable stage. The Development Application for Operational Works is to include the following:
 - a. Earthworks (including retaining walls) (as applicable);
 - b. Road works (including extensions, private access gates, signage and footpaths) (Stage 1);
 - c. Water Infrastructure (Stage 1);
 - d. Sewer Infrastructure (Stage 1);
 - e. Stormwater Management (quantity, quality, flood and drainage control) (as applicable);
 - f. Erosion and Sediment Control (as applicable);
 - g. Construction Management (as applicable);
 - h. Street lighting, electrical and telecommunications (Stage 1); and
 - i. Landscaping, environmental protection and associated works (as applicable).

11. As part of each Operational Works application, the submission of a Construction Management Plan for the proposed works for each stage must be submitted for approval by Council. The Construction Management Plan must identify:-
 - a. How the relocatable homes will be transported to site;
 - b. The route/s that construction/delivery traffic will utilise;
 - c. Times of the day delivery to site is scheduled;
 - d. Number of vehicle trips to/from site scheduled per day;
 - e. Details of approvals from other authorities;
 - f. Provide evidence of information being issued to adjoining residents; and
 - g. Any other critical elements raised by Council in consideration of the Operational Works application.
12. As part of the first Development Application for Operational Works, the Applicant is to provide a Water Master Plan (including modelling) for approval by Council for the entire development site. The assessment shall include a staging assessment to ensure all infrastructure is appropriately sized.
13. As part of the first Development Application for Operational Works, the Applicant must extend Council's water supply infrastructure, within the western verge of Bryant Street, to the end of the proposed cul-de-sac.
14. As part of the first Development Application for Operational Works, a water service connection is to be provided from Council's water supply infrastructure to the front property boundary (Bryant Street). The location and size of the water service (and any associated fire service) is to be determined in consultation with Council.

Advisory Note: Only (one) water connection point is permitted to the development, further stages must connect to the existing connection point.

15. As part of the first Development Application for Operational Works, connections to Council's live water reticulation network must be carried out by Council. The cost of these works is to be borne by the Applicant.

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

16. As part of the first Development Application for Operational Works, the proposed development must provide a master meter at the property boundary and sub meters for each dwelling in accordance with the Queensland Plumbing and Drainage Code. Sub-meters must be purchased from Council.

Note: Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface level and must be provided with heavy duty trafficable lids.

17. As part of the first Development Application for Operational Works, the Applicant is to provide a Sewer Master Plan (including modelling) for the approval by Council for the entire development site. The assessment shall include a staging assessment to ensure all infrastructure is appropriately sized.
18. As part of the first Development Application for Operational Works, the Applicant is to construct a gravity sewer main from Manhole 217072 or 217073, along the northern verge of Bicentennial Drive and north through Lot 28 RP858105, such that the proposed development can obtain a connection Council's sewerage network.
19. As part of the first Development Application for Operational Works, all sanitary drainage is to drain into a new 1050mm diameter privately owned maintenance hole within the south-

western corner of the development site, prior to connecting to Council's sewerage infrastructure. The location and size of the sewer service is to be determined in consultation with Council.

20. As part of the first Development Application for Operational Works, connections to Council's live sewerage network must be carried out under the supervision of Council. The cost of these works are to be borne by the Applicant.

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

21. As part of Operational Works, the retention basins must be constructed at the following stages of the development:

- a. Stage 1 – Western Basin; and
- b. Stage 7 – Eastern Basin.

22. As part of the first Development Application for Operational Works, the Applicant is to extend Bryant Street as an 11m wide Residential Collector, within a 22m (minimum) wide road reserve, to an appropriately designed cul-de-sac, on the alignment shown on the approved Site Plan, in accordance with Council's Road Hierarchy Policy.

23. As part of the first Development Application for Operational Works, the Applicant is to submit a Traffic Impact Assessment Report that:

- a. Provides swept path analysis for the largest design vehicle accessing the development within the internal road network;
- b. Demonstrate that emergency vehicle access and parking facilities will be provided onsite;
- c. Demonstrate sufficient queuing area is provided between the cul-de-sac and vehicular control point (entrance gate), such that the influx of traffic will not adversely affect traffic or pedestrian flows along Bryant Street, in accordance with AS2890.
- d. As part of the first Development Application for Operational Works, the Applicant must construct a 2 metre wide concrete footpath for the full extent of Bryant Street, along the eastern verge, connecting into the existing footpath located along Donohue Drive, in accordance with Council's Standard Drawing Concrete Pathway/Bikeway Details.

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

24. As part of any Development Application for Operational Works, any new retaining walls which are visible from the road reserve, must receive a surface treatment such as rendering or cladding to maintain the visual amenity of the streetscape. The treatments must complement with the proposed colour pallet of the proposed buildings.

25. As part of the first Development Application for Operational Works, a Master Landscaping and Rehabilitation Plan is to be provided in accordance with Table 9.3.5.3.2 - Plant Species List of the Landscaping Code of the *Our Place Our Plan Gladstone Regional Council Planning Scheme* and the Capricorn Municipal Development Guidelines - Landscaping C273 Construction Specification. The Master Landscaping Plan is to be certified by a Landscape Architect and/or a suitably qualified environmental consultant. It must include a detailed ongoing rehabilitation and maintenance plan for the area marked as "Revegetated Open Space and Activity Area" including the revegetation, enhancement and weed management of the disturbed area.

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

26. **As part of the relevant Development Application for Operational Works, the Applicant must construct a minimum 1.8m high solid acoustic fence for the following:**

- a. **Stage 1 – the entire northern and western boundary; and**
- b. **Stage 4 and onwards – remaining eastern and southern boundary as per the staging plan.**

27. Development Applications for Operational Works shall be designed and constructed in accordance with Australian Standards, the Engineering Design Planning Scheme Policy under the *Our Place Our Plan Gladstone Regional Council Planning Scheme* or any other applicable standards at the time of lodgement. Prior to the commencement of the use, all Operational Works conditioned by this approval must be accepted "on maintenance" by Council.

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

Bushfire Hazard

28. Prior to the commencement of the use for Stage 1, the Applicant must submit a Bushfire Hazard Assessment and Evacuation Plan to Council for approval. The Management Plan is to:

- a. Be prepared by a suitably qualified person experienced in the area of bushfire management;
- b. Be provided for the whole of the site;
- c. Provide an evacuation and emergency plan in the event of a bushfire event;
- d. Identify of the location and severity of all bushfire risks including vegetation, topography and bushfire history;
- e. Identify fire risk reduction features including fire-fighting facilities to be installed and their ongoing maintenance schedule;
- f. Demonstrate that each stage is adequately serviced with onsite firefighting equipment; and
- g. Be implemented by the Applicant for the life of the approval.

29. The Applicant is to construct all internal roads with a minimum formed width of 6m and with a maximum grade of 12.5%.

Building, Plumbing and Drainage Works

30. The Applicant is required to obtain a Development Permit and Building Final for Building Works for each site in accordance with the *Planning Act 2016*. Construction is to comply with the *Building Act 1975*, the National Construction Code and the requirements of other relevant authorities.
31. The Applicant is required to obtain a Development Permit for Plumbing and Drainage Works and Plumbing and Drainage Final for each site in accordance with the *Planning Act 2016*. Construction is to comply with the *Plumbing and Drainage Act 2018* and the requirements of other relevant authorities.
32. As part of Building Works, all outdoor lighting is to comply with Australian Standard AS4282 – Control of the Obtrusive Effects of Outdoor Lighting.

33. As part of any Building Works, the location of the proposed buildings shall comply with Council Policy P-2015/36 Building Over or Adjacent to Council Infrastructure.
34. As part of any Building Works, where a habitable room window is within 9m of another habitable room window or private open space of another Dwelling adjacent to the premise:
- a. Windows are provided with fixed translucent glazing, such as frosted or textured glazing, for any part of the window less than 1.5m above floor level; or
 - b. Windows are provided with fixed with permanent external screens that are:
 - i. Solid translucent screens; or
 - ii. Perforated panels or trellises that have a maximum of 50% openings, with a maximum opening dimension of 50mm, and that are permanently fixed and durable; and
 - iii. Offset a minimum of 300mm from the wall of the building.
35. Prior to the commencement of the use for each stage, all plant and equipment (including air conditioners, exhaust fans and the like) are to be housed, screened and located so that these do not cause environmental nuisance or harm to residential uses in the surrounding area.
36. Prior to the commencement of the use for each stage, all lighting at ground level and associated with illuminating ground level areas must be focused downwards and be provided with hoods, shades or other permanent devices to direct illumination downwards and not allow upward lighting to adversely affect the residential uses on this site and the adjoining the sites.

Stormwater Infrastructure

37. Prior to the commencement of the use, all stormwater infrastructure is to be constructed on the site generally in accordance with the approved Site Based Stormwater Management Plan and any associated Operational Works approval, including quality and quantity infrastructure. The stormwater infrastructure is to be in accordance with the Engineering Design Planning Scheme Policy under the Gladstone Regional Planning Scheme, State Planning Policy and Queensland Urban Drainage Manual.

Transportation Services

38. Prior to the commencement of the use of Stage 1, a C2 Commercial Driveway is to be constructed in accordance with Council's Standard Drawing Urban Commercial/Industrial Driveway.

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

39. Prior to the commencement of Stage 1, a minimum of 8 visitor car parking, and 16 RV parking spaces are to be constructed on site generally in accordance with the approved plans, including designated disabled car parking spaces. The communal spaces and associated vehicle movement areas are to be constructed, sealed, line marked, provided with wheel stops and maintained in accordance with the Engineering Design Planning Scheme Policy under the *Our Place Our Plan Gladstone Regional Council Planning Scheme* and AS2890.1.
40. Prior to the commencement of the use of Stage 1, a minimum of four (4) bicycle spaces are to be constructed onsite within 20m of the communal facilities. All bicycle spaces are to be constructed in accordance with AS2890.3 (2015).

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

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

42. Prior to the commencement of the use for each stage, all grassed footpath areas disturbed by the development are to be top dressed and turfed following completion of construction activity.
43. Prior to the commencement of the use, any manholes located on the proposed driveway are to be covered with Class D Covers to AS 3996, maintained at finished surface levels and must remain accessible at all times.
44. At all times, each relocatable home site must access the internal road network only. Direct access to any Council road not permitted.
45. At all times, individual relocatable home sites must be able to accommodate a minimum of two car parking spaces and, if applicable, one recreational vehicle parking space.

Landscaping

46. Prior to commencement of the use for each stage, all landscaping areas are to be constructed with an appropriate irrigation system. Details of the irrigation system are to be provided as part of the Master Landscaping Plan.

Waste Management

47. Prior to the commencement of the use of each stage, refuse bins are to be provided in accordance with the approved Waste Management at a rate of:
- a. Residential Dwellings: 1 x 240L General Waste wheelie bin and 1 x 240L Recyclable Waste wheelie bin per dwelling; and
 - b. Community Facilities: 1 x 1.1m³ General Waste Bulk Bins and 1 x 1.1m³ Recyclable Waste Bulk Bins.
48. Prior to the commencement of the use of each stage, the waste storage area/s at the community facilities are to be sufficient in size to house all waste collection containers including recycling waste containers. The waste storage area/s must be suitably enclosed and imperviously paved, with a hose cock and hose fitted in close proximity to the enclosure to ensure the area can be easily and effectively cleaned.
49. Prior to the commencement of the use of each stage, open storage areas shall be adequately screened so as not to detract from the visual amenity of the area. One way of achieving compliance with this condition is as follows:
- a. Outdoor storage areas are situated in locations not visible from the street; and
 - b. A 1.8m solid screen fence is located around storage areas.

Electrical, Telecommunication and Gas services

50. All electrical (and telecommunication) conduits are to be installed (including conduits under roads, under concrete pathways and beneath retaining walls etc.) together with the associated infrastructure (including electrical pits, light pole and sub-station footings etc.).

51. Prior to the commencement of Stage 1, a Certificate of Supply shall be provided to demonstrate connection of electricity supply to the subject site.

Advisory Note: The Ergon Energy Rockhampton Office are available on (07) 49311012.

52. Prior to commencement of Stage 1, a Certificate of Supply shall be provided to demonstrate connection of telecommunication supply to the subject site.

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

Survey Plan Endorsement

53. The Applicant is to provide registered easement documents in favour of Council and at no cost to Council over relevant infrastructure (access, water supply, sewerage, stormwater, etc.) within the development and over other parts of the development property as may be deemed necessary by Council having considered the engineering drawings submitted with the Operational Works application for a particular stage of the development.

Lawful Commencement

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

END OF CONDITIONS

Advice to Applicant:

Nil.

Attachments:

1. DA.26.2018 - Decision Notice dated 6 May 2020.
2. DA.26.2018 - Change Representations submitted on 18 May 2020.

Tabled Items:

Nil

Report Prepared by: Development Services

G/3.5. ECONOMIC DEVELOPMENT INCENTIVES

Responsible Officer: General Manager Strategy and Transformation

Council Meeting Date: 7 July 2020

File Ref: ED6.2, FM7.2, CM28.2

Purpose:

The purpose of this report is to report back to Council on Economic Development Incentives options as they relate to P-2019-28 Infrastructure Charges Rebate Scheme Policy and to seek endorsement of the Policy as amended.

Officer's Recommendation:

That Council note the report on Economic Development Incentives as provided in response to resolution **G/19/3983**, dated 19 November 2019.

Background:

At the General Meeting 19 November 2019 Council passed resolution **G/19/3983**:

That Council:

1. Repeal P-2018-03 Infrastructure Charges Economic Development Incentive Scheme Policy:
2. Adopt P-2019-28 Infrastructure Charges Rebate Scheme Policy, subject to the following amendments:

(a) Retain the original provisions of Policy P-2018-03 in relation to Section 6.1.1 and 6.3.

(b) Adopt the proposed change to 6.1.3 to include the "Township Zone" in addition to Priority Infrastructure Areas within the scope of the Policy as presented in the revised policy.

1. Officers bring back a report and supporting policy position in relation to Economic Development Incentives which will include a review of the policy adopted above in approximately six months' time.

Council's Economic Development Specialist has undertaken consultation and desktop research of eight similarly sized regional councils to identify common practice for economic incentive frameworks (attachment 1).

The desktop research highlights that generally all the Incentive Schemes of the regional Councils studied are a variation of the same themes - rebates, deferral or foregoing fees and charges, non-financial assistances' in terms of dedicated resourcing and accelerated approvals.

Most schemes provide tangible financial and non-financial support for projects with specific identified land uses that are identified as key economic priorities for the respective regions including:

- Aged care and retirement
- Destination Tourism
- Education and training
- Accommodation

- Medical, health and community services
- Major industry, commercial and retail developments
- Intensive horticulture, rural industry, aquaculture
- CBD and façade revitalisation

Specific financial incentives listed below were common across Councils and not dissimilar to what is on offer in Gladstone with no unique incentive programs identified during the review:

- Delayed and or rebated payment of infrastructure charges from 50-100% on meeting qualifying criteria and completing the project in a defined timeframe.
- Development application fee refund or rebate on completion from 25-100%.
- Service connection fee discount.
- Reduction in food license and trade waste fees.
- Rates remission (new and established businesses).
- Joint marketing or promotions packages.

Many regional Councils put a cap on each individual rebate and cap the budget allocation for the level of forgone revenue for incentive schemes with Townsville publishing a level of \$2M per annum for their *Development Incentives Package 2019 – 2021*.

Non-financial support is a common theme of all Councils specifically related to providing a dedicated point of contact for project proponents to assess project suitability, facilitate access to the relevant areas of Council, calculate the economic benefits and look at support options from project inception to completion. Additionally, Councils are offering Accelerated Assessment to cut red tape and reduce time and holding costs.

The levels of commitments across Councils vary significantly relative to the size of the Council and the prevailing strategic priority.

Options, Risk and Opportunity Analysis:

The Gladstone Regional Council Policy *P-2019-28 Infrastructure Charges Rebate Scheme Policy* offers a 50% rebate (up to a maximum concession value of \$500,000 per application) on Infrastructure Charges for a current Material Change of Use application for any land use as defined within SC1.1 Use Definitions of the *Our Place Our Plan Gladstone Regional Council Planning Scheme V2* located within a Priority Infrastructure Area or Township Zone. All land uses identified by the comparison Councils are identified in the Council Planning Scheme Use Definitions and can be targeted by the current Council policy.

This type and level of rebate or incentive is consistent, and the primary form of financial assistance offered across all Councils in the desktop study. The level of rebate can vary up to 100% subject to stated priorities of the subject Council. The current policy provides Council the ability at its absolute discretion, at any time, to resolve that this policy is not applicable to a Development Application and or determine the terms of any future Infrastructure Agreement with a successful Applicant including the level of rebate.

The current Council policy does not cover the range of other financial incentives as identified as being offered by some of the other Councils but not consistently across all Councils. Most of the other incentives are at a low relative financial value (separately and cumulatively) and may have little impact on the proponent's decision to proceed with an investment. Only one Council reviewed offered the remission of rates for a new business. This rebate may be a significant level of foregone revenue over a specified period and point of contention for the business and general community. The setting of rates is an emotive issue with the Community at any time, the rebating of rates for new business may be welcomed by some sections of the business community but also equally may expose the Council to criticism and claims of encouraging business into the city that competes with existing businesses and not using ratepayer funds to benefit the wider community.

Few Councils publicly identified the successful number of applicants for the financial incentives programs and none would or could quantify if the programs fundamentally incentivised the investment in the region or the investment would have proceeded regardless of the incentives. Most of the work done to date in this area has identified that there isn't a singular method or example of best practice and there is no real available measure of success of any of the models other than the development 'happening'. Bundaberg Regional Council has recently suspended its incentives program pending a review of its effectiveness.

During consultation it is clear there is considerable value placed on non-financial support by investors and developers in terms of Councils facilitating enquiries and cutting down the timeframe for project assessment and approval. Council's Development Services Department is identified on the Council website as the "team which provides Planning, Building and Plumbing advice across the region. The department deals with complex development, compliance and statutory issues and is outcome focused as opposed to process. The department is a 'one stop shop' for all development needs and can provide all advice and approvals in a timely manner". The Economic Development Specialist role is also responsible for providing a "concierge" type role in facilitating new economic development opportunities through Council. In terms of 'fast tracking' or concierge type approaches to development there is no evidence of any real issues around efficient application processing at Gladstone. Council have operated with a Fast Track option during boom times and whilst this was utilised rarely – the timeframe difference was often negligible. The real issues around timeframes for approvals are the ponderous statutory timeframes for State referral agencies which Council cannot influence or change.

Easy access to a single point of truth for regional data and economic information is also equally valuable to developers and proponents considering investing in the region. Council needs to develop a suite of investment collateral that provides the essential reference for investors looking for opportunities in the Gladstone Region. This is currently a gap that has been identified by Council. A Gladstone Investment Prospectus is being developed that will include print and digital versions to promote Gladstone as an investment ready and friendly region. Sectoral prospectuses will be developed for target industries including Hydrogen and BioVentures. This will be supported by evidenced based economic development strategies identified through the development of the new Economic Development Strategy in early 2021. Improving the investment collateral will be part of a wider "Brand Gladstone" refresh that is being worked on with our regional stakeholders, lead by Council's Economic Development Specialist.

Option 1 – Adopt the Recommendation

This would result in the policy as adopted on 19 November 2019 remaining unchanged.

Option 2 – Amend the Policy Further

Amend the policy further and include some or all of the specific additional financial incentives as identified earlier in this document.

As mentioned in this report there is a risk that this may expose Council to criticism and claims of encouraging business into the city that competes with existing businesses and not using ratepayer funds to benefit the wider community.

It could also be a challenge to quantify the total financial exposure to Council over a budget year and therefore a total incentives budget cap would be recommended which may preclude some late in the year applications.

Alternative Resolution

That Officers bring back a recommended Policy Amendment to include the following new incentives, including estimated impacts on the budget:

- Council could elect which incentives it would like included

Option 3 – Reject the Recommendation and Repeal the Policy

Council may also wish to repeal the current policy noted, and no incentives are offered.

This could potentially result in a claim that Council is not providing a sufficient level of incentive for new business in the region. A marginal development may not proceed without incentives and rebates being offered.

Anecdotal feedback from proponents and developers suggested they view the Infrastructure Charges Rebate more as a residual bonus for finalising the development rather than incentivising the development initially.

Alternative Resolution

That Council repeal P-2019-28 Infrastructure Charges Rebate Scheme Policy

Communication and Consultation:

The comparison Councils, as well as Sunshine Coast and Logan, were contacted and consulted on the structure and outcomes of their respective incentive schemes. Interestingly most Councils contacted had undertaken a similar exercise at some stage. LGAQ was also consulted to understand the results of any similar policy or benchmarking works that had been undertaken. None was able to be identified.

Development Services were consulted extensively and provided valuable feedback on policy and incentive impacts and options.

The Governance Team also provided valuable guidance and advice.

Legal Strategy and Policy Implications:

From 1 January 2020 under the *Planning (Infrastructure Charges Register and Other Matters) Amendment Regulation 2019* Queensland Councils are required to publish online the value of Infrastructure Charges received, and how and where these funds are spent. This will include publishing information such as Infrastructure Charges Notices and documents used in the review, creation or amendment of a Local Government Infrastructure Plan. This was in response to community and stakeholder feedback to improve transparency of the infrastructure charging and planning framework.

The Amendment Regulation is intended to provide improved transparency in the infrastructure charging and planning framework by requiring local governments to:

- include additional information in the infrastructure charges register and to make the register and individual infrastructure charges notices available for inspection, purchase, and online.
- provide specific supporting material for local government infrastructure plans (LGIPs) to be made available for inspection, purchase, and online
- amend the definition of 'infrastructure charges register' to include more detail about the locality where an infrastructure charge is levied and where infrastructure is provided, actual and forecast infrastructure charges revenue, and expenditure and the details of delivered trunk infrastructure.
- require the forecast infrastructure charges revenue, and trunk infrastructure expenditure, for the current financial year and the next three financial years, to be reported on annually (at the same time as the release of the annual budget) in the infrastructure charges register.

- require the actual infrastructure charges revenue, and expenditure, for the previous financial Year, to be reported on annually (at the same time as the release of the annual report) in the infrastructure charges register.
- require a list of delivered trunk infrastructure to be updated in the infrastructure charges register quarterly and/or annually.
- note the date, the prescribed amount for infrastructure charges was last updated and how the charge increases are calculated by referring to s112(2) of the Planning Act 2016.
- make infrastructure charges notices and amended infrastructure charges notices available for inspection, purchase and online

The above will increase the complexity and structure of reporting as well as compliance with setup and maintenance of ongoing infrastructure agreements over time.

Currently Council does not record or report the level of forgone revenue for rebated Infrastructure Agreements, this will be required in the future under the amended regulation.

Financial and Resource Implications:

The 2020-21 Budget allocation for Infrastructure Charge Rebates is \$200,000. The total rebates approved in 2019-20 was \$141,000. If a wider expansion of the rebate and incentives scheme was considered, it would require an increase and potential doubling of the current budget allocation and a possible introduction of an incentives cap.

Summary:

Incentives offered by comparable Regional Councils are all a variation on a similar theme, there have been no original incentive schemes identified. The research done to date has been unable to identify an example of best practice or real measure of success of any of the incentive scheme models examined. Regulation has recently been introduced to ensure greater transparency in reporting infrastructure charging and expenditure.

Council currently incentivises and facilitates investment in the region through: -

- Infrastructure Charges Rebate Scheme
- Dedicated resources facilitating enquiries and cutting down the timeframe for project assessment and approval which is highly valued by developers and proponents
- 'Fast tracking' or concierge type approaches to development
- Timely delivery of trunk infrastructure and services
- Council provides leadership and collaborates in the economic development ecosystem through the Economic Development Practitioners Network, COVID19 Economic Recovery Group, Gladstone Region Economic Development Advisory Group and a raft of other trade and investment working groups
- Strategic Projects and Shovel Ready Project lists developed, costed and circulated
- Advocacy with State and Federal Government, Industry and Investment Agencies for investment in the Gladstone Region

To further facilitate regional investment Council will: -

- Develop one point of truth for regional data and economic information
- Develop a suite of investment collateral that provides an essential reference for investors
- Identify and activate evidenced based economic development strategies through the development of the new Economic Development Strategy in early 2021
- Widely promote the investment opportunities in the Gladstone Region
- Offer rebates, concessions and fee deferrals as part of the Economic Recovery Plan

Anticipated Resolution Completion Date:

7 July 2020

Attachments:

1. P-2019-28 Infrastructure Charges Rebate Scheme Policy (as amended)
2. Economic Development Incentives Desktop Research Report

Tabled Items:

Nil.

Report Prepared by: Economic Development Specialist

G/3.6. GLADSTONE REGIONAL COUNCIL 2020 STATE ELECTION STRATEGIC PRIORITIES

Responsible Officer: General Manager Strategy and Transformation

Council Meeting Date: 7 July 2020

File Ref: ED6.2

Purpose:

The purpose of this report is to seek Council's endorsement of the Gladstone Regional Council 2020 State Election Strategic Priorities Document.

Officer's Recommendation:

That Council endorse the Gladstone Regional Council 2020 State Election Priorities Document.

Background:

The Queensland Government State Elections will be held on the 31st October 2020.

The 2020 State Election Strategic Priorities documents have been developed to provide a platform and collateral for Council representatives to advocate for the identified strategic infrastructure and policy initiatives for the Gladstone Region.

Two documents have been produced providing distribution options with a one-page summary providing an easy reference document and a larger booklet type document with more detailed information.

The document content can be rebadged after the election to produce 2020-2021 Strategic Priority collateral for ongoing advocacy.

Options, Risk and Opportunity Analysis:

Option 1: Endorse the 2020 State Election Strategic Priorities documents

The documents provide a clear and concise set of priorities for the political representatives at State level to consider during the 2020 election campaign. Run ups to elections are traditionally a strategic time to be advocating for regional priorities.

The nominated priorities are well known and widely socialised posing a low risk of adverse political and or community reaction.

Option 2: Do not endorse the 2020 State Election Strategic Priorities documents

The documents are not made public and used as an internal reference only.

Not having professionally produced collateral to refer to and distribute may pose a risk of undermining advocacy efforts in the lead up to the State election.

Communication and Consultation:

The documents are the culmination of a wide-ranging consultation and collaboration with Councilors, Council Officers and Business Units. External Stakeholders have also been consulted including Gladstone Port Corporation, Regional Development Australia, Dept. State Development, Gladstone Area Promotion and Development Limited, CQ University and Primary Health Network.

Should the documents be endorsed they will be produced in hard copy available for distribution, as well as in digital format for distribution and promotion across the Council digital media outlets. A direct mail out to all political aspirants will be undertaken under cover letter from the Mayor. A launch of the document will be staged by Brand and Communications.

Legal Strategy and Policy Implications:

No Legal and Policy Implications.

Financial and Resource Implications:

There is budget allocation to produce the documents and associated media.

Summary:

Nil.

Anticipated Resolution Completion Date:

7 July 2020 General Meeting.

Attachments:

1. Gladstone Regional Council 2020 State Election Strategic Priorities
2. Gladstone Regional Council 2020 State Election Strategic Priorities Summary

Tabled Items:

Nil.

Report Prepared by: Economic Development Specialist

G/3.7. FUNDING SUPPORT FOR ROSEDALE STATE SCHOOL COMMUNITY AMENITIES PROJECT

Responsible Officer: General Manager Community Development and Events

Council Meeting Date: 7 July 2020

File Ref: DB8.1, ED5.1

Purpose:

To provide Councillors with information required to inform a decision to fund construction of the Rosedale State School Stage 2 Sporting Complex.

Officer's Recommendation:

That Council approve allocation of \$50,000 towards a multi-use sporting complex within the property boundaries of Rosedale State School.

Background:

In 2009, Rosedale State School approached Council through the Mayor of the time, Cr George Creed, to provide financial assistance for the construction of a multi-purpose complex located within the school's boundary. The funding request of \$50,000 would form part of the overall project funds, with the school also applying for funding through the Smart Schools Subsidy and other relevant grants.

Stage 1 of the multi-purpose complex is complete, with the second stage awaiting construction following final funding approval from the State Government.

The Rosedale township is located in a socio-economically disadvantaged area making fundraising financially unviable. The Rosedale township and surrounding area has a population of approximately 448, consisting of a number of young families.

It is intended that the Multi-Purpose Complex could meet a number of community needs, assisting in breaking down the barriers of isolation, providing a space for young families to connect, and the potential to be used as a Recovery Hub following natural disasters.

The legacy pledge by former Mayor, Councillor George Creed, has been further supported by current Mayor, Councillor Matt Burnett, confirming Council's financial support of \$50,000 towards Stage 2 of the project.

Given the nature of this financial request, funds have not been allocated in the 2020/21 Budget, and therefore, Council would need to approve both the request to support the investment into Rosedale's Multi-Purpose Complex and honour the request of the late and former Mayor Creed.

Options, Risk and Opportunity Analysis:

A commitment to support the Rosedale Multi-Purpose Complex was provided by former Mayor George Creed, and recently supported by current Mayor, Matt Burnett, to the value of \$50,000.

Whilst Council has no obligation to commit to funding the Rosedale Multi-Purpose Complex, a pledge to support this project has been made by two Mayor's. Reputational impact could be expected should Council choose to not support this Mayoral commitment.

Communication and Consultation:

Chief Executive Officer
General Manager Finance Governance and Risk
Manager Engagement & Partnerships

Legal Strategy and Policy Implications:

Whilst a pledge to support the project to the value of \$50,000 has been made, there has been no corresponding budget commitment for the 2020/21 financial year.

Council would need to adopt a budget resolution to increase Council's Community Investment Program budget by \$50,000 to fund the request.

Financial and Resource Implications:

Should Council wish to proceed with the commitment to support the Rosedale Multi-Purpose Complex, a budget amendment would need to be endorsed to facilitate the \$50,000 request.

Rosedale State School has further requested a Letter of Support from the Gladstone Region Mayor, to support the grant application to the State Government's Smart School Subsidy.

Summary:

Rosedale State School has requested Council's support for the construction of a two-stage Multi-Purpose Complex within the school's boundary.

In 2009, former Mayor George Creed pledged \$50,000 to support the construction of the community project, with current Mayor Matt Burnett reaffirming the commitment in 2020.

Should Council support the financial investment for the project, that will not only provide social connectivity for the community, but also a hub for community recovery following natural disasters, an amendment to the 2020/21 budget would need to be approved for the \$50,000 donation.

Anticipated Resolution Completion Date:

31 August 2020

Attachments:

Nil

Tabled Items:

Nil.

Report Prepared by: General Manager Community Development & Events

G/3.8. COUNCIL MEETING LIVE-STREAMING

Responsible Officer: General Manager Community Development and Events

Council Meeting Date: 7 July 2020

File Ref: CM7.2

Purpose:

To seek a decision from Council on the continuation of live streaming Council's General Meetings.

Officer's Recommendation:

That Council support the continued delivery of live streaming for General Meetings and the purchase of \$40,000 of audio-visual equipment to be installed in the Boardroom at 101 Goondoon Street.

Background:

A Notice of Motion was put to the General Meeting on 4 June 2019 proposing that Council commit to providing video streaming of Council/s Meetings to the public... The motion was ultimately lost and in the alternative, Council resolved as follows (vide resolution no. G/19/3799):

"That the following motion be added to the list of proposed motions for consideration by Gladstone Regional Council for the 2019 State LGAQ Conference:

- That the Gladstone Regional Council call upon the State Government to provide the principles of privilege, those same privileges of State and Federal Government of debate within Council General Meetings."*

Live streaming of Council Council's General Meetings was introduced following the onset of COVID-19. Amendments to the *Local Government Regulation 2012 (Qld)* enabled meetings to be closed to the public (for safety reasons associated with COVID-19) on the basis that Council ensured that *"the meeting is available for real-time viewing or listening by the public at 1 of the local government's public offices or on the local government's website": Local Government Regulation 2012, ss277D & 277E.*

With limited space in Chambers, meetings have been held at the Gladstone Entertainment and Convention Centre (GECC) with General Meetings live streamed via Council's Facebook page and a link on Council's website.

Options, Risk and Opportunity Analysis:

On average, Council's General Meetings, when open to the public where attended by four to five community members, along with Council Officers presenting reports. Through live streaming Council has the opportunity to attract a broader audience, build on community engagement and demonstrate transparent decision-making.

To date, six (6) General Meetings have been live streamed through both Council's website and its Facebook page. The engagement statistics and reach are provided in Table 1.

Table 1 - Analytics - Live Stream Performance

Meeting	Peak Viewers	Website Stream		Facebook Live		Positive / Neutral Sentiment
		Direct Hits	Unique page views	Views	Reach	
14 April 2020	97	37	30	3,724	12,408	98%
28 April 2020	92	17	15	3,188	16,085	87%
5 May 2020	63	15	14	2,001	12,032	75%
19 May 2020	74	15	14	3,115	19,912	75%
2 June 2020	103	5	5	3,032	9,412	45%
16 June 2020	54	1	1	1,855	8,719	85%

Analytics show that on average Council's live streamed meetings have a positive/neutral community sentiment of 78% and attracting an average of 81 viewers per meeting. This is an increase of 1,500% on people physically attending Council's General Meeting's in the gallery at 101 Goondoon Street. The lowest sentiment rating was at the meeting of 2 June 2020 where rates were discussed, a topic that traditionally attracts unenthusiastic feedback.

Several positive messages have been posted on Council's Facebook page from residents with respect to the live stream.

"Congratulations to the Council, these live streams are a fantastic initiative. A wonderful way to encourage community engagement and enabling access to those whereby access would normally be impossible and or for those isolated at home. I would also like to commend the Council for a clear focus in bringing in a number of new community initiatives in recent weeks in these difficult times for our community. It is really lovely to see and welcomed and appreciated."

"This is great for transparency"

"Exactly. Live, interactive with comments. As it should be."

"It's a good idea for housebound people to see and hear what's going on."

The live streaming of General Meetings has also enabled interested Council employees to view General Meetings from their desktop providing valuable insight into Council's decision- making processes and reasoning behind resolutions of Council.

An analysis of Queensland local governments has been undertaken to determine those Councils currently providing live streaming of General Meetings to the public.

Throughout Queensland, 100% of Category 4 Council's provide their communities with additional opportunities to connect with Council and view General Meetings through live streaming. This commitment continues across Category 5-8 Councils with all 11 providing live streaming for General Meetings. It is unknown whether these Councils intend to continue with live streaming once meetings can be re-opened to be public.

Table 1: Analysis of Queensland local governments live streaming General Meetings

Local Government Category	% live streaming
Category 1	20%
Category 2	33%
Category 3	85%
Category 4	100%
Category 5	100%
Category 6	100%
Category 7	100%
Category 8	100%
Category Brisbane	100%

Should Council decide to continue live streaming of General Meetings from the Council Chambers, it is recommended that additional audio visual equipment is purchased and installed in the Boardroom of 101 Goondoon Street to ensure the consistent delivery of service without reliance on GECC equipment. A quote has been obtained for the fit out of the Boardroom, valued at approximately \$40,000 to integrate with Council's existing audio-visual system. This is further outlined in the Financial and Resource Implications below.

In the report tabled on 19 June 2019, Councillors raised concerns with respect to legal implications as a result of meetings being live streamed. This information has been addressed in the Legal, Strategy and Policy Implications section in this report.

Communication and Consultation:

Chief Executive Officer
 Manager Events and Entertainment
 Manager Communications
 Manager Governance (Acting)
 Senior Legal Advisor
 Team Leader - Technician Team
 ICT Service Management Specialist
 Digital Communications Advisor
 Social Media Officer

Legal Strategy and Policy Implications:

Policy

Meetings of Council are governed by the provisions of the *Local Government Act 2009 (Qld)*, the *Local Government Regulation 2012* and P-2018-27 Council Meeting Procedures Policy ("the Policy"). Live streaming is consistent with both legislation and the Policy.

The policy provides that a member of the public may only take part in the proceedings of a meeting only when invited to do so by the Chairperson. Whilst viewers participating in Council meetings through the live stream can ask questions and provide feedback without the prior approval of the Chairperson, questions are not responded to by Councillors and are registered through Council's Customer Service Request process.

Legal Implications

Councillors do not have parliamentary privilege in respect to anything said by councillors in a meeting and only the usual defences to defamation are available. It should be noted that the risk of defamation for something said in a general meeting applies whether or not council meetings are live streamed.

For minuting purposes, Council meetings are audio recorded and these recordings are generally accessible to the public through a right to information process. In the case of live streaming however, each download of a livestreamed meeting that contains a defamatory statement constitutes a separate defamatory publication. This means that the potential value of a damages claim could be higher as a result of live streaming as there could be numerous separate defamatory statements. The potential for damages will be ongoing where defamatory live stream content continues to be available over the internet over time.

Irrespective of whether meetings are live streamed or not, care needs to be taken to comply with information privacy principles and defamatory statements must be avoided.

It is also recommended that it would be best practice to avoid filming members of the public during livestreaming.

The live stream will be a public record and subject to the requirements of the *Public Records Act 2002 (Qld)*.

Financial and Resource Implications:

The live streaming of General Meetings is facilitated by GECC's Technicians and supported by Council's Social Media Officer and Digital Communications Advisor. It has been considered in the 2020/21 program of works to commit one GECC Technician, one Social Media Officer and one Digital Communications Advisor to support the delivery of live streaming for Council's General Meetings.

To enable live streaming services from the Boardroom at 101 Goondoon Street, audio visual equipment will need to be procured at a value of \$40,000. This equipment will integrate with Council's existing audio-visual system in the Boardroom. A reforecast of Council's Capital Budget will be required to accommodate the equipment purchase.

Should Council not wish to proceed with the purchase, equipment could be provided by GECC, however this may impact on commercial hires requiring AV services or the consistent delivery of live streaming equipment from GECC for Council meetings.

Council is required to store live stream data for a minimum of seven years as per record keeping requirements. The total size of live stream data for 12 meetings across 7 years is 46GB which has been confirmed to meet business as usual data storage requirements by ICT.

Summary:

The impact of COVID-19 has required Councils across Australia to engage with their communities in non-traditional means, delivering many of their programs and services through digital forums.

Live streaming of Council's General Meetings has seen an increase in attendance (virtual) at Council meetings and Council is asked to consider the continuation of live streaming of General Meetings beyond the COVID-19 health emergency.

Anticipated Resolution Completion Date:

31 July 2020

Attachments:

1. Analysis of Queensland local governments live streaming General Meetings

Tabled Items:

Nil.

Report Prepared by: General Manager Community Development and Events

G/4. DEPUTATIONS

Nil.

G/5. COUNCILLORS REPORT

Nil.

G/6. URGENT BUSINESS

Nil.

G/7. NOTICE OF MOTION

Nil.

G/8. CONFIDENTIAL ITEMS

G/8.1. WRITE OFF REPORT 2019/2020

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 7 July 2020

File Ref: RV4.2

Reason for Confidentiality:

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

(d) rating concessions.

ATTACHMENTS